

SELECT BOARD Meeting Agenda

6:00 p.m. March 22, 2022

NEEDHAM TOWN HALL & ZOOM

REVISED

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<https://us02web.zoom.us/j/83048349416?pwd=dE9mcUpyM2M3L0lKQ05vZWsxZGV3UT09> Passcode: 016616

One tap mobile: US: +13126266799,,83048349416#

Webinar ID: 830 4834 9416

	6:00	Public Comment Period Citizens are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board’s policy on public participation in meetings can be found here .
1.	6:00	Select Board Transition
2.	6:15	Audit Presentation - Alina Korsak, CPA, Principal Melanson - David Davison, Assistant Town Manager/Director of Finance
3.	6:45	Babson College Scholarships Marianne Cooley, Select Board Vice Chair
4.	7:00	ARPA Economic Development Grants and Program Update - Amy Haelsen, Economic Development Manager - Kate Fitzpatrick, Town Manager - Katie King, Assistant Town Manager
5.	7:15	DHCD Zoning Regulation Presentation - Katie King, Assistant Town Manager - Lee Newman, Director of Planning of Community Development - Karen Sunnarborg, Community Housing Specialist
6.	7:30	Police Department Report John Schlittler, Chief of Police
7.	8:00	Town Manager - Fire Union Contract Settlement FY2021-2022 - TripAdvisor Forbearance Agreement - Close Special Town Meeting Warrant - Review Annual Town Meeting Warrant

		Town Manager Report
8.	8:15	Board Discussion Committee Reports
9.	8:20	Executive Session Exception 3, 6

APPOINTMENTS

1.	Jeremy Halpern	Council of Economic Advisors Term Exp. 6/30/2024
2.	Kathleen Robey	Council on Aging Term Exp. 6/30/2022

CONSENT AGENDA *=Backup attached

1.	Approval of Minutes: February 22, 2022 (executive session), and January 25, 2022 (executive session).				
2.	Accept the following donation made to Needham Youth & Family Services, Crisis Donation Fund: \$500 from Abigail Carr (100 Women of Needham)				
3.*	Accept the following Library donations from multiple community members.				
4.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$200 from The Charles River Center.				
5.	Accept the following donation made to Needham's Aging Services: \$100 from the American Legion Boston Chinatown Post NO. 328 in memory of Harry Chin, \$100 from Louise Condon in memory of Frank Rogers.				
6.*	Approve Town Manager Contract Extension through May 5, 2025				
7.*	Approve a Special One Day Wines & Malt Beverages Only License for Sandra Rizkallah of Needham Plugged-In Band Program to host "British Invasion of Needham", Saturday May 21, 2022 from 7:00-11:00 PM. The event will be held in Powers Hall, Town Hall at 1471 Highland Avenue, pending departmental approval.				
8.	Grant permission for the following residents to hold block parties:				
Name		Address	Party Location	Party Date	Party Rain Date
Celia Carboni		42 Greenwood Avenue	Greenwood Ave.	7/16/22	7/17/22
					3pm-10pm



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

MEETING DATE: 3/22/2022

Agenda Item	Select Board Transition
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will discuss the coming Select Board transition.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion Only</i>	
3.	BACK UP INFORMATION ATTACHED



**SELECT BOARD
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 03/22/2022

Agenda Item	FY2022 Financial Audit
Presenter(s)	Alina Korsak, CPA, Principal Melanson (Independent Auditors) David Davison, Assistant Town Manager/Director of Finance

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Representatives of the audit firm Melanson will update the Board as to their recently completed audit of the Town's general purpose financial statements for fiscal year 2021 and their recommendations.
2.	VOTE REQUIRED BY SELECT BOARD
	No Vote Required
3.	BACK UP INFORMATION ATTACHED
	1. Memo from Assistant Town Manager/Director of Finance 2. Melanson Governance Letter 3. FY2021 Audit available online at https://www.needhamma.gov/DocumentCenter/View/25455 4. FY2021 Management Letter



March 17, 2022

Select Board
Town of Needham
1471 Highland Avenue
Needham, Massachusetts 02492

Dear Select Board:

We have audited the financial statements of the Town of Needham, Massachusetts (the Town) as of and for the year ended June 30, 2021, and have issued our report thereon dated March 17, 2022. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Town solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Merrimack, New Hampshire
Andover, Massachusetts
Greenfield, Massachusetts
Ellsworth, Maine

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We have provided our recommendations noted during our audit in a separate letter to you dated March 17, 2022.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team and others in our firm have complied with all relevant ethical requirements regarding independence. Safeguards that have been applied to eliminate threats to independence or reduce them to an acceptable level include annual certification by all firm staff of independence, or when circumstances changes during the year. In addition, an Engagement Quality Control Review (EQCR) was performed by a Melanson principal that was not part of, and is independent of, the audit team.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Town is included in the notes to the financial statements. As described in note 21 to the financial statements, the Town implemented *Governmental Accounting Standards Board* statement no. 84 during the year ended June 30, 2021. The Town also changed the measurement date for the net Other Post Employment Benefits (OPEB) liability to align with the Town's reporting year. Those restatements to the beginning balances are listed in note 23 to the financial statements. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.



The most sensitive accounting estimates affecting the financial statements are:

- Estimated lives and depreciation methods for depreciable assets.
- Collectability of receivables.
- Fair value of investments.
- Unbilled water and sewer receivables.
- Net pension liability and related deferred outflows and inflows.
- Net OPEB liability and related deferred outflows and inflows.
- Landfill liability.

Management's estimate of the above are based on various criteria. We evaluated the key factors and assumptions used to develop these estimates and determined that it is reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We noted no particularly sensitive disclosures affecting the Town's financial statements.

Identified or Suspected Fraud

We have not identified or have obtained information that indicates that fraud may have occurred.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

As an added service to the Town, we assisted in preparing the government-wide financial statements, including consolidating various funds into governmental activities, converting to the accrual basis of accounting, and recording all long-term assets, long-term liabilities, and net position classifications. This consolidation and conversion process was based on information from the Town's accounting records.



For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. There were no uncorrected financial statement misstatements.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. There were no material misstatements that we identified as a result of our audit procedures.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the Town's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in their letter dated March 17, 2022.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Town, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Town's auditors.



Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing the Town's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. However, in accordance with such standards, we have read the information (if applicable) and considered whether such information, or the manner of its presentation, was materially inconsistent with the presentation in the financial statements.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the governing body and management of the Town and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

Merrimack, New Hampshire
March 17, 2022

Memo

To: Members of the Select Board
From: David Davison, Assistant Town Manager/Director of Finance
CC: Kate Fitzpatrick, Town Manager; Daniel E. Gutekanst, Superintendent of Schools; Anne Gulati, Assistant Superintendent for Finance and Operations; Roger MacDonald, Director of MIS; Evelyn Poness, Treasurer/Collector; Michelle Vaillancourt, Town Accountant
Date: March 17, 2022
Re: Fiscal Year 2021 Annual Audit

FY2021 Audit

The independent audit firm Melanson has completed its audit of the Town's Financial Statements for the fiscal year ended June 30, 2021. The audit report with Management's discussion and analysis is available to view online at <https://www.needhamma.gov/DocumentCenter/View/25455>. Representatives from the firm are scheduled to meet with the Board on Tuesday, March 22, 2022. The Board will be provided an overview of the audit process and MHC's comments regarding their recommendations to management. We will be available to address questions that the Board may have.

An invitation will be extended to the members of the Finance Committee through the Executive Secretary and through School Superintendent to members of the School Committee to attend your meeting so that they will also have an opportunity to hear the report firsthand.

Please do not hesitate to contact me if you have any questions prior to the meeting.

The FY2021 audit is available online at
<https://www.needhamma.gov/DocumentCenter/View/25455>



TOWN OF NEEDHAM, MASSACHUSETTS

Management Letter
For the Year Ended June 30, 2021

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3. Fully Implement Governmental Accounting Standards Board (GASB) Statement No. 84 and Prepare for GASB Statement No. 87	4



To the Town Manager and Select Board
Town of Needham
Needham, Massachusetts

In planning and performing our audit of the basic financial statements of the Town of Needham, Massachusetts (the Town), as of and for the year ended June 30, 2021, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, we considered the Town's internal control over financial reporting (internal control) as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town of Needham, Massachusetts's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonably possible or probable as defined as follows:

- *Reasonably possible* – The chance of the future event or events occurring is more than remote but less than likely.
- *Probable* – The future event or events are likely to occur.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

During our audit we became aware of other matters that we believe represent opportunities for strengthening internal controls and operating efficiency. The recommendations that accompany this letter summarize our comments and suggestions concerning those matters.

Merrimack, New Hampshire
Andover, Massachusetts
Greenfield, Massachusetts
Ellsworth, Maine

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The Town's written responses to our comments and suggestions have not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

This communication is intended solely for the information and use of management and others within the Town of Needham, Massachusetts, and is not intended to be, and should not be, used by anyone other than these specified parties.

Merrimack, New Hampshire
March 17, 2022

PRIOR YEAR RECOMMENDATIONS:

1. Follow Through on Plans to Update Policies

Our prior management letter included recommendations that the Town had planned to implement in the summer of 2021. We recommend that the Town re-establish timelines to complete implementation of the following prior recommendations:

- Ensure compliance with Uniform Guidance.
- Formalize IT policies.
- Improve departmental receipt internal controls.
- Ensure timely removal of terminated employees' access controls.

Current Year Status:

Implementation of the recommendation has been delayed. During review of compliance with the current or informal departmental policies and procedures, we noted a few departments that were out of compliance by either not reviewing the department's payroll, not using the treasurer receipt form, not stamping checks upon receipt, or not reconciling receipts to the general ledger.

Further Action Needed:

We continue to recommend that the Town update the above policies and procedures and provide training to the appropriate departments.

Town's Response:

Management is still in agreement with the recommendations and has been addressing the topics.

Compliance with Uniform Procurement Guidance: The Town continues to rely on the purchasing guidelines prepared and followed by the School Department. The School Department had developed compliance policies in consultation with the Town. The Town's primary position that monitors the day-to-day procurement activity had been vacant since the start of the fiscal year. The goal is to have the draft manual available for comment in the Fall of 2022.

IT Policies: The department will roll out formal IT policies in two phases. The first phase will have core recommendations formally adopted by June 2022. The second phase will address the more complex recommendations to be reviewed and the procedures that are recommended, as amended, to go forward will be presented for adoption during fiscal year 2023.

Departmental Receipt Internal Controls: The Town will update its current cash receipts policy after a new billing and collection system has been procured. This is not expected until FY2023.

Timely Removal of Terminated Employees' Access Controls: The Town has a process in place to notify the Town's accounting and information technology departments when a Town employee leaves service. The Town is working with the School Department to ensure a timelier notification of when a school employee separates from service.

2. Improve Reconciliation of Overpayments Payable

When overpayments of taxes, water, sewer or other payments are processed, the accounting system generates the overpayments payable liability account which should be supported by a detailed listing of those residents or businesses that are due a refund. Our prior year audit disclosed that the Town has identified reconciling items between the system generated general ledger account and a detail list of the overpayments that needed to be further researched.

Current Year Status:

The Town dedicated time to research and resolve variances, with the remaining net amount to be resolved at about \$55,000, which is significantly smaller than prior year.

Further Action Needed:

We recommend that the Town resolve the remaining variance, so the general ledger amount agrees to the detailed listing of actual overpayments payable.

Town's Response:

Management agrees with this recommendation. The items mentioned have been researched.

CURRENT YEAR RECOMMENDATION:

3. Fully Implement Governmental Accounting Standards Board (GASB) Statement No. 84 and Prepare for GASB Statement No. 87

Governmental Accounting Standard Board (GASB) Statement No. 84 applied to the Town for the year ending June 30, 2021 and GASB Statement No. 87 will apply to the Town for the year ending June 30, 2022.

GASB 84 redefined fiduciary activities. The Town provided all the necessary information needed to update the financial statements to reflect the GASB 84 changes but the adjustments still need to be reflected in the Town's general ledger.

GASB 87 significantly changes the accounting standards for leases and requires leases to be recognized and measured using the facts and circumstances that existed at the beginning of the period of implementation, July 1, 2021.

GASB 87 defines a lease as a contract that conveys control of the right to use another entity's nonfinancial asset as specified in the contract for a period of time in an exchange or exchange-like transaction. The Town should consider establishing a formal documented lease policy to ensure all leases are properly identified and all material leases are recorded in the general ledger in accordance with the new standard. The Town should also include procedures for tracking and reporting leases both as lessees and lessors. The policy should include examples of lease or rental agreements which are under the scope of GASB 87, such as land leases (i.e., utility renting space for tower), or rent of buildings and equipment, as well as exclusions from the standard, such as short-term leases or service contracts.

We recommend that the Town fully implement GASB 84 by reviewing the general ledger activity in fiduciary funds and adjusting in accordance with the standard. We also recommend that the Town prepare for GASB 87 by identifying all departments and individuals within the Town involved in contracting that may have knowledge of agreements meeting the definition of a lease and starting the master lease sheet of leases held both as lessor and lessee. Based on experiences of other governments, the time to accumulate data may be substantial. We recommend this process to take place by May 31, 2022.

Town's Response:

The Town will formalize the implementation of GASB Statement 84 in the General Ledger prior to the next fiscal year. The Town is researching that applicability of GASB Statement 87.



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

MEETING DATE: 3/22/2022

Agenda Item	Babson College Scholarships
Presenter(s)	Marianne Cooley, Select Board Vice Chair

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED														
The Select Board awards scholarships to Needham residents and alumni of Needham High School from a fund made available to the Town by Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. Meredith Stover, Director of Financial Aid at Babson College, Board Vice Chair Marianne Cooley, and Support Services Manager Myles Tucker remotely met recently and reviewed the applications.															
2.	VOTE REQUIRED BY SELECT BOARD														
<i>Suggested Motion:</i> That the Select Board votes to award the Town of Needham Babson Scholarships to the following applicants: <table><thead><tr><th>Applicant</th><th>Status</th></tr></thead><tbody><tr><td>Alberto Colon Figueroa</td><td>Admitted Freshman (Fall '23)</td></tr><tr><td>Maria Colon Figueroa</td><td>Rising Senior</td></tr><tr><td>Danielle Freidline</td><td>Admitted Freshman (Spring '23)</td></tr><tr><td>Henry London</td><td>Rising Senior</td></tr><tr><td>Albina Miloshi</td><td>Rising Sophomore</td></tr><tr><td>Constantinos Tsitsas</td><td>Rising Junior</td></tr></tbody></table>		Applicant	Status	Alberto Colon Figueroa	Admitted Freshman (Fall '23)	Maria Colon Figueroa	Rising Senior	Danielle Freidline	Admitted Freshman (Spring '23)	Henry London	Rising Senior	Albina Miloshi	Rising Sophomore	Constantinos Tsitsas	Rising Junior
Applicant	Status														
Alberto Colon Figueroa	Admitted Freshman (Fall '23)														
Maria Colon Figueroa	Rising Senior														
Danielle Freidline	Admitted Freshman (Spring '23)														
Henry London	Rising Senior														
Albina Miloshi	Rising Sophomore														
Constantinos Tsitsas	Rising Junior														
3.	BACK UP INFORMATION ATTACHED														
a. Listing of Awards (under separate cover)															



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

MEETING DATE: 3/22/2022

Agenda Item	ARPA Economic Development Grants and Program Update
Presenter(s)	Kate Fitzpatrick, Town Manager Katie King, Assistant Town Manager Amy Haelsen, Economic Development Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Economic Development Manager will make a recommendation to the Board for the use of American Rescue Plan Act (ARPA) funds to support a second round of small business grants. The Town Manager will provide the Board with an update and will recommend that the Board vote to revise the American Rescue Plan Act Funding Proposal.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested motion:</i> That the Board vote to approve \$200,000 in ARPA funds for the small business grant program round 2, as shown on the American Rescue Plan Act Funding Proposal dated March 22, 2022.	
3.	BACK UP INFORMATION ATTACHED
a. ARPA Small Business Recovery Grants Round 2 Memo 3/18/22 b. American Rescue Plan Act Funding Proposal 3/22/2022 c. ARPA Accounting Report 3/18/2022	

Memorandum

Date: March 17, 2022
To: Needham Select Board
CC: Kate Fitzpatrick, Town Manager
Katie King, Assistant Town Manager/Director of Operations
Dave Davison, Assistant Town Manager/Director of Finance
From: Amy Haelsen, Economic Development Manager
Re: ARPA Funding – Small Business Recovery Grants Round 2

Following the success of the first round of Small Business Recovery Grants in which we distributed \$260,000 to 28 local businesses in late February, I would like to request that the Select Board allocate an additional \$200,000 of the \$500,000 that was approved for Economic Development initiatives from the Town's ARPA funding for a second round of Small Business Recovery Grants. I suggest that the criteria for eligible applicants be expanded to allow local non-profit organizations to apply. In addition, I have updated some of the language to clarify the program's eligibility requirements. Proposed changes to the first round of Small Business Recovery Grants eligibility criteria are highlighted below.

Town of Needham Small Business Recovery Grants Round 2

Program Eligibility:

Needham Businesses

To qualify, a Needham business must:

1. Have been established prior to January 1, 2020 and are still operational
2. Have fewer than thirty-five (35) employees
3. Have less than \$1,500,000 in annual net revenue
4. Have a physical location in Needham at an address separate from the owner's residence. Business owner must provide proof of Needham business address (as indicated by a signed lease or utility bill)
5. Be registered with, in good standing with, and operating in, the Town of Needham and must be current on all local taxes and licenses
6. Be independently owned and operated (franchises, defined as a business whereby the owner licenses its operations—along with its products, branding, and knowledge—in exchange for a franchise fee, are eligible)
7. Provide copies of tax returns from 2019 and 2020
8. Have not been approved for a grant in the first round of the Needham Small Business Recovery Grant Program in February 2022.

Needham Non-profit Organizations

To qualify, a Needham non-profit must:

1. Have been established prior to January 1, 2020 and are still operational

2. Show proof of its tax-exempt 501 C3 status as determined by the Internal Revenue Service
3. Be registered and in good standing with the Division of Public Charities with the Commonwealth of Massachusetts
4. Verify that a minimum of 50% of the organization's service area and program expenditures are within the Town of Needham.
5. Be registered with, in good standing with, and operating in, the Town of Needham
6. Provide copies of audited financial statements from 2019 and 2020

Grant criteria

\$2,500 RELIEF GRANT

- 1-5 Employees (incl. owner)
- Less than \$250,000 in Annual Net revenue

\$5,000 RELIEF GRANT

- 1-15 Employees (incl. owner)
- Less than \$750,000 in Annual Net Revenue

\$10,000 RELIEF GRANT

- 1-35 employees (incl. owner)
- Less than \$1,500,000 in Annual Net Revenue

Eligible Expenses – the Small Business Recovery Grants may be used by Needham businesses and non-profit organizations to mitigate financial hardship resulting from the public health emergency such as declines in revenues or impacts of periods of business closure. The program will provide grants up to \$10,000, depending on size, to use in one or more of the following ways:

- **Job Incentive Program** - the objective would be to help local businesses and non-profits address ongoing staffing challenges by allowing them to offer financial incentives to recruit new employees or retain existing ones. We would provide the funds directly to the businesses to give to the employees:
 - Unemployed and underemployed individuals who take a job (20 or more hours weekly) with a Needham employer will qualify for a \$500 cash hiring bonus after 12 weeks on the job. Once the new employee remains employed with the same business or nonprofit for an additional 12 weeks, they'll qualify for a second \$500 cash bonus.
 - Individuals who have been employed by a Needham business or non-profit for a minimum of 6 months and work 20 or more hours a week are eligible for a "pandemic bonus" of up to \$500 cash for their loyalty to the business and may qualify for a second \$500 cash bonus if they remain employed for an additional 12 weeks.

Employees do not need to be Needham residents. Employers must have a physical brick and mortar location in Needham.

- **COVID Prevention** - PPE, costs related to adopting safer operating procedures to prevent the spread of COVID-19 including:
 - **Outdoor Dining** – restaurants can utilize the funding to create outdoor dining spaces or enhance/improve their existing outdoor dining spaces to make them ADA compliant or to purchase furniture, decking, heat lamps, umbrellas, tents, awnings, or lighting.
 - **Ventilation** – installing or improving ventilation systems to improve air circulation and air quality.

- **Digital Adaptation** – businesses **or non-profits** interested in creating or improving their digital presence through online sales or ordering, creating QR codes for in-person ordering, encouraging touchless transactions at point-of-sale, improving or developing a website or smartphone app, or placing online ads may use the funding to do so

- **Operating Costs** – businesses **or non-profits** may use the funding to offset payroll and benefits costs, expenses related to retaining or hiring/training employees, as well as for mortgage, rent, utilities, and inventory

Please note that funds may not be used to reimburse a business **or non-profit** for expenditures that incurred prior to the application date.

Priority will be given to businesses **and non-profits** that applied for CARES Act funding last year and didn't receive it due to lack of available funding (PPP, EIDL, Restaurant Revitalization Fund).

Funding Recommendation: \$200,000

Initial American Rescue Plan Act Funding Proposal 3/22/2022

Estimated Available ARPA Funding

Commonwealth: \$3,285,327
 County: \$6,096,751
 Less County Share: (\$182,902)
 Net County: \$5,913,848
Total: \$9,199,175

<u>Category</u>	<u>Description</u>	<u>Prior</u>	<u>Current</u>	<u>Change</u>
COVID-19 Direct Impact	Contact Tracers (one year)	60,000	60,000	0
	Epidemiologist (two years)	140,000	140,000	0
	Public Health Nurse (two years)	160,000	160,000	0
	Mental & Behavioral Health Staffing (two Years)	190,000	190,000	0
	Mental & Behavioral Health Services (two Years)	190,000	190,000	0
	COVID-19 Test Kits for School & Town Staff and residents of limited means and those in high risk groups	230,000	229,800	-200
	Other	100,000	100,200	200
	Subtotal	1,070,000	1,070,000	0
Technology Improvements	Support for Hybrid Meetings, Communications and Remote Work	175,000	175,000	0
	Staffing Support for Technology Improvements	100,000	100,000	0
	Subtotal	275,000	275,000	0
Economic Development	Grant Program	300,000	460,000	160,000
	Pop-up Program Expansion	115,000	0	-115,000
	Public Art	20,000	20,000	0
	Music/Art Festivals	10,000	0	-10,000
	Business Center Marketing Support	20,000	0	-20,000
	Other	35,000	20,000	-15,000
	Subtotal	500,000	500,000	0
Water/Sewer/Drains Infrastructure*	Temp Project Manager (four years)	500,000	500,000	0
	Town Reservoir Clean-up Construction	2,070,000	2,070,000	0
	Walker Pond Category 2 Construction	356,000	356,000	0
	128 Sewer Interceptor Project Design			
	128 Sewer Interceptor Project Construction			
	South St Water Main Construction Construction			
	Allowance for Water/Sewer/Drains	4,428,175	4,428,175	0
	Subtotal	7,354,175	7,354,175	0
	Grand Total	9,199,175	9,199,175	0

* DPW Has Identified Several Additional Water/Sewer/Drain Contingency Projects

Category	Description	Budget	Total Expended	Available
COVID-19 Direct Impact	Contact Tracers (one year)	\$60,000.00	\$19,320.00	\$40,680.00
	Epidemiologist (two years)	\$140,000.00	\$21,266.25	\$118,733.75
	Public Health Nurse (two years)	\$160,000.00	\$35,086.50	\$124,913.50
	Mental & Behavioral Health Staffing (two years)	\$190,000.00	\$2,523.76	\$187,476.24
	Mental & Behavioral Health Services (two years)	\$190,000.00	\$0.00	\$190,000.00
	COVID-19 Test Kits for School & Town Staff and residents of limited means and those in high risk groups	\$229,800.00	\$229,800.00	\$0.00
	Other	\$100,200.00	\$7,230.78	\$92,969.22
	Subtotal	\$1,070,000.00	\$315,227.29	\$754,772.71
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	\$175,000.00	\$0.00	\$175,000.00
	Staffing Support for Technology Improvements	\$100,000.00	\$0.00	\$100,000.00
	Subtotal	\$275,000.00	\$0.00	\$275,000.00
Economic Development	Grant Program	\$260,000.00	\$25,068.37	\$234,931.63
	Public Art	\$20,000.00	\$0.00	\$20,000.00
	Other	\$220,000.00	\$0.00	\$220,000.00
	Subtotal	\$500,000.00	\$25,068.37	\$474,931.63
Water/Sewer/Drains Infrastructure*	Temp Project Manager (four years)	\$500,000.00	\$0.00	\$500,000.00
	Town Reservoir Clean-up Construction	\$2,070,000.00	\$0.00	\$2,070,000.00
		\$0.00	\$0.00	\$0.00
	Walker Pond Category 2 Construction	\$356,000.00	\$0.00	\$356,000.00
	128 Sewer Interceptor Project Design	\$0.00	\$0.00	\$0.00
	128 Sewer Interceptor Project Construction	\$0.00	\$0.00	\$0.00
	South St Water Main Construction	\$0.00	\$0.00	\$0.00
	Allowance for Water/Sewer/Drains	\$4,428,185.00	\$0.00	\$4,428,185.00
	Subtotal	\$7,354,185.00	\$0.00	\$7,354,185.00
Grand Total		\$9,199,185.00	\$340,295.66	\$8,858,889.34

updated 3/18/22



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

MEETING DATE: 03/22/2022

Agenda Item	DHCD Multi-Family Zoning Requirement for MBTA Communities
Presenter(s)	Katie King, Assistant Town Manager/Director of Operations Lee Newman, Director of Planning & Community Development (Zoom) Karen Sunnarborg, Community Housing Specialist (Zoom)

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Assistant Town Manager and Director of Planning & Community Development will present an overview of the Massachusetts Department of Housing and Community Development's draft guidelines for the new multi-family housing zoning requirement for MBTA communities. Staff will provide an initial analysis of how this applies to Needham and recommended next steps.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to approve the Town Manager to: 1) Submit a letter on the Town's behalf commenting on the DHCD draft guidelines by March 31, 2022, and 2) Submit the necessary paperwork for 2022 compliance by May 2, 2022.	
3.	BACK UP INFORMATION ATTACHED
a. Memo - 3/4/2022 b. Appendix B - Zoning Map Half Mile from Transit c. Presentation d. DHCD Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act e. MBTA Communities FAQs - updated March 1, 2022	

MEMORANDUM

TO: Planning Board Members and Select Board Members
CC: Kate Fitzpatrick, Town Manager
Dave Davison, Assistant Town Manager/Director of Finance
FROM: Katie King, Assistant Town Manager/Director of Operations
Lee Newman, Director of Planning & Community Development
Karen Sunnarborg, Community Housing Specialist
Cyndi Roy Gonzalez, Public Information Officer
SUBJECT: DHCD Multi-Family Zoning Requirement for MBTA Communities
DATE: March 4, 2022

In January 2021, Governor Baker signed Chapter 358 of the Acts of 2020¹ into law, which requires each MBTA community to have “a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.” The statute requires that:

- the housing cannot have age-restrictions and must be suitable for families with children;
- the zoning must allow for at least 15 units per acre;
- the district must be within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station; and
- non-compliant communities will be ineligible to receive state funds from the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.

The Massachusetts Department of Housing and Community Development (DHCD), in consultation with the MBTA and MassDOT, is responsible for establishing guidelines for implementation and determining if communities are compliant. This legislation is part of a broader effort to encourage transit-oriented development and address the state’s housing shortage, in terms of both the number of units and types of housing stock available.

DHCD Guidelines Summary

In December, DHCD released draft guidelines² for how communities can comply with this new multi-family zoning requirement.

Allowing Multi-Family Housing “As of Right”: Multi-family is defined as “a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.” Requiring special permits is prohibited but site plan review is allowed to review certain items including traffic flow, public safety concerns, and architectural design.

Having a District of “Reasonable Size”: DHCD has set two thresholds to determine what a “reasonable size” district means - land area and unit capacity. Each community must achieve both measures.

¹ <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter358>

² <https://www.mass.gov/info-details/draft-compliance-guidelines-for-multi-family-districts-under-section-3a-of-the-zoning-act>

- 1) Minimum land area: the multi-family zoning district must cover at least 50 acres of land. One portion of the district must be at least 25 contiguous acres and no portion of the district can be fewer than 5 contiguous acres. These can be achieved via base zoning and/or overlay districts.
- 2) Minimum multi-family unit capacity: A principle of DHCD's guidelines is that MBTA communities benefit from having transit stations and should provide the opportunity for multi-family housing development around these assets. The required "unit capacity" is a percentage of the total existing housing units in the municipality, determined by the type of MBTA community:
 - Rapid transit community (subway) = 25%
 - Bus service community = 20%
 - Commuter rail community = 15%
 - Adjacent community = 10%

The DHCD guidelines classify Needham as a bus service community. The Town's 2020 Census count was 11,891 housing units. Needham's minimum unit capacity of 20% is 2,378 units.

Communities must show that this minimum number of units could be constructed as of right, within the multi-family district, after taking into account zoning requirements for height, massing, lot coverage, FAR, setbacks, parking, etc. Communities must also consider limitations in other municipal bylaws or ordinances that would prohibit the zoning from being realized. For example, water/sewer capacity limits, title restrictions, or presence of wetlands.

Zoning for Minimum Gross Density: A community can establish sub-districts with varying densities, as long as the density across the multi-family zoning district averages 15 units per acre. Density measurement includes land occupied by public rights-of-way and any recreational, civic, commercial, and other non-residential uses. Paired with the minimum land area of 50 acres, a community must show that the zoning legally and practically would allow for at least 750 multi-family units by right.

Ensuring Suitability for Families with Children: Zoning cannot place age restrictions on the units. It also cannot limit or restrict the size of the units, number of bedrooms, size of the bedrooms, or the number of occupants.

Locating the district: For MBTA communities with transit within their borders, at least 25 acres of the district must be within 0.5 miles of a transit station. Under the current guidelines, a bus stop does not meet the definition of a "station". Portions of the district may be further away from transit, "provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections."

Determining Compliance: When a community believes it has a district that complies, it may request a determination from DHCD. DHCD will review and issue a written determination of compliance or non-compliance along with steps that must be taken to achieve compliance. A determination of compliance lasts for 10 years. It can be rescinded if subsequent zoning amendments are adopted that materially alter the unit capacity in the multi-family district. The timeline for interim compliance is on page 5.

Other Considerations:

- There are no affordability requirements under this legislation. Communities may choose to apply inclusionary zoning requiring that a percentage of units in new housing developments be

affordable, if they are financially feasible and do not unduly impede the construction of new multi-family housing in the district.

- There are no housing production requirements under this legislation. Compliance is based on updating local zoning. Actual development will be based on several other factors.
- Multi-family zoning districts may already be built-out, in part or in whole, with units previously constructed via special permit or under 40B. A community doesn't "count" those existing units towards their unit capacity. Instead, the community would determine how many multi-family units the zoning district would allow by right on that parcel if it were undeveloped.
- Mixed-use development is encouraged. Commercial and other uses can be permitted by right or by special permit in a multi-family zoning district, as long as the district still meets the unit capacity, density, and other requirements in the guidelines.

Needham Zoning Analysis

Needham has four Massachusetts Bay Transportation Commuter Rail (MBTA) stops located at Needham Heights, Needham Center, Needham Junction and Hersey. To determine the impact of the DHCD released draft guidelines, the area within a ½ mile of each transit station was mapped on the Town's zoning map. Current zoning district land use regulations were then reviewed both within and outside of the ½ mile radius area for compliance with the draft DHCD guidelines. A map showing the ½ mile radius distance around each of Needham's commuter rail stations and the zoning districts located within those radii is attached as Appendix B.

Zoning Analysis within ½ mile radius of transit

A summary table detailing the zoning the districts where multi-family housing is permitted within ½ mile of transit either by right or special permit, district acreage, district density and district buildout potential is detailed in Table 1 below.

Table 1: Zoning Analysis Within Half Mile of Transit		
Use District	Estimated Acres	18 Units/acre total
BY RIGHT		
Apartment A-1	22	396
	Total:	396
SPECIAL PERMIT		
Avery Square Business	12	216
Center Business	30	540
Chestnut Street Business	33	594
Hillside Avenue Business	6	108
	Total:	1458
Total Units within a 1/2 mile:		1854

Presently only one zoning district permits multi-family housing as-of-right within ½ mile of transit at the minimum DHCD required density standard of 15 units per acre; that is the A-1 Apartment district where the multi-family density standard is set at 18 units per acre. Needham has three A-1 Apartment districts meeting this density standard, namely, Rosemary Lake Apartments and Rosemary Ridge Condominiums (14 acres), the Highlands (4 acres) and Hamilton Highlands (4 acres) for a total of 22 acres. Two of these districts if left as independent entities would fall below the 5-acre minimum land area requirement found in the draft DHCD regulations and would need to be adjusted. The multi-family build-out density for the 22 acres located in the A-1 Apartment district totals 396 dwelling units.

Needham has four commercial districts that permit multi-family housing development by special permit within ½ mile of transit at the minimum required density standard of 15 units per acre.

These districts comprise the Center Business District (30 acres) and Chestnut Street Business District (33 acres) where multi-family housing is permitted at a density of 18 units per acre in both the underlying zoning district and the overlay district. The multi-family build-out density for the Center Business district provides 540 dwelling units, the Chestnut Street Business district provides 594 dwelling units, for a total of 1,134 dwelling units. Were the Town to choose to permit multi-family housing in these two districts by right, they would be compliant with the draft DHCD guidelines under the Center Business and Chestnut Street overlay district provisions.

Also permitting multi-family housing by special permit at a density of 18 units per acre are the Avery Square Business district (12 acres) and the Hillside Avenue Business district (6 acres). Zoning requirements for height, massing, lot coverage, FAR, and setbacks currently applicable in these districts would need to be reviewed, however, to determine if they constrain attainment of the permitted special permit density of 18 units per acre. Were the Town to choose to permit multi-family housing in these two districts by right at the current density and to make any required massing adjustments, the Avery Square Business district provides 216 dwelling units, the Hillside Avenue Business district 108 dwelling units, for a total of 324 dwelling units.

Zoning Analysis outside ½ mile transit radius

Finally, we turn to multi-family development located outside of the ½ mile radius which is permitted either through current zoning or as a 40B development. DHCD draft guidelines allow portions of the district to be located further away from transit, “provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections”. A summary table detailing locations where multi-family housing is currently permitted either through current zoning or as a 40B development further away from transit is detailed in Table 2 below with parcel acreage, site density and multi-family buildout potential provided.

Table 2: Zoning Analysis Outside of Half Mile of Transit			
Use District	Estimated Acres	Total Units	# of Units/Acre
By RIGHT			
Apartment A-1	6	108	18
	Total:	108	
40B			
Charles River Landing	7.93	350	44.14

The Kendrick	5.13	390	76.02
Modera Needham	6.02	136	21.59
	Total:	876	
Total Units outside a 1/2 mile:		984	

Within this category is the A-1 Apartment district located at 31 Hamlin Lane, where the as-of-right multi-family density standard is set at 18 units per acre. This district comprises the Hamlin Condominium development which contains 6 acres of land with an associated multi-family build-out of 108 units. Also included in this category are three of the Town's 40B developments, namely, Charles River Landing (350 units), the Kendrick (390 units) and Modera Needham (136 units). These three 40B developments, if rezoned to permit through as-of-right zoning the density profile currently developed at each respective property, would collectively yield 876 units.

Funding Analysis

Housing Choice Initiative: The Town is applying for Housing Choice Designation this month. Designated communities (currently 78) have exclusive access to apply for these funds, which support planning and zoning initiatives and public infrastructure construction projects. The Housing Choice Initiative is funded at \$4M for FY23. Grant awards are between \$25,000 - \$250,000.

MassWorks: This is a competitive state grant program that offers the largest and most flexible source of capital funds for municipal infrastructure projects. Grants support projects that spur housing production, new jobs, or private development and range from \$500,000 to \$5 million. The Town received a \$1.675M grant for 1st Avenue and anticipates applying to this program in the future.

Local Capital Projects Fund: This fund was established to collect a percentage of one-time gaming licensing fees paid to the Massachusetts Gaming Commission. Needham has not applied for these funds to date and does not anticipate doing so in the future.

Timeline

March 31, 2022 Deadline to submit comments on DHCD draft guidelines.

May 2, 2022 Deadline to comply for 2022. By this day, a municipality must:

1. Present the draft guidelines at a Select Board meeting,
2. Submit an MBTA Community Information Form, and
3. Submit updated GIS Parcel maps to MassGIS, if applicable.

Compliance in 2022 preserves FY23 eligibility for the 3 funding sources.

Summer 2022 DHCD will release final guidelines.

December 31, 2022 Deadline to remain in interim compliance for 2023. Communities must submit either a request for determination of compliance or a proposed action plan and

	timeline for any planning studies or community outreach activities it will undertake to adopt a district that complies.
March 31, 2023	DHCD will complete their review of all submissions by rapid transit and bus service communities.
July 1, 2023	DHCD will complete their review of all submissions by commuter rail and adjacent communities.
December 31, 2023	Zoning must be adopted by rapid transit and bus service communities.
December 31, 2024	Zoning must be adopted by commuter rail and adjacent communities.

Suggested Comments for DHCD Guidelines

During our analysis, we identified areas that need clarification and some recommendations for more substantive changes to the draft guidelines. Here is a brief list, which is expanded on in Appendix A:

- Request clarification on the definitions of “bus service community” and “commuter rail community” as they differ in the draft guidelines versus DHCD’s FAQ.
- Allow land within 0.5 miles of a bus route/stop to count towards the 25-acre minimum within the district, not just land within 0.5 miles of a bus station.
- Allow communities to count existing 40B units that achieve 15 units per acre density but are more than 0.5 miles from transit towards their required unit capacity.
- Adhere to the legislative intent that non-compliance would result in ineligibility for only the three state funding sources named in the statute.
- Determine compliance of a proposed zoning district *before* it goes to Town Meeting.
- Extend the deadline for final zoning adoption/compliance to December 31, 2024, for all communities.

Recommendations

1. That the Planning Board and Select Board approve the Town Manager to submit a letter on the Town’s behalf commenting on the DHCD draft guidelines by March 31. We ask Members to review the draft letter below and provide feedback by March 25.
2. That the Select Board add a presentation on these guidelines to a meeting prior to May 2 so the Town may achieve compliance in 2022.
3. That the Affordable Housing Working Group consider strategies for compliance with these guidelines and incorporate recommendations in their final plan.
4. That Planning & Community Development staff develop a workplan and timeline for compliance with the deadlines established by DHCD.

Appendix A - DRAFT letter to DHCD (comments due by March 31, 2022)

March XX, 2022

Mike Kennealy
Secretary, Executive Office of Housing and
Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108

Jennifer D. Maddox
Undersecretary, Department of Housing and
Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Chris Kluchman
Deputy Director, Community Services Division
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

RE: Multi-Family Zoning Requirement for MBTA Communities

Dear Secretary Kennealy, Undersecretary Maddox, and Deputy Director Kluchman:

Thank you for the opportunity to comment on the Department of Housing and Community Development's (DHCD) "DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act". On behalf of the Town of Needham, I respectfully submit these comments for your consideration. The items below would provide needed clarity and strengthen a municipality's ability to achieve the goals of the legislation to provide more opportunities for multi-family housing near transit.

1. **Please clarify the definition of "bus service community."** The DHCD draft guidelines includes these definitions (emphasis added):

"Bus service community" means an MBTA community with a bus station within its borders or within 0.5 miles of its border, **or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.**

"Bus station" means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

The Town of Needham has four commuter rail stops on the Needham line and has one MBTA bus route (#59) but no bus stations. Based on the above definitions, we would conclude that Needham is a commuter rail community. However, on [mass.gov/mbtacomunities](https://www.mass.gov/mbtacomunities), Needham is determined to be a bus service community. DHCD's FAQ includes this explanation (emphasis added):

"Can you clarify how DHCD determined if a particular MBTA community is a rapid transit community, a bus service community, a commuter rail community, or an adjacent community?

MBTA communities were categorized based on whether they have transit service located within the municipality or within 0.5 miles of the municipal boundary, and if so what type of transit

service. A community with access to more than one transit type is classified in the category with the higher unit capacity requirement. More specifically:

- A bus service community has no subway station within its border or within 0.5 miles of its border, but does have an MBTA bus route with one or more bus stops located within the community. Note, ***a bus community that happens also to have a commuter rail station within its borders is placed within the bus community category due to the presence of the bus route.***

The language used in the guideline definitions does not fully align with the FAQ explanation. I respectfully ask you to clarify the definition of bus service community.

2. Allow parcels within 0.5 miles of a bus route/stop to count towards the minimum land area of the district, not just land within 0.5 miles of a bus (or other) station.

A principle of these guidelines is that communities that benefit from transit services should provide the opportunity for multi-family housing development around those same assets. The guidelines further emphasize this framework in how unit capacity is determined, by an increasing percentage of minimum multi-family units as a percentage of total housing stock, based on the type of transit service in a community. Thus, the more transit that is available in a community, the higher the responsibility for multi-family housing. However, under the draft guidelines, compliant zoning districts (or at least 25 acres of them) must be within 0.5 miles of a transit station only. Parcels within 0.5 miles of a bus route or stop would not count towards this minimum area. If a community is defined as a bus service community and expected to contribute a higher percentage of unit capacity due to that bus route, that community should be able to utilize that same route to meet the requirements of these guidelines.

3. Allow communities to count existing 40B units that achieve 15 units per acre density but are more than 0.5 miles from transit towards their required unit capacity.

Needham and other communities have completed new, dense multi-family housing developments over the last 5-10 years. Three of these developments in Needham (Charles River Landing, the Kendrick, and Modera) total 876 units and have greatly contributed to the available housing stock in town, including affordable units. However, they are located more than 0.5 miles from any transit stop. Since the unit capacity requirement is a percentage increase over existing housing units, communities that have proactively built multi-family housing are being asked to contribute even more compared to those communities that have not done so. We ask that the DHCD guidelines acknowledge previous efforts towards the underlying goal of this legislation to meaningfully contribute to the region's housing shortage, by allowing communities to count existing 40B units that achieve 15 units per acre density but are more than 0.5 miles from transit towards their required unit capacity.

4. Adhere to the statute regarding funding ineligibility.

Section 18 of Chapter 358 of the Acts of 2020 explicitly lists three funding programs that a community would be ineligible for if they are not compliant with this statute.

“(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.”

DHCD's draft guidelines go beyond this authority and add ambiguity: "DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards." Communities should have a clear understanding of the consequences of non-compliance and the DHCD guidelines should adhere to the Legislature's original intent.

5. Determine compliance of a proposed zoning district *before* it goes to Town Meeting.

The Town strongly requests that DHCD commit to providing a conditional determination of compliance for zoning districts *before* the proposal goes to Town Meeting. Bringing any article to Town Meeting requires a significant amount of time and effort for elected and appointed officials and municipal staff. DHCD should provide municipalities with a clear ruling that a proposed zoning amendment would be compliant, so that article proponents, Town Meeting Members, and residents have that context prior to any vote. DHCD could make that determination conditional on no amendments being adopted on Town Meeting floor. If any amendments are adopted during debate, DHCD should have 90-days to review and determine if the new district remains in compliance.

6. Extend the deadline for final zoning compliance to December 31, 2024, for all communities.

The Town of Needham normally holds two Town Meetings, one in the spring and one in the fall, with most substantive zoning amendments taken up in the spring. Town Meeting warrants are shaped months in advance, subject to timelines under our Town Charter. As you are aware, zoning amendments are also subject to additional process requirements under Chapter 40A. If action plans for bus service communities are not approved until March 31, 2023, then any planning studies or outreach initiatives within those plans would not begin until then. It would be nearly impossible to have a final proposal ready for Spring 2023 Town Meeting and challenging for Fall 2023 Town Meeting. Ultimately, achieving the goals of this legislation requires an affirmative vote of Town Meeting. Extending the deadline for final adoption to December 31, 2024, would provide all communities (regardless of the type of transit within its boundaries) with the time needed to take a thoughtful approach and productively engage the community prior to any vote.

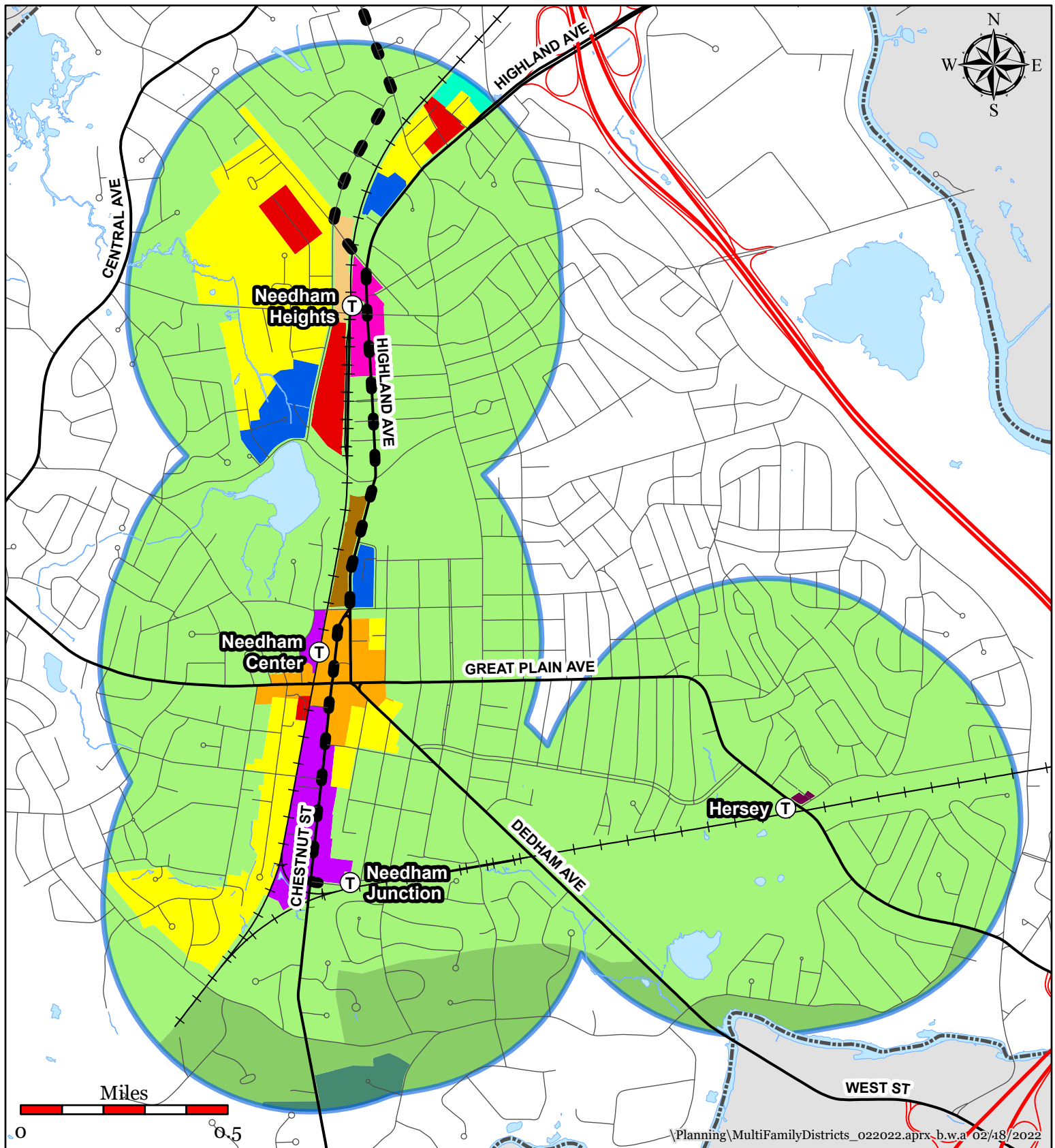
Thank you again for your time and consideration. If you have any questions, please contact me at (781) 455-7500 or kfitzpatrick@needhamma.gov.

Sincerely,

Kate Fitzpatrick
Needham Town Manager

CC: Needham Select Board
Needham Planning Board
State Representative Denise Garlick
State Senator Rebecca Rausch
State Senator Michael Rush

Use Districts Within 1/2 Mile of Rail Stations



Ⓣ Commuter Rail Stations

Interstate Highways

Highway Ramps

Major Roads

Minor Roads

MBTA Bus Route

Railroads

Town Boundaries

Waterbodies

1/2 Mile From
Commuter Rail Station

Zoning

Apartment A-1

Avery Square Business

Center Business

Business

Chestnut Street Business

Elder Services

General Residence

Hillside Avenue Business

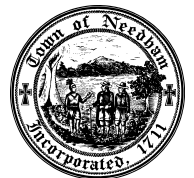
Industrial

Neighborhood Business

Rural Residence Conservation

Single Residence A

Single Residence B



Town of Needham GIS

\\Planning\MultiFamilyDistricts_022022.aprx_b.w.a 02/18/2022

DHCD Multi-Family Zoning Requirement for MBTA Communities

PRESENTATION TO NEEDHAM SELECT BOARD

MARCH 22, 2022



Chapter 358 of the Acts of 2020

- Requires each MBTA community to have “a zoning ordinance or by-law that provides for at least one district of reasonable size in which multi-family housing is permitted as of right.”
- The housing cannot have age-restrictions and must be suitable for families with children.
- The zoning must allow for at least 15 units per acre.
- The district must be within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.
- Non-compliant communities will be ineligible to receive state funds from the Housing Choice Initiative, the Local Capital Projects Fund, and the MassWorks infrastructure program.
- DHCD is responsible for establishing guidelines for implementation and determining if communities are compliant.

DHCD Guidelines: As of Right

Multi-family housing must be allowed “as of right” under local zoning.

- Multi-family is defined as “a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.”
 - Requiring special permits is prohibited but site plan review is allowed to review certain items including traffic flow, public safety concerns, and architectural design.
- 
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DHCD Guidelines: Reasonable Size

Municipalities must have a multi-family zoning district of “reasonable size” meeting two thresholds.

- 1) Minimum land area:** the multi-family zoning district must cover at least 50 acres of land. One portion of the district must be at least 25 contiguous acres and no portion of the district can be fewer than 5 contiguous acres.
- 2) Minimum multi-family unit capacity:** A principle of DHCD’s guidelines is that MBTA communities benefit from having transit stations and should provide the opportunity for multi-family housing development around these assets. The required “unit capacity” is a percentage of the total existing housing units in the municipality, determined by the type of MBTA community:
 - Rapid transit community (subway) = 25%
 - Bus service community = 20%*
 - Commuter rail community = 15%
 - Adjacent community = 10%

*Note: DHCD has determined Needham to be a bus service community. The town has 11,891 housing units. Needham’s minimum unit capacity of 20% is **2,378 units**.

DHCD Guidelines: Minimum Gross Density

Districts must average 15 units per acre density.

- A community can establish sub-districts with varying densities, as long as the density across the multi-family zoning district averages 15 units per acre.
 - Density measurement includes land occupied by public rights-of-way and any recreational, civic, commercial, and other non-residential uses.
 - Paired with the minimum land area of 50 acres, a community must show that the zoning legally and practically would allow for at least 750 multi-family units by right.
- 

DHCD Guideline: Suitability for Families

Multi-family zoning districts must be suitable for families with children.

- Zoning cannot place age restrictions on the units.
 - Zoning cannot limit or restrict the size of the units, number of bedrooms, size of the bedrooms, or the number of occupants.
- 
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DHCD Guidelines: Proximity to Transit

At least 25 acres of the district must be within 0.5 miles of a transit station.

- Under the current guidelines, a bus stop does not meet the definition of a “station”.
- Portions of the district may be further away from transit, “provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.”

DHCD Guidelines: Other

- **There are no affordability requirements.** Communities may choose to apply inclusionary zoning.
- **There are no housing production requirements.** Compliance is based on updating local zoning.
- **Multi-family zoning districts may already be built-out.** A community doesn't "count" those existing units towards their unit capacity. Instead, the community would determine how many multi-family units the zoning district would allow by right on that parcel if it were undeveloped.
- **Mixed-use development is encouraged.** Commercial and other uses can be allowed by right or by special permit, as long as the district still meets the multi-family housing requirements.
- **A determination of compliance lasts for 10 years.** It can be rescinded if subsequent zoning amendments are adopted that materially alter the unit capacity in the multi-family district.

Needham Zoning Analysis

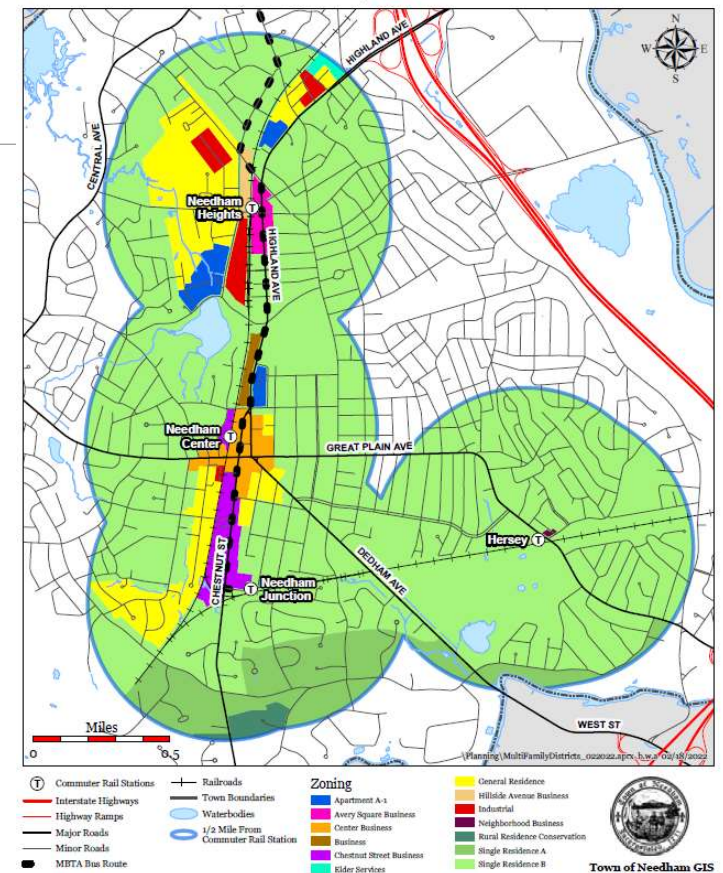
Please refer to Appendix B – a map of Needham's existing zoning districts within a ½ mile of each transit station.

Needham has four MBTA commuter rail stops:

- Needham Heights
- Needham Center
- Needham Junction
- Hersey

Needham also has the #59 MBTA bus route. A portion of the route is shown via black dashes on this map.

Use Districts Within 1/2 Mile of Rail Stations



Zoning Analysis within ½ mile radius of transit

Table 1: Zoning Analysis Within Half Mile of Transit		
Use District	Estimated Acres	18 Units/acre total
BY RIGHT		
Apartment A-1	22	396
	Total:	396
SPECIAL PERMIT		
Avery Square Business	12	216
Center Business	30	540
Chestnut Street Business	33	594
Hillside Avenue Business	6	108
	Total:	1458
Total Units within a 1/2 mile:		1854

Zoning Analysis outside ½ mile radius of transit

Table 2: Zoning Analysis Outside of Half Mile of Transit			
Use District	Estimated Acres	Total Units	# of Units/Acre
By RIGHT			
Apartment A-1	6	108	18
	Total:	108	
40B			
Charles River Landing	7.93	350	44.14
The Kendrick	5.13	390	76.02
Modera Needham	6.02	136	21.59
	Total:	876	
Total Units outside a 1/2 mile:		984	

Funding Analysis

MassWorks: This is a competitive State grant program that offers the largest and most flexible source of capital funds for municipal infrastructure projects. Grants support projects that spur housing production, new jobs, or private development and range from \$500,000 to \$5 million. The Town received a \$1.675M grant for 1st Avenue and anticipates applying to this program in the future.

Housing Choice Initiative: The Town has applied for Housing Choice Designation. Designated communities (currently 78) have exclusive access to apply for these funds, which support planning and zoning initiatives and public infrastructure construction projects. The Housing Choice Initiative is funded at \$4M for FY23. Grant awards are between \$25,000 - \$250,000.

Local Capital Projects Fund: This fund was established to collect a percentage of one-time gaming licensing fees paid to the Massachusetts Gaming Commission. Needham has not applied for these funds to date and does not anticipate doing so in the future.

Timeline

Date	Action
March 31, 2022	Deadline to submit comments on DHCD draft guidelines.
May 2, 2022	Deadline to comply for 2022. To preserve FY23 funding eligibility, the town must: ✓ Present the draft guidelines at a Select Board meeting, • Submit an MBTA Community Information Form, and ✓ Submit updated GIS Parcel maps to MassGIS, if applicable.
Summer 2022	DHCD will release final guidelines.
December 31, 2022	Deadline to remain in interim compliance for 2023. Communities must submit either a request for determination of compliance or a proposed action plan and timeline for any planning studies or community outreach activities it will undertake to adopt a district that complies.
March 31, 2023	DHCD will complete their review of all submissions by rapid transit and bus service communities.
July 1, 2023	DHCD will complete their review of all submissions by commuter rail and adjacent communities.
December 31, 2023	Zoning must be adopted by rapid transit and bus service communities.
December 31, 2024	Zoning must be adopted by commuter rail and adjacent communities.

Suggested Comments for DHCD Guidelines

1. Request clarification on the definitions of “bus service community” and “commuter rail community” as they differ in the draft guidelines versus DHCD’s FAQ.

Planning Board Amendment: Request that DHCD maintains the existing definitions and designates Needham as a “commuter rail community” rather than a “bus service community”.

2. Allow land within 0.5 miles of a bus route/stop to count towards the 25-acre minimum within the district, not just land within 0.5 miles of a bus station.
3. **Planning Board Addition:** Allow communities to create non-contiguous districts to increase flexibility to meet the requirements, while still maintaining proximity to transit. DHCD’s current draft requires 25 of the 50 acres be contiguous.

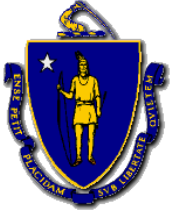
Suggested Comments for DHCD Guidelines

4. Allow communities to count existing 40B units that achieve 15 units per acre density but are more than 0.5 miles from transit towards their required unit capacity.
5. Adhere to the legislative intent that non-compliance would result in ineligibility for only the three state funding sources named in the statute.
6. Determine compliance of a proposed zoning district *before* it goes to Town Meeting.
7. Extend the deadline for final zoning adoption/compliance to December 31, 2024, for all communities.

Recommendations

1. That the Planning Board and Select Board approve the Town Manager to submit a letter on the Town's behalf commenting on the DHCD draft guidelines by March 31.
2. That the Board approve the Town Manager to apply for 2022 compliance by May 2.
3. That the Affordable Housing Working Group consider strategies for compliance with these guidelines and incorporate recommendations in their final plan.
4. That Planning & Community Development staff develop a workplan and timeline for compliance with the deadlines established by DHCD's final guidelines.





Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

DRAFT Compliance Guidelines for Multi-family Districts **Under Section 3A of the Zoning Act**

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.

“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

3. General Principles of Compliance

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

5. Determining “Reasonable Size”

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

a. Minimum land area

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

b. Minimum multi-family unit capacity

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.

A compliant district's multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

Category	Minimum multi-family units as a percentage of total housing stock
Rapid transit community	25%
Bus service community	20%
Commuter rail community	15%
Adjacent community	10%

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district's unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

6. Minimum Gross Density

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A's minimum gross density requirement if the following criteria are met.

a. District-wide gross density

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute's density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

a. General rule for measuring distance from a transit station.

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

b. MBTA communities with some land area within 0.5 miles of a transit station

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

c. MBTA communities with no land area within 0.5 miles of a transit station

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

a. Requests for determination of compliance

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with;
 - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
 - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
 - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.

Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

b. Action plans and interim compliance—New or amended district

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

c. Timeframes for submissions by MBTA communities

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

10. Renewals and Rescission of a Determination of Compliance

a. Term and renewal of a determination of compliance

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

b. Rescission of a determination of compliance

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.

11. Effect of Noncompliance

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.

MBTA COMMUNITIES
FREQUENTLY ASKED QUESTIONS

A. General

A1. *What role does DHCD play in determining compliance with the new section 3A of the Zoning Act (“Section 3A”)?*

Section 3A gives DHCD, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, discretion to promulgate guidelines to determine if an MBTA community complies with Section 3A. DHCD released draft guidelines on December 15, 2021. The draft guidelines clarify what is required to comply with the statute, for example by defining what it means for a district to be of “reasonable size,” and explaining how communities demonstrate that a district meets the law’s minimum gross density requirement. The draft guidelines do not impose mandates or create restrictions that are not in the law.

A2. *Can you clarify how DHCD determined if a particular MBTA community is a rapid transit community, a bus service community, a commuter rail community, or an adjacent community?*

MBTA communities were categorized based on whether they have transit service located within the municipality or within 0.5 miles of the municipal boundary, and if so what type of transit service. A community with access to more than one transit type is classified in the category with the higher unit capacity requirement. More specifically:

- A rapid transit community has an MBTA subway station located within its borders, or within 0.5 miles of its border. Note, a rapid transit community may also have other types of transit stations.
- A bus service community has no subway station within its border or within 0.5 miles of its border, but does have an MBTA bus route with one or more bus stops located within the community. Note, a bus community that happens also to have a commuter rail station within its borders is placed within the bus community category due to the presence of the bus route.
- A commuter rail community has a commuter rail station within its borders or within 0.5 miles of its border, but has no bus route or subway station.
- An adjacent community abuts a rapid transit community, bus service community or commuter rail community, has no subway station or commuter rail station within its boundaries or within 0.5 miles of its border, and has no MBTA bus route running through it.

A2A. *My community has a commuter rail station and a bus route. We appear to be misclassified based on the definition of “bus service community” in the draft guidelines. Can you clarify why we were classified as a bus service community?*

There is a typographical error in the definition of “bus service community” in the draft guidelines. For purposes of the draft guidelines, this definition was intended to read as follows: “Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station ~~or commuter rail station~~ within its border, or within 0.5 mile of its border. That error will be corrected in the final guidelines. (Added March 10, 2022)

B. Location of Districts

B1. *How much discretion does each MBTA community have with respect to where a multi-family district is located?*

A multi-family zoning district must be located within 0.5 miles of a transit station, with at least half of the district’s land area within the 0.5-mile radius, when that is possible. Where it is not possible to locate a district within 0.5 miles of a transit station, cities and towns otherwise have considerable flexibility to decide where to locate these districts. These districts may be located where there are existing single-family, multi-family, commercial or other existing uses and structures, or in areas ready for redevelopment. DHCD strongly encourages cities and towns to consider multi-family districts where there is existing or planned pedestrian and bicycle access to a transit station, or that otherwise are in areas of concentrated development. Regardless of location, each community must demonstrate that the zoning allows for multi-family housing that meets or exceeds the required unit capacity and at a density that meets the statutory minimum.

B2. *What if my community has more than one transit station—for example, a subway station and a separate commuter rail station, or multiple commuter rail stations? Do I need a multi-family zoning district in proximity to each station? If not, can I choose which transit station the district?*

Section 3A requires each MBTA community to “have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right” An MBTA community may have more than 1 such multi-family zoning district, but a single district is all that Section 3A requires. If an MBTA community has more than one transit station, it may locate the multi-family zoning district within 0.5 miles of any of them.

B3. *Can my town establish a multi-family district in an area where there is already significant multi-family development?*

Yes, but you still must demonstrate the district meets the “reasonable size” criteria, including the minimum unit capacity, and at the required minimum gross density.

B4. *Can my town establish a multi-family district in an area where there are many single family homes on small lots?*

Yes, but it may be difficult to demonstrate such a district meets the minimum multi-family unit capacity and gross density requirements, because the zoning is unlikely to allow for the construction of the required number and density of multi-family housing units on small parcels.

B5. *My community has been categorized as a “bus service community” because we have an MBTA bus route, with several bus stops in town. Are bus stops or park-and-ride locations the same as “bus stations,” and do we have to locate our multi-family zoning district within 0.5 miles of one of a bus stop or park-and-ride location if we have one?*

No. Neither a bus stop nor a park-and-ride location is considered to be a bus station. The draft guidelines attempted to make this point by including a definition of bus station.

B6. *What is required of “adjacent communities” with no land area within ½ mile of a transit station?*

Section 3A requires all MBTA communities, including adjacent communities, to have at least 1 zoning district in which multi-family uses are allowed by right. An adjacent community with no land area within ½ mile of a transit station should locate its district in an area that makes the most sense for that community, and should carefully consider establishing the district in an area of concentrated development, or an area with pedestrian access to a transit station that is more than one half mile away. (Added March 10, 2022)

C. Size of Districts

C1. *How do the draft compliance guidelines define reasonable size?*

The draft compliance guidelines consider two factors in determining if a zoning district is of reasonable size. First, they require the land area in the district be at least 50 acres. Second, the draft guidelines consider the number of multi-family units that the zoning allows in the district—what the guidelines refer to as the district’s “multi-family unit capacity.” The minimum multi-family unit capacity for each district depends on the type of transit service in a particular community, if any, and ranges from 10 to 25 percent of the community’s total housing stock. This may at first sound like a large number of units, but keep in mind that “unit capacity” is just a measure of the number of multi-family units allowed by right in the district—many of which may already exist. Unit capacity is not a requirement to construct a particular number of units, or any units at all. Section 3A requires multi-family by right zoning, not housing production.

C2. *A minimum land area of 50 acres seems like a lot—isn't that too big for most communities?*

The intent of Section 3A is to require the creation of multi-family zoning districts within 0.5 miles of a transit station, where applicable. For reference, a circle with a half-mile radius and a transit station at its center comprises about 500 acres. The minimum district size of 50 acres is approximately one-tenth of that land area. In most MBTA communities, 50 acres will be well under 1 percent of the community's total land area. A minimum land area of 50 acres will encourage long-term, neighborhood-scale planning, instead of using zoning as a way to permit proposed projects on specific sites. But 50 acres is still only a small fraction of the land area in a town and gives communities significant flexibility on where to locate a district in the half-mile radius around a transit station.

C3. *Section 5.a of the draft guidelines states that portions of an overlay district can be a minimum of 5 acres as long as one portion of the overlay district is 25 acres. Does this apply to "base districts" as well?*

Yes, base districts and overlay districts have the same minimum land area requirements.

C4. *My community has 2500 total housing units and is categorized as an "adjacent community." Is the required unit capacity 250 (10% of the total housing units) or 750 (50 acres x 15 units/acre)?*

Your town's minimum unit capacity is 250 as that term is defined in the draft guidelines. But, to comply with Section 3A, the multi-family zoning district also must meet the minimum gross density requirement of not less than 750 multi-family units (for a 50-acre district). Because the guidelines establish a minimum land area of 50 acres and the statute requires a minimum gross density of 15 units per acre, the result is that every MBTA community, regardless of its size, must provide a zoning district that allows at least 750 multi-family units as of right. This requirement is a floor on the number of units a zoning district must allow—many MBTA communities are required to have a district with a larger unit capacity. In other words, because of the minimum gross density requirement, a compliant district must allow at least 750 units regardless of the number of housing units in the community.

C5. *My community is categorized as a "commuter rail community" because we have a commuter rail station. We have almost 10,000 housing units. Are you saying we need to construct new multi-family units equal to 15% of our total housing stock?*

No, your community does not have to produce 1,500 new housing units. Your community must adopt a multi-family zoning district that can accommodate that many units. Those units may be existing units, as long as they would be allowed to be built as of right under the district's zoning; or they may be new units that potentially could be constructed by right sometime in the future; or a combination of existing and potential new units.

- C6. *According to the draft guidelines, my community must have a zoning district with a unit capacity of 970 units. We have an area in town with 800 multi-family units already. Some of these units were built by special permit, and others were built under chapter 40B. Can we create a new zoning district in this area and count the existing units?***

The zoning district must allow for 970 multi-family units by right. To determine the unit capacity of a new or existing multi-family zoning district, you do not “count” existing units—you instead determine how many multi-family units the zoning district would allow by right on that parcel if it were undeveloped. Depending on the density, height, open space, setbacks, parking and other requirements that apply in the district, and the amount of developable land on each parcel, it is possible that all of the existing 800 units could be constructed by right—or even more than the existing 800 units. The important thing to understand is that you are counting what the zoning allows by right, not the number of units that currently exist. Note that in addition to meeting the unit capacity requirement, the district must meet the minimum gross density requirement as well. In some cases, the zoning for a district will need to allow for more multi-family units to meet the minimum gross density requirement.

- C7. *By basing the minimum multi-family unit capacity on the number of existing housing units the draft guidelines require greater density in communities that already are densely developed. Shouldn't there be more expected of communities that haven't already allowed for multi-family housing?***

MBTA communities include dense, urban communities, suburban communities and rural communities. One of the guiding principles of the draft guidelines is that MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community's long-term planning goals, while also leveraging local and state investment in public transportation. The draft guidelines are intended to establish zoning requirements that will lead to more multi-family housing production in appropriate locations, while allowing towns to adhere to other municipal goals. (Added March 10, 2022)

D. Minimum Gross Density

- D1. *What does it mean to have a minimum gross density of 15 units per acre?***

Section 3A states that each multi-family zoning district of reasonable size “shall ... have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” The law defines gross density as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” The law clearly states that the gross density requirement applies to the district as a whole, rather than to individual parcels or projects within

that district. The draft guidelines provide further instruction on how to calculate the gross density of an existing or proposed multi-family zoning district.

D2. Can the multi-family district have subdistricts with varying degrees of density as long as the average gross density is 15 units/acre?

Yes. The draft guidelines permit the multi-family district to contain sub-districts that may have varying densities (higher and lower than a gross density of 15 units/acre) as long as the gross density for the entire district is at least 15 units/acre.

D3. Is a district that allows or requires mixed use and residential gross density of at least 15 units per acre acceptable to meet the guidelines?

Yes, commercial and other uses can also be permitted by right or by special permit in a multi-family zoning district. A mixed-use district will be deemed to comply with Section 3A as long as it meets the unit capacity, density and other requirements in the guidelines.

D4. A density of 15 units per acre is out of character with my rural community. Can the final guidelines reduce the minimum gross density requirement from 15 units per acre for more rural MBTA communities in which that density is out of character with existing development patterns?

No. The minimum gross density of 15 units per acre is expressly set forth in Section 3A. The guidelines must be consistent with the statute. But, the dimensional requirements in the zoning district can encourage the construction of low-rise multi-family housing projects where that kind of development is desired. (*Added March 10, 2022*)

E. Interim Compliance Requirements

E1. DHCD released draft guidelines on December 15. What is expected of us until these draft guidelines are issued as final guidelines?

While DHCD is collecting public comment on the draft guidelines, and until final guidelines are issued, an MBTA community can remain in compliance with Section 3A by taking the following actions set forth in the “How to Comply for 2022 for MBTA Communities” which can be [found here](#). If you would like to submit comments on the draft guidelines, you may do so [online here](#).

E2. Who signs the attestation required in section 9 of the guidelines? We are concerned our small town doesn’t have the expertise to make this statement.

The attestation must be signed by each municipality’s chief executive officer—the mayor in a city and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter. Technical assistance will

be available after the guidelines are finalized and you may also consult with your Regional Planning Agency for assistance.

E3. What happens if my community does not comply with Section 3A?

MBTA communities that do not timely comply with Section 3A will not be eligible to receive Massworks or Housing Choice funding through the 2022 Community One-Stop Application. Non-compliant MBTA communities will also be ineligible to receive funding from the Local Capital Projects Fund established in section 2EEEE of chapter 29. The compliance requirements in effect until the issuance of final guidelines can be [found here](#).

E4. Does Section 3A require all MBTA communities to adopt a multi-family zoning district, or is compliance optional?

Section 3A states that each “MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right ...” The word “shall” indicates that the legislature intended to require all MBTA communities to have a multi-family zoning district. (Added March 10, 2022)

E5. Subsection (b) of Section 3A says that an MBTA community that does not have a compliant multi-family zoning district shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. What are these grant programs?

The MassWorks infrastructure program provides the largest and most flexible source of capital funds to municipalities and other eligible public entities primarily for public infrastructure projects that support and accelerate housing production, spur private development, and create jobs throughout the Commonwealth. EOHEd grants approximately \$75 million in MassWorks funding every year. The Housing Choice Initiative is a flexible grant program open to communities that have been designated as “housing choice communities”. Approximately \$19 million in grant funding has been awarded since 2018. The Local Capital Projects Fund collects a portion of the state’s gaming revenue and has been used in recent years to fund the operations of local housing authorities. (Added March 10, 2022)

F. Technical Assistance

F1. Where can I find help understanding the new law and how best to comply with it?

Additional resources are available at mass.gov/MBTACommunities. Funding opportunities for planning and other technical assistance will be available in next year’s One Stop application. Further information on the One Stop application is available at mass.gov/onestop. Other technical assistance will be offered by the Massachusetts Housing

Partnership (MHP) and regional planning agencies. Details about MHP's technical assistance are available at www.mhp.net/mbtazoning.

G. Miscellaneous

G1. *What if I already have a zoning district in which multi-family housing is allowed by special permit? Does that count?*

No, the law requires that multi-family uses be allowed by right in the district. Those uses may be subject to site plan review and design review, but multi-family uses cannot be subject to special permits or other discretionary permits that a local board can deny the use, or impose conditions unrelated to site layout, pedestrian safety, internal circulation of automobiles, and public safety considerations.

G2. *Can an MBTA community's zoning require that multi-family projects within a multi-family zoning district include a specified percentage of affordable units?*

Yes, reasonable affordability requirements are allowed, as long as they are financially feasible and do not unduly impede the construction of new multi-family housing in the district. At least 140 cities and towns in the Commonwealth have some form of "inclusionary" zoning requiring that a percentage of units in new housing developments be affordable. Any affordability requirements in a zoning ordinance or bylaw will be reviewed on a case-by-case basis to ensure that they are reasonable.

G2A. *Answer G.2 says that the multi-family zoning may require projects to include a percentage of affordable units, as long as the requirements are financially feasible and do not unduly impede the construction of new multi-family housing in the district. How will DHCD review affordability requirements to ensure that they are reasonable?*

The final guidelines may provide more specific rules about what is reasonable and what is not. DHCD encourages and invites public comment on this issue to inform the final guidelines. (Added March 10, 2022)

G3. *Can a project within the multi-family zoning district be required to have an adequate number of parking spaces?*

Requiring too many parking spaces for multi-family housing projects can practically impede the number of multi-family units that can be constructed within the district. A municipality should consider reducing or eliminating any minimum parking requirements in the multi-family zoning district—particularly for projects that are within walking or biking distance to a transit station—to allow for a greater density of multi-family units on each parcel. In all cases, a municipality must consider whether the unit capacity and minimum gross density

requirements are met given the amount of parking required.

G4. *My community does not currently provide a public sewer system. Are we required to design and construct a public sewer system and offer sewer hook ups to support higher density housing? If so, how can we pay for that expensive infrastructure?*

No. Multi-family housing can be created at the required density using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, private developers may be able to support the cost of necessary water and sewer extensions. Communities are encouraged to consider the location of any municipal water sources and other nitrogen-sensitive areas when siting multi-family zoning districts to minimize barriers to installing septic and wastewater systems that can serve the needs of multi-family housing development in the district. Cities and towns seeking to affirmatively plan for growth may also be eligible for state grants to defray the cost of new or expanded public infrastructure.

G5. *My community is concerned that new multi-family housing will mean many more children in the school system. Our school system is already at capacity and we do not have the resources to accommodate more children. What can we do?*

The new law does not require immediate housing production—only the creation of compliant zoning districts where multi-family housing *may* be created as of right. It is unlikely that communities will see an immediate increase in school attendance, given the time needed to assemble land for development, design and build housing. Moreover, studies have shown that in most cases new multi-family housing development has no negative impact on a community's school system.



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

MEETING DATE: 3/22/2022

Agenda Item	Police Department Annual Report
Presenter(s)	John Schlittler, Chief of Police

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Chief Schlittler will provide the Board with a summary of the draft 2021 Annual Report of the Department.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion Only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. 2021 Year End Review, 3/18/2022 draft	

2021

Year End Review



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- Chief's Letter
- Needham PD at a Glance
- About This Report
- 2021 Year End Crime Statistics
- 2021 Police Activity Summary
- 2021 Special Studies
- 2021 Race/ Gender Interactions
- Updates from Divisions and Specialty Units

Chief's Letter

Despite the challenges posed by the COVID pandemic, the police department has strived to provide the community with an exceptional level of service. While the pandemic was at its peak, we never lost sight of our mission and adjusted to the struggles that officers faced while serving their community's. Today, more and more local police departments must strive to develop community-based problem-solving methods to address the challenges that our community faces daily.

We clearly understand as a department that our role goes well beyond enforcing the law. It is imperative that we continue collaborate with our community partners and continue to expand our commitment to community policing.

Publishing an annual report will allow us to communicate the department mission, operational structure, training, and department statistics while listening to community concerns. This will allow us to work to a greater mutual understanding and reinforce our commitment in partnership between the Needham Police Department and the Community we serve.

NEEDHAM POLICE DEPARTMENT AT A GLANCE

There are 46 sworn officers in the town of Needham. This includes the Chief, Deputy Chief, 3 Lieutenants, 7 Sergeants, 2 School Resource Officers, 2 Traffic Officers, 3 Detectives, 1 Court Officer, 1 Community Outreach Officer, 1 Administrative Officer, 1 Community Safety Officer and 23 patrol officers.

There are 11 civilian employees at the Police Department including 5 police dispatchers.

Below is a breakdown of police personnel and the how the department is organized:

John Schlittler, Chief of Police

Paula Sheerin, Police Administrative Specialist

Community Services / Professional Development Division

This Division is responsible for Records, Training, Evidence Management, Firearms Licensing, Crisis Intervention, Community Outreach, Crime Analysis, Fleet Management, and the Budget

Christopher Baker, Deputy Chief

William D. Slowe, Administrative Patrol Officer

Stacy Poutas, Admin Specialist/ Records

David Forte, Community Outreach Officer

Kelsey Cournoyer, Admin/Crime Analyst

Christopher Hutchinson, Riverside Clinician

Richard Forbes, Administrative Sergeant

Ken Kurkjian, Fleet Maintenance

Investigative Services / Professional Standards Division

This Division is responsible for Investigations, Internal Affairs, Court Services, School Resource Officer Unit, Drug and Alcohol testing, Warrant Management, Regional Intelligence and Metro-LEC.

Matthew Forbes, Lieutenant

Michael Schlittler, Detective

Joe O'Brien Jr, Detective Sergeant

Brian Gallerani, Detective

Adrienne Anderson, Detective

RJ Poirier, School Resource Officer

Francis Desimone, Court Officer

Nicole McMahon, School Resource Officer

Traffic and Community Safety Division

This Division is responsible for Traffic Enforcement, School Safety, Parking Enforcement, Grant Management, Domestic Violence Action Committee, Hiring Process, and Human Rights Committee.

Belinda Carroll, Lieutenant

Steven Kelly, Traffic Officer

Kelley Scolponeti, Community Safety Officer

Edward Bayiates, Motorcycle Officer

Patrol Operations / Emergency Management Division

This Division is responsible for Patrol Operations, Dispatch Operations, Animal Control, Special Event Management, Mountain Bike Operations, Emergency Management, Honor Guard, and Major Road Projects.

John McGrath, Lieutenant

Edward Timmerman, Patrol Officer

Andrew Cray, Patrol Sergeant

Matthew Doukas, Patrol Officer

Karl Johnson, Patrol Sergeant

James Wise, Patrol Officer

Timothy Dooher, Patrol Sergeant

Brian Soll, Patrol Officer

Richard Evans, Patrol Sergeant

Joseph Brienze, Patrol Officer

Michael Lamb, Patrol Sergeant

Patrick Keleher, Patrol Officer

Matthew Palmer, Patrol Officer

Scott Lennon, Patrol Officer

Catherine Tierney, Patrol Officer

James Carroll, Patrol Officer

William Kelleher, Patrol Officer

Sarah Timmerman, Patrol Officer

Leo Schlittler, Patrol Officer

Justin Young, Patrol Officer

Julia Rutledge, Patrol Officer

Austin Broderick, Patrol Officer

Matthew MacDonald, Patrol Officer

David Parsons, Animal Control Officer

Robert Peck, Patrol Officer

Stephen Ryan, Police Dispatcher

Vincent Turco, Patrol Officer

Christopher Bender, Police Dispatcher

Anthony Frongillo, Patrol Officer

Melanie Rutledge, Police Dispatcher

Roger Noll, Patrol Officer

Anthony Salgado, Police Dispatcher

Jason Hasenfus, Patrol Officer

Anthony Capone, Police Dispatcher

Matthew Biellik, Patrol Officer

ABOUT THIS REPORT

This annual report is produced by the Needham Police Department as an attempt to provide citizens with a snapshot of the services and activities conducted by the department this year. It contains valuable information about the crimes committed in Needham as well as information related to those crimes such as race, gender and town residency status. This report also has updates from our specialty units and officers regarding their activities over the past year.

The 2021 Annual Report provides a comprehensive analysis of crimes that occurred in the town of Needham and were reported to the Federal Bureau of Investigation (FBI) via the Uniform Crime Reporting (UCR) Program. This national program has been collecting and organizing crime data since 1930 and is used by researchers, media and the public to better understand criminal activity. The UCR collects general crimes statistics through the National Incident-Based Reporting System (NIBRS). This voluntary system uses coding that is uniform throughout the country so that data can be compiled and analyzed. It breaks criminal offenses into two types: Group A and Group B. Group A include 46 offenses in 22 different categories. These offenses have been selected based on specific criteria and are determined to be relevant to law enforcement data collection. Group B offenses encompass all other crimes. The offenses and categories can be found in Appendix A.

In addition to looking at NIBRS data, this report also analyzes in house data regarding incidents, arrests, motor vehicle accidents, traffic stops and calls for service.

It is important to note that all this information is considered the best data at the time of writing, and that slight discrepancies or changes in the numbers may occur due to a variety of factors. For example, if an investigation is ongoing there is the potential for existing offenses to be changed based on updated information.

Year End Crime Review

	Group A	Group B
2019	509	378
2020	1318* (598)	295
2021	554	212

*In 2020, there were 720 unemployment fraud claims, without those offenses there were 598 Group A offenses

In 2021, the town of Needham had 554 Group A offenses. This is down 57% from 2020 overall (please see note above regarding unemployment fraud incidents in 2020) and up 8.84% from 2019. There were no homicides, kidnapping/abduction, prostitution, or non-forcible sex offenses reported in 2021.

In 2021, Needham had 212 Group B offenses. This is down 28.1% from 2020 and 43.9% from 2019.

Group A Offense Specifics

Offense	2019	2020	2021
11A Forcible Rape	4	5	1
11D Forcible Fondling	17	3	4
120 Robbery (Unarmed)	0	2	2
13A Aggravated Assault	8	14	16
13B Simple Assault	49	42	39
13C Intimidation	18	13	15
200 Arson	1	0	3
210 Extortion/ Blackmail	1	0	3
220 Burglary/ B&E	25	14	23
23A Pick Pocketing	0	0	3
23B Purse-Snatching	5	1	2
23C Shoplifting	5	3	2
23D Theft from A Building	24	20	23
23F Theft from A MV	35	27	6
23G Theft of MV Parts	1	0	4
23H All Other Larceny	74	79	75
240 MV Theft	2	8	5
250 Counterfeiting/ Forgery	33	28	14
26A False Pretenses/ Swindling	67	70	91
26B Credit Card/ ATM Fraud	3	6	12
26C Impersonation	62	191	42
26D Welfare Fraud	0	720	65
26E Wire Fraud	0	0	1
26F Identity Theft	0	0	3
270 Embezzlement	3	0	0
280 Stolen Property Offenses	3	1	5
290 Destruction/ Damage/ Vandalism	32	54	65
35A Drug/ Narcotic Violations	33	10	23

35B Drug Equipment Violation	0	1	0
36B Statutory Rape	0	1	1
370 Pornography/ Obscene Material	0	3	3
520 Weapons Law Violation	3	2	3

Assault Offenses (13A, 13B, 13C)

There were 70 total assault offenses committed in 63 cases in 2021. Overall, the total number of assaults is up by 1 from 2020.

There were 16 aggravated assaults offenses in 9 cases in 2021. Of these 9 cases, 4 resulted in arrest and the other 5 resulted in the suspect being summonsed to court.

There were 39 simple assaults in 37 cases. In 21 cases the suspect was arrested, in 8 cases the suspect was summonsed to court and in 8 cases a report was taken but no further action was required.

There were 17 intimidation charges in 17 cases in 2021. 7 of these resulted in the suspect being arrested, 2 resulted in the suspect being summonsed and 8 incidents had a report taken with no further action.

Case Outcome	Count
Arrest	32
Summons	15
Report Taken	16
Total	63

Burglary/ Breaking & Entering (220)

There were 23 incidents of burglary/breaking and entering in 2021. This is up from a total of 11 burglary/ breaking and entering offenses in 2020.

Of the 23 incidents, 1 resulted in an arrest, 5 resulted in a summons, 8 required no further action and 9 were forwarded to detectives for further investigation.

Case Outcome	Count
Arrest	1
Summons	5
Report Taken	8
Under Investigation	9
Total	23

Counterfeiting/ Forgery (250)

Case Outcome	Count
Summons	2
Report Taken	4

Under Investigation	4
Total	10

Destruction/ Damage/ Vandalism to Property (290)

There were 65 vandalism/ destruction of property related offenses in 58 cases in 2021.

Case Outcome	Count
Arrest	4
Summons	13
Report Taken	34
Under Investigation	7
Total	58

Larceny/ Theft Offenses (23A-23H)

There were 115 larceny offenses in 101 cases in 2021.

Case Outcome	Count
Arrest	1
Summons	3
Closed	90
Under Investigation	7
Total	101

Fraud Offenses (26A-26E)

There were 214 total fraud cases in 2021.

Case Outcome	Count
Arrest	4
Summons	6
Closed	197
Under Investigation	7
Total	214

Drug/ Narcotics Charges (35A, 35B)

There were 13 cases with drug offenses in 2021.

Case Outcome	Count
Arrest	6
Summons	7
Total	13

Group B Offenses:

Offense	2019	2020	2021
90A Bad Checks	2	0	0
90C Disorderly Conduct	10	2	6
90D DUI	35	18	13
90E Drunkenness	18	3	0
90F Family Offense (nonviolent)	0	1	0
90G Liquor Law Violation	18	10	13
90J Trespass of Real Prop	3	7	2
90Z All Other	84	65	44
99 Town Traffic Bylaw	378	295	212
Totals	548	401	295

*Codes 90A and 90E will be converted to 90Z starting in 2022.

90C- Disorderly Conduct

There were 6 disorderly conduct offenses in 2021. 1 was for open and gross lewdness, 2 were for annoying/acosting another person, 2 were for disorderly conduct and 1 was for disturbing the peace.

90D- DUI

There were 13 DUI Offenses in 2021. 4 were for OUI Drugs and 9 were for OUI Liquor. 9 of these resulted in arrest and 4 resulted in the person being summonsed to court.

90G- Liquor Law Violation

There were 13 liquor law offenses in 12 incidents. There were 7 violations for open container in a motor vehicle, 4 violations for selling/delivering to person under 21 and 2 for person under 21 in possession of alcohol. 5 of these offenses resulted in arrest (all had DUI also associated), 7 lead to court summons and 1 had a report taken/ no action.

90J-Trespass of Real Prop

There were 2 trespass of real property offenses in 2021. In both these incidents, reports were taken but no leads were developed.

90Z-All Other

The 90Z category captures virtually all offenses that do not fall into any other IBR code. There were 44 total 90Z offenses in 2021. This includes 7 arrest warrants, 6 abuse prevention order violations and 4 criminal harassment offenses. Other types of offenses that fall into this category include unauthorized use of a computer system, use of another company's dumpster and evidence tampering. Many of them are utilized in conjunction with other offenses when an incident occurs.

SPECIAL STUDIES

The Needham Police Department has implemented 4 areas in which we want to capture more detailed data based on current issues and citizen concerns. These areas are mental health, drug overdoses, handcuffing and domestic violence. To get this data, officers are required to provide information on

each of these topics when they complete their report. If the incident or arrest involves any of the special studies, they are required to answer the questions related to that topic. The questions and data gathered from these special studies are detailed below.

Mental Health

In 2021 there were 207 calls that were deemed mental health related. For this data we are considering a mental health related call to incident in which mental health is involved. There was an average of 17 mental health related calls per month. The highest number was 25 in March 2021 and the lowest number was 13 in both August and September. There were 176 total mental health related calls in 2020, meaning that there was an 18% increase in the number of calls in 2021.

While the nature of mental health call can vary greatly, sometimes they end with an individual being taken to the hospital for treatment. This transport can be at the patients request or agreement (voluntary) or under a Section 12 (involuntary). More information about these transports can be found in the charts below.

Mental Health Transport Data

Transport Type	Count	Percent of Total
Section 12 (Initiated by Police)	52	25%
Section 12 (Initiated by a Doctor/ Therapist)	29	14%
Voluntary	37	17.8%
Court Order	1	0.01%
No Transport	88	42.5%

Drug Overdoses

In 2021 there were 17 suspected Drug overdoses in Needham. 8 of these were opiate drug overdoses and 9 of them were overdoses from another drug. This is an increase in overdoses from 2020, which had 12 total overdoses (6 opiate, 6 non-opiate).

Of the 17 overdoses in 2021, 8 of them had Narcan administration by either police (4 times) or fire (4 times) personnel. 9 of the 17 overdoses did not require the use of Narcan.

There were 3 overdoses that lead to deaths and 1 with unknown results. In the incident with unknown results, the party was unresponsive at the time of that they were taken to the hospital.

Handcuffing

Handcuffing is an inevitable and necessary part of policing. The Needham Police Department has started to keep track of handcuffing and the reasons as to why it was utilized in any particular interaction. In 2021 there were 78 times that handcuffing was used. 62 out of the 78 (79.5%) of those instances were arrests.

The department tracks the reason that handcuffing was used in each instance. Officers are able to utilize handcuffing to affect an arrest, for officer safety, for the subject's own safety and for mental health related reasons. Of the 78 handcuffing instances, the reasons were listed as follows:

61 Arrest Only

2 Arrest and Officer Safety

2 Officer Safety Only

5 Mental Health Only

8 Mental Health and Officer Safety

Domestic

In 2021 there were 97 Domestic/ Domestic Violence related calls in Needham.

66 out of 97 (68%) of these calls were verbal only in nature and did not escalate into any form of physical violence. 27 (28%) calls had the offense of assault and battery attached to them, and 4 of the domestic related calls reported threats/ intimidation and 2 reported strangulations.

80 of the domestic related calls reported this year had no injuries, 15 had minor injuries and 2 had moderate injuries associated with the incident.

In 82 of the 97 incidents, there was no current restraining order/ protection order in place and the victim chose to decline getting an emergency order put into place at that time. In 8 instances, the victim did elect to get an emergency order in place. In 6 cases, there already was an active restraining order or abuse prevention order in place at the time of the incident. In 1 case, a new emergency order was denied by a judge.

In 26 of the 97 calls, there were children either present or involved in the incident and DCF was notified.

Use of Force

The Use of Force incidents that Needham Police are involved in are a result of an individual's level of unlawful compliance/resistance rather than officer looking to harm the public. We are obligated morally, by law and by policy to use only that level of force that is reasonable and necessary to affect an arrest, to ensure public safety or protect ourselves or others from harm.

In 2021 there were 19 times in which force was used during a call for service. In some calls, multiple types of force were necessary to resolve the situation and maintain the safety of all present.

The use of force policy for the Needham Police Department can be found [here](#).

Type of Force	Total Times Utilized
Hands on Control	18
Taser (Displayed)	4
Firearm Unholstered	2
Less Lethal (Ready)	1

Subject Race	# Of Encounters in which force was used
Black	3
Hispanic	1
White	15
Total	19

2021 RACE AND GENDER INTERACTIONS

Motor Vehicle Stop by Race and Gender

Race	Gender			
	Male	Female	Unknown	X
Black	148	119	0	0
Hispanic	192	113	2	0
Asian	96	82	2	0
Middle Eastern	61	36	1	0
Indian	11	8	0	0
White	1384	1334	5	1
Total	1892	1692	10	1

Motor Vehicle Stops by Race, Gender and Resident Status (town)

Race			Resident		Non-Resident	
	Number	% Of Total	Number	% Of Total	Number	% Of Total
Black	267	7.5%	13	.4%	254	7.1%
Hispanic	307	8.5%	11	.3%	296	8.2%
Asian	180	5.0%	30	.8%	150	4.2%
Middle Eastern	98	2.7%	11	.3%	87	2.4%
Indian	19	.5%	4	.1%	15	.4%
White	2724	75.8%	482	13.4%	2242	62.4%
Total	3595	100%	551	15.3%	3044	84.7%

Motor Vehicle Stops Disposition by Race, Gender and Resident Status (town)

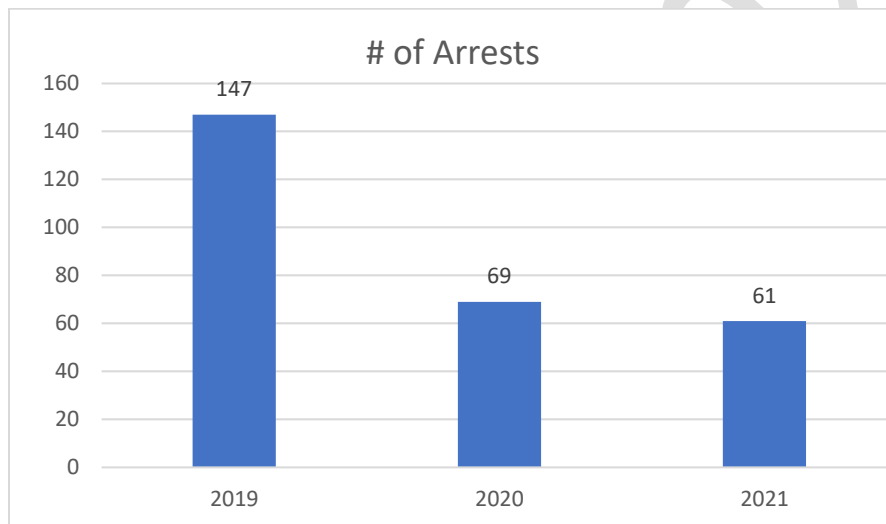
	Arrest		Civil Fine		No Enforcement		Criminal Application		Verbal Warning		Written Warning		Total
Black	1	.4%	12	4.5%	10	3.7%	7	2.6%	120	44.9%	117	43.8%	267
Hispanic	1	.3%	19	6.2%	4	1.3%	29	9.4%	115	37.5%	139	45.3%	307
Asian	0	0%	10	5.5%	2	1.1%	3	1.7%	57	31.7%	108	60%	180
Middle Eastern	0	0%	4	4.1%	3	3.1%	1	1.1%	26	26.5%	64	65.3%	98
Indian	0	0%	2	10.5%	0	0%	0	0%	8	42.1%	9	47.4%	19
White	16	.6%	152	5.6%	63	2.3%	31	1.3%	981	36%	1481	54.4%	2724
Total	18	.4%	199	5.5%	82	2.3%	71	2%	1307	36.4%	1918	53.4%	3595

POLICE ACITIVITY SUMMARY

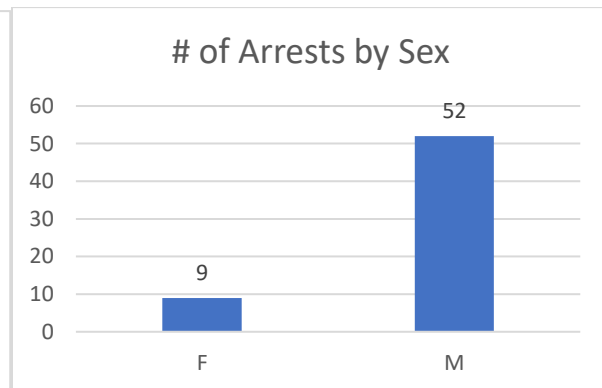
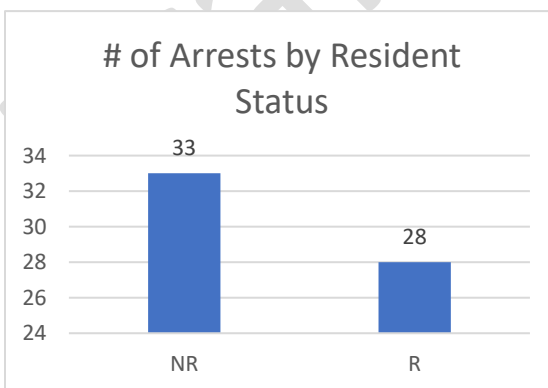
Arrests

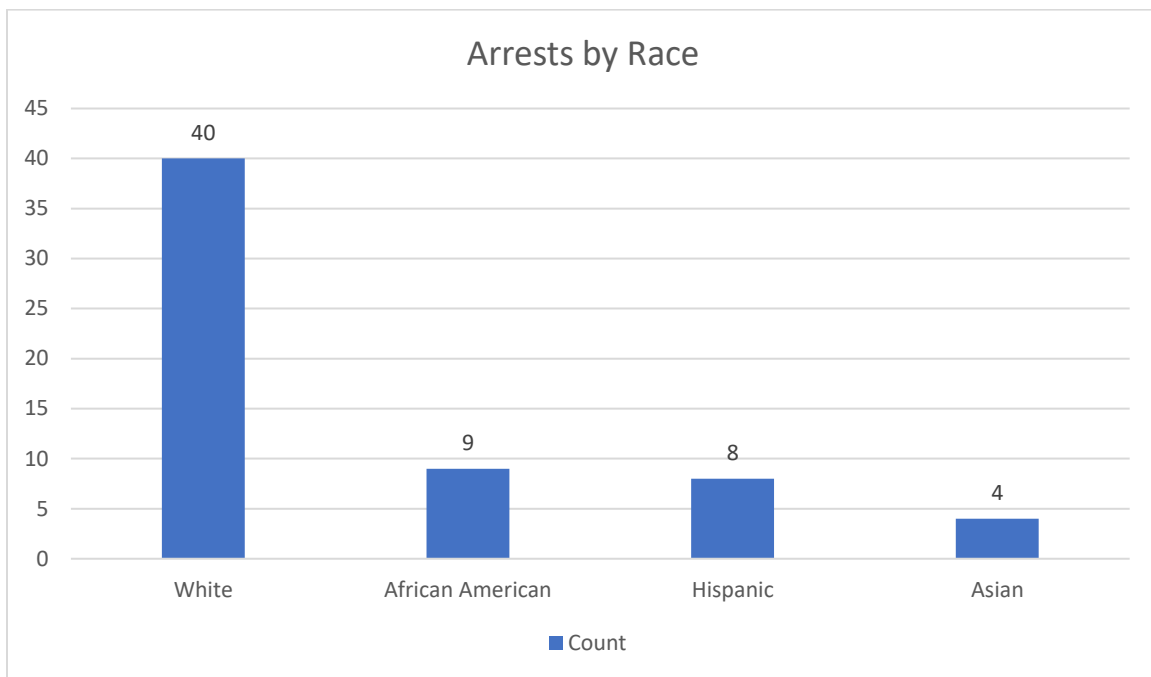
There was a total of 61 arrests in Needham in 2021. This number is down 11.5% from a total of 69 arrests in 2020.

Race	Count
White	40
Black	9
Hispanic	8
Asian	4
Total	61



52 out of the 61 arrests were males, which equals 85.25% of the total arrests for the year. 9 of the arrests, or 14.75% were female subjects. 33 (54.1%) of the subjects arrested in 2021 were not residents of Needham. 28 subjects (45.9%) were residents of Needham.





The breakdown of arrestees by race is shown above. The majority of arrests in 2021 (65.5%) were of White suspects. 9 arrestees were African American, which equates to 14.8% of the total. There were 8 (13.1%) Hispanic individuals and 4 (6.6%) Asian individuals arrested.

There were 21 arrests involving BIPOC individuals. Twenty (20) of those Twenty-One (21) arrests were for offenses that mandate arrest or are a preferred response. Eight (8) of the arrests involved an active arrest warrant. Seven (7) were arrested for Assault and Battery on a Family Member. One (1) Arrest for an Assault to Murder. One (1) involved Possession with intent to Distribute Class A and Class B Drugs and Trafficking Fentanyl. One (1) involved Felony Possession of a Firearm and One (1) involved Assault and Battery with a Dangerous Weapon. The arrest that was not mandatory or preferred involved a suspect in an ongoing Heroin / Fentanyl Distribution investigation

Total Calls and Types

Total Calls for Service

The Needham Police Department had 42,365 calls for service in 2021. This is down 3,738 or 8.45% from the 2020 total of 46,103. Calls can be broken down into priorities based on the level of urgency. The highest priority is level 1, which includes burglar alarms, fires, motor vehicle crashes with injury and sudden deaths. Priority 2 includes calls for suspicious activity, fraud, larceny and wellbeing checks. Priority 3 is the lowest priority level and encompasses the majority of everyday calls. This includes security checks, animal calls, public assistance, motor vehicle stops and administrative calls.

Call Priority Level	Total # of Calls
1	3353
2	2526
3	38486

[Priority Call Key](#)

DIVISION UPDATES

TRAFFIC AND COMMUNITY SAFETY DIVISION

Traffic

In 2021, there were 2487 traffic offenses were cited on 2171 citations. Most of these violations (2054) were written warnings given to the operator. 209 were civil violations, 189 criminal violations, 29 violations were involved in an arrest, 5 violations were given as a verbal warning and 1 was a municipal violation. \$15,535 in fines were issued in 2021.

Violation Type	Count	Percent of Total
Written Warning	2054	82.6%
Civil Citation	209	8.4%
Criminal Citation	189	7.6%
Arrest	29	1.16%
Verbal Warning	5	0.2%
Municipal Violation	1	0.04%
TOTAL	2487	100%

The most written violation was for hands-free violation also known as texting while driving. The law surrounding this violation can be found [here](#). There were 545 handsfree violations, which is 22% of all violations in 2021. 477 warnings, 65 civil citations and 3 criminal citations.

The second most written violation was for speeding. Information for this violation can be found [here](#). There were 513 total speeding violations, 468 of which were written warnings. 32 were given as civil citations, 9 were given as criminal citations, 3 were given as verbal warnings, and 1 violation was a part of an arrest.

Other commonly issued violations include unregistered motor vehicle (316 total), expired inspection sticker (241 total), and failure to stop/yield (239 total).

Criminal Violations- 40 for unlicensed operation of a motor vehicle, 26 for OUI, 17 for operating a motor vehicle without insurance, 10 for unregistered motor vehicle.

Accidents

There were 370 motor vehicle accidents reported in 2021. This number is up 29.4% from the total of 286 accidents in 2020. Even though the total number of accidents was up in 2021, this number is still significantly less than the number of accidents that were occurring pre-pandemic. In 2016- 2019 the Town of Needham was averaging 457 accidents per year.

Year	Total # of Accidents
2021	370
2020	286
2019	467
2018	419
2017	480

255 crashes occurred in an area with no traffic controls. 55 occurred where there was a traffic light, 52 occurred where there was a stop sign and 8 occurred where there was another type of control (yield sign, railroad signals, warning signs, etc.).

November had the highest number of crashes at 42 and February had the lowest at 18. The overall average number of crashes per month in 2021 was 31. Based on this year's reporting, the most common days for motor vehicle accidents was Thursday and Friday, both with 66 accidents throughout the year. The day with the least accidents was Sunday, with a total of 33.

Most accidents occurred between 7am and 7pm with the highest numbers occurring during the 4pm, 1pm and 11am hours. The number of accidents drop significantly overnight with 0 occurring between 2am and 4am for the entire year.

Looking at day of the week and time, the most accidents occurred on Friday during the 4pm hour, with a total of 11 accidents.

56 Accidents involved injuries and 2 involved fatalities.

224 of the accidents were not at an intersection. 65 were at a 4-way intersection, 47 were at a T intersection, 13 were at on off ramp, 11 were in a driveway, 4 were at a Y intersection, 3 were at a 5-point intersection, 2 were unknown and 1 was at a railroad grade crossing.

77 were single vehicle crashes, 46 we rear end crashes, 98 were crashes at an angle.

272 crashes took place in the roadway, 72 were outside the roadway. 15 were on the roadside, 8 on the shoulder, 1 in the median and 2 unknowns.

208 of the accidents were collisions with another motor vehicle in motion. 67 were collisions with parked motor vehicles. 18 were collisions with an unknown fixed object. 13 were collisions with utility poles and 13 were collisions with a tree.

There were 15 motor vehicle accidents involving pedestrians in 2021. 6 of these the pedestrian was on foot, 8 were cyclists and 1 was using roller blades/skates. Of the accidents involving pedestrians, 5 took place at a crossing location (crosswalk).

Community Safety Officer

Officer Kelley Scolponeti, our Community Service officer, is under the direct supervision of the Lieutenant in charge of Traffic and Community Safety. Officer Scolponeti has the primary responsibility of training, scheduling, and supervising all Traffic Supervisors (civilian positions) while creating a safe environment for children around the school. We are currently short staffed, with 16 Traffic Supervisor who cover 62 school crossings daily. Officer Scolponeti often covers crossings herself and makes it a point to check in periodically with the Traffic Supervisors to discuss safety/traffic concerns they might have.

Officer Scolponeti serves as our liaison for the Center at the Heights. She makes weekly visits there to interact with the seniors in many ways. She'll stop in to have coffee with them and sometimes play pool and assists with meal deliveries. As we rebound from Covid-19, we're finally able to bring back **Coffee with a Cop** in person, in which several officers stop by to say "hi" and have a cup of coffee. Officer Scolponeti started a new program with the seniors this year-

Crafts with a Cop. It's become a huge hit and she continues to hold one once a month and a great way to get the seniors socializing once again post Covid-19.



Officer Scolponeti assists the School Resource Officers with A.L.I.C.E. drills and periodically checks in with the principals and the health and safety committees at each school. She enjoys assisting the 3rd grade physical education teachers with their 3rd grade bike rodeos and designs and issues their bicycle licenses. She makes it a point to conduct “Officer Friendly” visits to the daycare schools within our town.

Officer Scolponeti is the liaison with the Council on Aging, the Commission on Disability, and the Needham Community Council. She assists with the clothing drive and food pantry at the Community Council. She’s part of the Needham Community Outreach Team and has luncheons with Needham Housing residents. Officer Scolponeti is the liaison for donations from community stores. She assists with distributing the items throughout our town. In 2021, we received 200 boxes of school supplies and 250 boxes of hand sanitizer and tissues. She delivered all of them to the Needham Public Schools. Officer Scolponeti also conducts fingerprinting for Needham residents for licensing and job employment. She averages 10-15 a month. Many fundraisers reach out to the police department for a “ride to school in a police car” as an auction item. These rides have become very popular at auctions, and she facilitates 8-10 rides to school annually.

In 2021, Officer Scolponeti entered the Police Department in the 3rd Annual She Loves Police



Gingerbread House contest. There were 41 entries from 41 states (the year prior, there were only 11 entries). Officer Scolponeti decided to make a gingerbread house of the new Police Station. The winner received “bragging” rights and 100% of the proceeds from the “She Loves Police” gingerbread

sales were donated to a charity of choice. This contest was posted on social media to people to vote- yet another way to get the community involved. Officer Scolponeti was awarded the “Rookie of the Year” trophy.

PATROL OPERATIONS / EMERGENCY MANAGEMENT DIVISION

Patrol represents the majority of the Needham Police Department and is the most visible aspect of the job. Operating on a 24hr basis its services include but are not limited to: Protecting life and property, enforcing all laws and town bylaws, preserving peace and public order, identifying criminal offenders and criminal activity.

Each officer is assigned to a specific area of town, called a sector. The officer is responsible for handling all the calls within that sector. Additionally, the officer conducts the traffic enforcement in their area, building checks, and assists other officers as needed.

Although officers in patrol are primarily responsible for patrolling the town and answering calls for service, many officers have other duties and special assignments they complete. These vary in scope from assignments as Juvenile Officer to the MetroLEC Special Weapons and Tactics (SWAT) team and many others.

Dispatch

Throughout 2021 the Needham Police Dispatch center consisted of 5 full-time positions for Emergency Telecommunications Dispatchers

During 2021 there were two vacancies for Dispatcher positions. One of the vacant positions was filled, in October of 2021 and the second position was posted in December of 2021 and filled shortly after in January of 2022. The two vacancies were created by Dispatchers who resigned to pursue other opportunities.

Dispatchers also handled 6,018 Enhanced 9-1-1 calls in 2021. This is an increase from the 4,890 9-1-1 calls received in 2020.

All Enhanced 9-1-1 Dispatchers throughout the Commonwealth of Massachusetts are required to undergo a minimum of 16 hours of continuing education annually. Needham Police Dispatchers met this training requirement and received training in topics including, but not limited to Mental Health First Aid for Public Safety, Multi-Agency Response to Active Shooter & Hostile Events, Excited Delirium Syndrome and Stress Management. Through the Answering Point and Regional Emergency Communication Center Support and Incentive Program the department received grant funding based on the previous year's 911 call center volume. During FY 2021 the Department was allocated \$98,451. The Department was also allocated \$34,441 in 911 and Emergency Medical Dispatch training.

The Needham Police Dispatch Center was able to function out of the new Public Safety Building during 2021, and was able to do so successfully, while all other Police Operations ran out of the offsite location at the old Hillside School.

Mountain Bike Unit

The Needham Police Mountain Bike Unit consists of 10 Officers including a Sergeant who are all COBWEB (Cops on Bicycles with Education for Bicyclists) Certified. COBWEB is a three-day training of 4 hours a day where Officers learn "And will have a comprehensive understanding of Standard Operating Procedures, proper protocol to ensure safety and minimize liability, crime prevention techniques, tactical maneuvers and communication. He/she will have a heightened awareness of the importance of fitness, nutrition, injury prevention and physical well-being." -COBWEB

The Needham Police Department has deployed its Mountain Bike Unit in a number of situations. Some of these deployments include The 3rd of July Fireworks, The 4th of July Parade, multiple road races and public and private events throughout the year. The Mountain Bike Unit also assists out of town agencies providing mutual aid to the Town of Wellesley assisting with the Boston Marathon.

The Mountain Bike Unit is a part of the Patrol Division of the Needham Police Department and is also used for some patrol functions such as traffic and parking enforcement when needed and is a highly visible crime deterrent and will Patrol the Needham Town Forest and State Parks (Cutler) much easier than an Officer on foot.

The Needham Police Mountain Bike unit rides TREK mountain bikes which are well situated for all terrains, Road and Off Road.

Animal Control

In April of 2021 full time Needham Animal Control Officer Parsons was Injured on Duty while attempting to break up a fight between two dogs. Since that time Officer Matthew Palmer, a trained animal control officer, has supplemented his normal patrol duties by assisting with animal related calls that are called into the Needham Police Department.

With Covid-19 attracting people to Needham's open spaces, playgrounds and parks, Officer Palmer has had to address a growing number of calls for service regarding unleashed dogs and dog bites. Officer Palmer continues to work with pet owners to keep them informed with information specifically related to animal issues and how to be a responsible neighbor while utilizing Needham open spaces.

The below graph displays the activity of the ACO for the year:

Call Type	Count
Non- Dog related Call	213
Lost/ Loose/ Found Dog	132
Other	40
Barking	29
Dog Bite/Fight	21
Off Leash	13
TOTAL	448

INVESTIGATIVE SERVICES / PROFESSIONAL STANDARDS DIVISION

School Resource Officers

Needham currently has two officers assigned as School Resource Officers (SROs). They support the entire Needham School District as well as Saint Joseph's Elementary School and Saint Sebastian's School. SROs partner with school administrators throughout the school district to provide support and guidance in a variety of ways and bridge student family-school life. SROs also work closely with school district guidance counselors and special education teachers to help support students. The SROs meet regularly with students and their families to provide this support. In addition to these meetings, SROs interact with the schools and Needham youth in a variety of ways. They help to deal with investigations that juveniles are involved in, help to aid students whose families may be experiencing a hardship and help assist with school projects. Some other examples of what our SROs have done in the past year include:

- Collaborated with Staples and the Needham Community Council to deliver school supplies throughout the school district prior to the 2021/2022 school year.
- Attended the annual Needham Harvest Fair to greet youth and their families
- Provided police escort rides to school for various raffles and fundraisers
- Visited classes throughout the school district and provide presentations and learning experiences on various subject matters like 4th Amendment Rights/Search and Seizure, social media and Internet Safety, Bullying and Cyberbullying, Self-Defense, Bicycle Safety, Alcohol and Drug Awareness, and Vaping Awareness.
- Worked closely with school principals to provide armed intruder training and education (through presentations and practical drills) to staff members and students in each school
- Assisted the fire department in conducting fire drills in each school throughout the year
- organized and ran the Needham Junior Police Academy, a weeklong camp for middle schoolers that teaches them about police work and provides interactive activities and field trips to explore the law enforcement field.
- Worked closely with the Needham Police Department Truancy Officer and Juvenile Court Prosecutor to create diversion paths that offer education, resources and support to youth offenders in effort to keep them out of the court system.

- Partnered with Needham Youth and Family Services and the Youth Resource Network to help support juveniles and their families
- Collaborated with the Community Service Officer to support Bike Rodeo events throughout the school district and for cub scout and boy scout troops
- Sat on the Substance Prevention Alliance of Needham (SPAN) committee and assist with planning and execution of campaigns and events
- Participated in Students Advocating Life (without) Substance Abuse (SALSA) to help support campaigns and events
- Brought juveniles to Golden Opportunities for Independence in Walpole, MA to visit the farm and meet the service dogs
- Visited with Needham students in DCF programs outside of Needham to connect with them and take them out to lunch
- Attended various student club and athletic events to support students
- Took part in field day events at various schools
- Helped coordinate between police department and high school to provide a senior graduation parade during the pandemic
- Attended and coordinated between police department and schools to provide assistance and support with various events such as prom, graduation, dances, and other school events
- Provided support for rising 9th graders on Step Up day.
- Collaborated with other Needham Police officers to organize and coach the annual Needham-Wellesley Powderpuff Football game, a month-long after-school program that prepares senior girls for the annual game
- Assisted with the annual drug take back event that occurs in the fall and spring of each calendar year.
- Visited summer camps and programs to connect with juveniles and check in with them
- Visited vaccination clinics
- Attended Charles River YMCA public events



NHS Class of '22 Champions



Rocket to help promote programs.

Needham's SROs also train and manage K9 Officer Rocket, who is a Community Resource Dog (CRD) for the department. They continuously coordinate with Golden Opportunities for Independence, where Rocket came from, to help other SROs and CRD's in the Needham area. SROs run and manage Officer Rocket's social media pages and interact with the community there and also attend various community events inside and outside of schools with Officer Rocket to speak about his role. The SROs visit all the schools in town, Needham BI, nursing homes, and Center at the Heights with Officer Rocket to visit with community members. They often partner with various town agencies and utilize Officer

Detectives

During 2021, the Detective Division was assigned cases for follow-up and investigation. These assignments include both Part A (i.e., drug offenses, burglary, assaults, sex offenses) and B crimes (i.e., check fraud, peeping tom), attempts to commit a crime and other situations which may not have amounted to a crime but required further investigation. Many cases had multiple Detectives assigned to them, due to the complexity of the case. Like the rest of the Department, the Detective Division had to adjust to policing during the COVID-19 pandemic. Detectives rose to the occasion and adjusted their practices when possible, to protect the health and safety of the public and of each other.

During the year, detectives have investigated a range of crimes including but not limited to, identity theft, unemployment fraud, breaking and entering, robbery, armed assault, civil rights crimes and death investigations. Through these efforts Detectives have worked with our regional Police partners, State Police, Federal Agencies including the FBI, DEA and Secret Service as well as prosecutors in the District Attorney's office, the Massachusetts Attorney General's Office and the United States Attorney's office. Often times Detectives work with these other agencies to address crimes that increasingly extend beyond local boundaries and incorporate complex technical skills. Detectives are also members of the Norfolk County Police Anti-Crime Task Force (NORPAC). NORPAC provides for multi-agency investigations into drug trafficking, violent crime, and the apprehension of fugitives.

The work of the Needham Police Detectives is exemplary and well regarded in the region. It is a credit to each Detective and the professionalism with which they approach their job. The distribution of illicit drugs in Town continues to be a major concern of the Police Department. Detectives were involved in several narcotic investigations which resulted in the arrest of several individuals. The offenses some of these individuals were charged with ranged from possession with intent to distribute marijuana to possession with intent to distribute heroin. Detectives continue to aggressively address the distribution of illegal narcotics through enforcement, education and community partnerships. The Detective Division attends quarterly Norfolk County meetings held by District Attorney Morrissey in an exchange of information and investigative techniques regarding the opioid crisis.

Detectives, along with Arlington Police, The DEA, Norwood Police, and members of NORPAC, used various techniques to investigate and a suspect distributing fentanyl. These techniques included GPS trackers, physical surveillance, surveillance photography, and confidential informants to establish probable cause and execute a search warrant in Norwood where one hundred grams of Fentanyl were located in the direct presence of young children.

In another case, Needham Patrol and Detectives investigated an unarmed robbery that occurred in a store parking lot regard a Craigslist cell phone purchase scam. The suspect stole the cell phone from the victim. The suspect had committed the same crime multiple jurisdictions including Walpole, Westwood, Pawtucket, and Fairhaven. Utilizing investigative techniques Needham Detectives were able to process evidence developing numerous fingerprints and identify the suspect. The suspect was in custody for attempted murder in a different jurisdiction that occurred while committing the same crime. The party is still in custody.

Also in 2021, due to the tireless effort of Needham and Massachusetts State Police Detectives, Tammy Galloway was tried and convicted of First-Degree Homicide, Larceny of a Motor vehicle, and Armed Robbery in connection with the murder of a Needham Resident in her home. Galloway was sentenced to life in prison without parole for the homicide charge, twenty years for the armed robbery, and three to five years for the larceny of the victim's motor vehicle.

In 2021, Needham and NORPAC Detectives conducted a narcotics investigation resulting involving a man selling fentanyl and cocaine to an undercover officer. The man was charged with Trafficking a Class A Substance (Fentanyl), Distribution of Class A Substance (Fentanyl), Distribution of a Class B Substance (Cocaine), Resisting Arrest, and Evidence Tampering. The suspect has since been indicted and is awaiting trial in Norfolk Superior Court.

In another incident Needham Detectives and Patrol responded to a Needham Business for a workplace assault. The resulting investigation led to the arrest of the suspect. He was charged with Armed Assault with intent to murder, A&B Dangerous Weapon causing Serious Bodily Injury, Mayhem, and A&B Dangerous Weapon. The party has since been indicted and is currently awaiting trial in Norfolk Superior Court.

Throughout the COVID-19 pandemic, there were numerous reports of unemployment fraud across the Commonwealth and Needham was not immune. Detectives were assigned and conducted follow-ups on numerous unemployment fraud cases. Detectives were instrumental in organizing the Department's highly successful Junior Police Academy. The Department, in collaboration with Needham Youth and Family Services, offered a week-long Junior Police Academy for rising 7th and 8th graders. This program is offered free of cost and held at both the Pollard Middle School and the Needham Police Department. Detectives interacted with students teaching them about fingerprinting, crime scene photography and processing.

COMMUNITY SERVICES / PROFESSIONAL DEVELOPMENT DIVISION

Crisis Intervention / Community Outreach

The primary responsibility of this program is to coordinate with Needham Community Crisis Intervention Team (NCCIT), the Substance Prevention Alliance of Needham (SPAN), and the Needham Coalition for Suicide Prevention to ensure people suffering from mental health and substance abuse disorders receive adequate follow up and access to resources. The program also coordinates with Regional, State and National Agencies such as Riverside, DOVE, the National Alliance on Mental Illness (NAMI), and the Norfolk District Attorney's Outreach Program. This officer will also act as a liaison to Beth Israel Hospital and Newton Wellesley Hospital.

In December of 2020 we contracted with Riverside for a Jail Diversion Program (JDP) Clinician. This clinician is assigned to Needham for 20 hours per week and works closely with our Community Outreach Officer and other Crisis Intervention Trained Officers. The clinician is embedded in the Police Department, has access to reports of incidents involving mental health and substance abuse, and is available for co-response where applicable.

2021 January thru July* Needham Jail Diversion Program Responses

Type of Response	Number of Responses
Co-Response	6
Follow-up	87
Evaluation	29
Unable to make contact	10
Declined Services	10
Total Outreach	147

Type of Referral	Number of Referrals
Police	95
Riverside	29
Self/Family	11
Community	7
Total	142

Total Number of People Served	83
--------------------------------------	-----------

Type of Contact	Number of Contact
Phone	69
In-person	52
Telehealth	3
Email	12
Other	5
Total	141

***Stats are provided from January thru July. Our Riverside Clinician was promoted, and we were without a clinician for the remainder of the year.**

Training

2021 had many training opportunities for our officers. Sworn officers are required by the Massachusetts Police Training Committee (MPTC) to complete trainings annually. In 2021, Needham officers participated in the following trainings to satisfy this: Domestic Terrorism, Responding to Pandemics and Similar Emergencies, Implicit Bias, CPR First Responder, CPR First Responder (Practical), Legal Updates, Defensive Tactics and Longevity in Law Enforcement.

A variety of Use of Force related trainings were offered in 2021 including: BolaWrap Remote Restraint Device, Spring Firearms Training, Fall Firearms Training, and Taser Training.

We sent six additional officers to Crisis Intervention Training (CIT) bringing our total number of CIT trained officers to 26. That means approximately 56% of our current sworn staff have attended 40 hours of training geared toward better response to calls involving persons suffering from mental illness. We will continue to train personnel as the training becomes available.

In November our School Resource Officers, Community Outreach Officer and the Sergeant that oversees Crisis Intervention attended a course called “Mental Health in LGBTQ+ Communities” put on by the Norfolk County Crisis Intervention Team Training and Technical Assistance Center.

All Officers and Dispatchers are required to take 16 hours of continuing education each year to maintain their State 911 Certification. Officers and dispatchers fulfilled this responsibility by taking approved courses on the following topics: Dispatchers Response to Persons with Mental Illness, Priming and Cognitive Bias, One Mind Pledge Campaign, Ethics: An Understanding and Expectation, Lives on the Line: The Dispatcher and Domestic Violence, Dealing with Disasters and 911: ICAT (Integrating Communications, Assessment, and Tactics) for Dispatchers and Call Takers.

Our officers that work most closely with the youth attended several trainings in 2021. The courses were School Resource Officer Training, Juvenile Law Update, and the Annual New England School Safety Conference.

We are a participating agency in Metro-LEC. It is a regional agency that has several specialized units that share personnel and resources for specific circumstances such as: Crisis Negotiation, Search and Rescue, SWAT and Tactical Response, Cyber Crime Unit, and a Mobile Operations Unit comprised of Motorcycles for events and other circumstances. These officers participate in monthly regional trainings with their respective units.

Some of our Officers attended more advanced training in specific types of investigations such as Sexual Assault Investigator Training, Breaking and Entering Investigations, Social Media Investigations, Auto Theft Investigations, Basic Death Investigations, Fingerprinting Techniques, and Search Warrant Preparation.

In addition to the MPTC Implicit Bias Course Officers took, we held a training in the Fall of 2021 called Fair and Impartial Policing. The company, Fair & Impartial Policing® LCC describes their course as “the #1 provider of implicit-bias-awareness training for law enforcement in North America. The state-of-the-art Fair & Impartial Policing® training program is about how the mind works. There is no finger-pointing or blame. Instead, we discuss how implicit biases can impact well-intentioned individuals outside their conscious awareness. A key strength of our program is our ability to reduce the defensiveness around this topic that many law enforcement officers may bring into the classroom.” In addition to this course, we sent our two most recently promoted Sergeants to a 40-hour Front Line Supervisors Training in the spring of 2021, two Lieutenants attended a 40-hour Internal Affairs Investigation Training and several of our Officers were certified in LIDAR (Light Detection and Ranging) for Traffic Enforcement.

APPENDIX A

GROUP A

- **Arson 200**
- **Assault Offenses**
 - Aggravated Assault 13A
 - Simple Assault 13B
 - Intimidation 13C
- **Bribery 510**
- **Burglary/ Breaking and Entering 220**
- **Counterfeiting/Forgery 250**
- **Destruction/ Damage/ Vandalism of Property 290**
- **Drug/ Narcotic Offenses**
 - Drug/ Narcotic Violations 35A
 - Drug Equipment Violations 35
- **Embezzlement 270**
- **Extortion/Blackmail 210**
- **Fraud Offenses**
 - False Pretenses/ Swindle/ Confidence Game 26A
 - Credit Card/ ATM Fraud 26B
 - Impersonation 26C
 - Welfare Fraud 26D
 - Wire Fraud 26E
- **Gambling Offenses**
 - Betting/ Wagering 39A
 - Operating/ Promoting/ Assisting Gambling 39B
 - Gambling Equip Violation 39C
 - Sports Tampering 39D
- **Homicide Offenses**
 - Murder and Nonnegligent Manslaughter 09A
 - Negligent Manslaughter 09B
 - Justifiable Homicide 09C
- **Kidnapping/ Abduction 100**
- **Larceny/ Theft Offenses**
 - Pocket-Picking 23A
 - Purse Snatching 23B
 - Shoplifting 23C
 - Theft from Building 23D
 - Theft from Coin-Operated Machine or Device 23E
 - Theft from a Motor Vehicle 23F
 - Theft of a Motor Vehicle Parts or Accessories 23G
 - All Other Larceny 23H
- **Motor Vehicle Theft 240**
- **Pornography/ Obscene Materials 370**
- **Prostitution Offenses**
 - Prostitution 40A
 - Assisting/ Promoting Prostitution 40B
- **Robbery 120**
- **Sex Offenses, Forcible**
 - Forcible Rape 11A
 - Forcible Sodomy 11B
 - Sexual Assault with an Object 11C
 - Forcible Fondling 11D
- **Sex Offenses, Non-Forcible**
 - Incest 36A
 - Statutory Rape 36B
- **Stolen Property Offenses 280**
- **Weapon Law Violations 520**

GROUP B

- **Bad Checks 90A**
- **Curfew/ Loitering/Vagrancy Violations 90B**
- **Disorderly Conduct 90C**
- **Driving Under the Influence 90D**
- **Drunkenness 90E**
- **Family Offenses, Nonviolent 90F**
- **Liquor Law Violations 90G**
- **Peeping Tom 90H**
- **Runaway 90I**
- **Trespass of Real Property 90J**
- **All Other Offenses 90Z**



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

MEETING DATE: 3/22/2022

Agenda Item	Memorandum of Agreement between the Town and the Needham Fire Union Local 1706
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will recommend that the Board approve and sign Memoranda of Agreement between the Town and the Needham Fire Union Local 1706 for the period FY2021 and FY2022. The Agreement provides for a general wage increase of 3% in FY2021 and 2% in FY2022, a Fire Inspection Certification Stipend, the inclusion of the Juneteenth Holiday, an increase in the detail rate, and numerous language changes. The Agreement brings the contract for the Fire Union to the current year, and the parties will continue to negotiate for a successor agreement.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union Local 1706 for FY2021 and FY2022.	
3.	BACK UP INFORMATION ATTACHED
a. MOA between the Town and the Needham Fire Union Local 1706	

**Memorandum of Agreement
Fiscal Year 2021 & Fiscal Year 2022**

Agreement is hereby made this _____ day of _____, 2022 by and between the Town of Needham (hereinafter the "Town") and the Needham Firefighters Local 1706 Units A and C (hereinafter the "Union"). Except as expressly set forth herein, all provisions of the collective bargaining agreement between the Town and the Union, which by its terms is in effect through June 30, 2020, remain in full force and effect.

1. The term of the Agreement shall be July 1, 2020 through June 30, 2022.
2. All Base Wages contained in Article 25 (Unit A) and Article 22 (Unit C) shall be increased by 3% effective July 1, 2020, and 2% effective July 1, 2021.
3. Amend Article 25 (Unit A) Fire Inspector as follows:

Fire Inspector Fire Inspectors on the "4/4" rotation referred to in Article 6, section 7, shall receive a differential of 10% of base pay, paid weekly. **Fire Inspectors who attain Fire Inspector 1 certification shall receive a differential of 2% of base pay, paid weekly.**

4. Amend Article 9 (Unit A) and Article 7 (Unit C) by adding the Juneteenth holiday in Section 1 (effective June 19, 2022) and amending Section 3. As follows:

Section 3. Holiday Pay Members of the bargaining unit shall receive one fourth of a week's pay (10.5 hours) for each of the ~~twelve~~ ~~eleven~~ holidays and 5.25 hours pay for the half-holiday the day before Christmas day, to be paid weekly. It is understood that Holiday Pay will not be included in the calculation of overtime.

Section 4. Holiday Premium Any employee covered by this Agreement who is scheduled to work either the 8:00 a.m. to 6:00 p.m. or the 6:00 p.m. to 8:00 a.m. shift on the holiday, and who works such holiday, shall be paid an additional 5.25 hours pay for one of the ~~twelve~~ ~~eleven~~ (**12** ~~11~~) holidays or 2.625 hours for working the day before Christmas.

5. Article 7 Special Departmental Assignments and Other Details (Unit A) and Article 6 Detail Assignment (Unit C) shall be amended as follows:

Section 5. Detail Rates shall be paid according the following schedule:

Basic Rate	\$51.5 \$55
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Section 6. Details worked for the Town of Needham shall be paid according to the following schedule:

Basic Rate	\$44.50 \$48
------------	--------------------------------

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

6. Amend all appropriate sections to recognize that members of the bargaining unit work 42 or 40 hours. **Unless previously negotiated, this language will not apply to members of the bargaining unit working 40 hours per week as of July 1, 2022.** See attached language.
7. Amend Article 16 (Unit A) and Article 12 (Unit C) as follows:

ARTICLE 16(12)
NON-OCCUPATIONAL SICK LEAVE

Section 3. Usage Use of non-occupational sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or quarantine by public health authorities, except that represented employees shall be allowed to use up to three (3) tours of non-occupational sick leave when available per fiscal year for illness of a parent, spouse or child of the employee. **Sick leave used for qualified and approved family and medical leave in accordance with the FMLA is not subject to the three (3) tour limit.**

8. Amend Article 17 (Unit A) and Article 15 (Unit C) as follows:

ARTICLE 17(15)
BEREAVEMENT LEAVE

Section 1. Bereavement leave without loss of regular straight-time pay for normally scheduled working hours, not to exceed five (5) consecutive calendar days per occurrence, shall be granted to any employee on account of a death in the immediate family of the employee; immediate family to include spouse, parents, parents of spouse, children, brothers, sisters, grandparents and grandchildren of the employee. ~~Such leave shall be taken either commencing with the death or notification of death, or concluding two calendar days after the funeral, memorial, or other such service, unless an alternate period is approved by the Fire Chief.~~

Section 2. Bereavement leave of up to one day (one twenty-four hours shift **or ten-hour shift for employees on the 4/10 schedule**) without loss of regular straight-time pay for normally scheduled working hours may be granted per occurrence for the death of an employee's brother-in-law, sister-in-law, **niece, nephew**, aunt or uncle.

9. Amend Article 14 (Unit A) and Article 10 (Unit C) – Court Leave as follows:

ARTICLE 14(10)
CIVIC DUTY COURT LEAVE

Section 1. Any employee of the bargaining unit shall be granted leave from duty when called for jury duty or under summons to appear as a witness at the request of the federal government, the Commonwealth, or any city or town of the Commonwealth on a matter that is not related to his or her work as a Needham Firefighter.

Section 2. Employees shall be paid by the Town during the period required for court service for the difference between the amount paid to them by the court, excluding travel allowance, and the amount of regular straight time pay which would normally be received from the Town for the scheduled work time spent on approved civic duty leave. If the jury or witness fees, exclusive of travel allowance, are more than the amount of regular straight time pay which the employee would receive for the scheduled work time spent on civic duty leave, no compensation shall be paid by the Town for the period of the court service.

Section 3. Official summons to appear for jury duty or as a witness must be presented in advance to the Chief or his/her designee for the employee to receive authorized civic duty leave.

Section 4. To qualify for civic duty leave payment, the employee must furnish the Town Accountant with complete and satisfactory evidence of the jury or witness fees received.

Section 5. Absence due to civic duty leave shall not affect an employee's eligibility for longevity, satisfactory performance step increases, or benefits.

Section 6. Civic duty leave shall not be granted when an employee is involved in personal litigation.

~~**Section 1.** Court leave of absence shall be granted to any member of the bargaining unit who (1) is called to serve upon a jury or (2) is summoned to appear in court as a witness or (3) shall request court leave for the purpose of appearing in court as a defendant or litigant. Such leaves shall be granted only for the period of such jury service or for the period during which said employee is required to be in court; and it shall in no way affect the employment rights of said employee.~~

~~**Section 2.** If the jury or witness fees, exclusive of travel allowances, received by said employee for such jury or for service as a witness in court shall be less than the regular rate of compensation received by him/her from the Town, the difference between said fees and said regular rate of compensation shall be paid to such employee by the Town. If the amount of such fees received by such employee shall exceed the regular rate of compensation received by him/her from the Town, no compensation shall be paid to him/her by the Town for the period of his/her jury duty or witness duty; provided, however, that to qualify for any payment by the Town hereunder, the employee aforesaid must furnish the Town Accountant with complete and satisfactory evidence of the jury or witness fees paid. As used in this paragraph, the phrase "regular~~

~~rate of compensation" shall mean the amount of salary or wages which the Town would pay to such employee for the hours of work which he/she would normally perform during the fiscal time period otherwise consumed by his/her jury or witness service.~~

~~**Section 3.** — When court leave is granted to an employee to appear in court as a defendant or litigant, it shall be granted without pay; provided however, that the said employee may, with the approval of the Chief, substitute one day of court leave with pay for one day of vacation leave with pay due to said employee during the year in which such court leave with pay is granted.~~

10. Amend Article 15 (Unit A) and Article 11 (Unit C) as follows:

ARTICLE 15(11)
MILITARY LEAVE

Section 1. Reserve Service An employee who is a member of a state or federal military reserve unit shall be entitled to leave of absence from a permanent position for required military service under orders, ~~for a period not to exceed seventeen (17) days~~ **up to forty (40) tours per calendar year of such leave to be with regular pay for normally scheduled work hours.** ~~up to one normal working week of such leave to be with full regular straight time pay for normally scheduled work hours.~~

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

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

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

Town of Needham

Needham Firefighters Local 1706

Date: _____

Date:_____

Town Manager/Date

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



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

MEETING DATE: 3/22/2022

Agenda Item	TripAdvisor Forbearance Agreement
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on the proposed forbearance agreement between the Town and TripAdvisor and recommend that the Board approve and authorize the Town Manager to sign the Agreement.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to approve and authorize the Town Manager to sign a forbearance Agreement between the Town and TripAdvisor.	
3.	BACK UP INFORMATION ATTACHED
a. Forbearance Agreement between the Town and TripAdvisor b. TripAdvisor Host Community Agreement, 11.14.2012 c. TripAdvisor TIF Agreement, 11.14.2012	

FORBEARANCE AGREEMENT

THIS FORBEARANCE AGREEMENT made as of February 22, 2022 by and among the Town of Needham (the “Town”), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, acting by and through its Select Board, with offices located at 1471 Highland Avenue, Needham, MA 02492 (the “Town”) and TripAdvisor LLC, a Massachusetts limited liability company (“TripAdvisor”) with a principal place of business at 400 1st Ave, Needham, MA 02494 (the “Property”).

WHEREAS, pursuant to the votes of members of the December 2012 Special Town Meeting and May 13, 2013 Special Town Meeting, the Town and TripAdvisor entered into and subsequently amended a certain Tax Increment Financing Agreement (the “TIF Agreement”) by and between the Town, TripAdvisor, and Normandy Gap-V Development Needham, LLC (the “Property Owner”) wherein the Town agreed to grant TripAdvisor and the Property Owner a Tax Increment Financing Exemption in accordance with the Massachusetts Economic Development Incentive Program and Chapters 23A, 40, and 59 of the General Laws in consideration of certain commitments made by TripAdvisor and the Property Owner, including, but not limited to, TripAdvisor’s commitment to create and maintain a certain number of jobs in the Town of Needham; and

WHEREAS, TripAdvisor reports that due to the worldwide COVID-19 pandemic, , it was unable to meet its obligation to retain 700 jobs in the Town of Needham for the years ending December 31, 2020 and 2021 as described in the TIF Agreement; and

WHEREAS, the Town is willing to temporarily forbear from seeking to reduce TripAdvisor’s tax exemption to 0% for Fiscal Years 2022 and 2023 under the TIF Agreement and TripAdvisor is willing to temporarily forbear from seeking to invoke the force majeure provision set forth in Section 12 of the TIF Agreement, each parties’ forbearance subject to the terms and conditions outlined herein below;

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, TripAdvisor and the Town hereby stipulate, covenant and agree as follows:

1. Hosting Events. Subject to the terms of this Forbearance Agreement remaining effective throughout the remaining term of the TIF Agreement and for such period thereafter so as to ensure that the Town’s forbearance as described herein is not revoked, overturned or otherwise reversed in such a manner as to deprive TripAdvisor of the benefits it is being provided by this

Forbearance Agreement, TripAdvisor agrees to allow Town, through its Town Departments, to use those group spaces on the first floor of the Property (currently comprised of a large conference room that can be divided into two, another conference room, a pub, a game room and a central forum space), as well as its outdoor seating areas (collectively, the “TA Group Space”), to host up to four events or meetings annually, on dates and at times to be mutually agreed upon by TripAdvisor and the Town. TripAdvisor and the Town both agree to designate, and provide the other party with contact information for, a representative who has authority to arrange and facilitate matters associated with the Town’s use of the TA Group Space and necessary first floor facilities (e.g., bathrooms) within the Property for such events and meetings. Notwithstanding the foregoing, any use of the TA Group Space by the Town shall be subject to those health and safety rules in place at the time, with such use being limited to matters of public importance to the Town and the costs associated with food, beverage, technology, rentals, and security to be borne by the Town.

2. Speakers. TripAdvisor agrees to make available and provide at one or two of its senior executives to speak at an annual management training program for the Town’s Leadership Team, such annual management training program to be scheduled on dates and at times to be mutually agreed upon by TripAdvisor and the Town. TripAdvisor and the Town both agree to designate, and provide the other party contact information for, a representative who has authority to arrange and facilitate matters associated with the date and time of the annual management training program and the participation of such executive(s) at such program.

3. Travel Scholarships. Upon request of the Needham Superintendent of Schools made during the term when both the TIF Agreement and this Forbearance Agreement are in effect, TripAdvisor shall promote inclusive school programming by providing a one-time \$25,000 grant to the Needham Public Schools Department to ensure Needham Public School students in need of financial assistance can participate in school-sponsored travel.

4. Town’s Forbearance and TripAdvisor’s Forbearance. The Town agrees to forbear from seeking to reduce TripAdvisor’s tax exemption to 0% under the TIF Agreement for Fiscal Years 2022 and 2023. For so long as the Town forbears from reducing TripAdvisor’s tax exemption as described in the previous sentence, TripAdvisor agrees to forbear from seeking to exercise its right to claim it was not obligated to meet the requirements of the TIF Agreement for Fiscal Years 2022 and 2023 was not required (i.e., it was excused from performing such obligations) under Section 15 (Force Majeure) of the TIF Agreement. The Town and TripAdvisor each acknowledge and agree that (A) its forbearance hereunder shall not prejudice (or otherwise diminish) either parties’ underlying rights as described in the TIF Agreement, be it based on any statute of limitation or other defense (e.g., waiver or laches), all of which shall be deemed tolled during the period during which this Forbearance Agreement remains in effect.

5. No Assignment. This Forbearance Agreement shall bind and inure to the benefit of the respective successors and assigns of each of the parties; provided however that no party may assign this Forbearance Agreement or any rights hereunder without the other party's prior written consent and any prohibited assignment shall be absolutely void. Notwithstanding the foregoing, TripAdvisor may assign this Forbearance Agreement in connection with any merger, consolidation, reorganization, sale of all or substantially all of its assets or any similar transaction.

6. Governing Law. This Forbearance Agreement has been negotiated and accepted in, and shall be deemed to have been made in, the Commonwealth of Massachusetts and the validity of this Forbearance Agreement, its construction, interpretation and enforcement, and the rights of the parties hereunder, shall be determined under, governed by and construed in accordance with the laws (and not the law of conflicts) of the Commonwealth of Massachusetts.

7. Forbearance Not a Waiver. This Forbearance Agreement shall neither be deemed to effect an extension of the TIF Agreement (no extension of the TIF Agreement having been created by this Forbearance Agreement) nor establish any waiver of future obligations or waiver of defenses (including excusal for Force Majeure) of TripAdvisor under the TIF Agreement.

8. Severability. If any provision of this Forbearance Agreement shall be found invalid for any reason by a final, non-appealable decision of a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Forbearance Agreement shall be deemed to be affected to the minimum extent necessary, so as to secure the purposes thereof. Notwithstanding the foregoing, where the Town's forbearance as described herein is deemed invalid or otherwise unenforceable, this Forbearance Agreement shall be deemed to have failed of its essential purpose and TripAdvisor shall be deemed released from its forbearance and entitled to raise defenses (including excusal due to Force Majeure) and/or take any other action to which it is entitled.

9. Counterparts. This Forbearance Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all of the counterparts shall constitute one and the same instrument.

10. Ratification. To the extent not otherwise modified herein, the TIF Agreement executed by each of the parties hereto is ratified and confirmed.

IN WITNESS WHEREOF, the parties have executed this Forbearance Agreement under seal as of the date first above written.

Town of Needham

By: _____

TripAdvisor LLC

By: _____


Matthew P. Gabler
VP, Workplace
2.17.22

HOST COMMUNITY AGREEMENT

This Host Community Agreement (the "HCA") is entered into by and between the Town of Needham (the "TOWN"), a municipal corporation duly organized under the laws of the Commonwealth, acting through its Board of Selectmen (the "SELECTMEN"), and TripAdvisor LLC., a Massachusetts limited liability company with a principal place of business at 141 Needham Street, Newton, MA 02464 (the "COMPANY"),

This HCA represents the understanding between the TOWN and the COMPANY (the "PARTIES") with respect to the commitments arising from the planned development of a tract of land within the New England Business Center in the Town of Needham. The tract of land (the "PROPERTY") is shown as 'Site Area' on a Plan entitled "Exclusive Use Plan – Building #3," dated September 21, 2012 and prepared by Tetra Tech. The development of the PROPERTY is the subject of a Tax Increment Financing Agreement (the "TIF AGREEMENT"), entered into contemporaneously with this HCA, intended to provide an exemption from a portion of the real property taxes owed to the TOWN for the improvements made in the planned development of the PROPERTY.

RECITALS

WHEREAS, the COMPANY plans to transfer its operations to 230,000 square feet of a six story, 240,000 square foot office building located on the PROPERTY, said building together with associated improvements (collectively, the "PROJECT") to be constructed by the owner thereof with contribution from the COMPANY; and

WHEREAS, the PROJECT is expected to result in an estimated capital investment of approximately \$101 million including \$73.6 million for construction costs and \$12.4 million for land and related costs paid for by the property owner, \$7.5 million for leasehold improvements and \$7.5 million for personal property paid for by the COMPANY; and

WHEREAS, pursuant to a vote of the members of the December 2012 Special Town Meeting, the TOWN entered into the TIF AGREEMENT; and

WHEREAS, the TIF AGREEMENT is a 13-year incentive, commencing in the later of (a) Fiscal Year 2016 or (b) the Fiscal Year in which the PROJECT is placed into service (as evidenced by a certificate of occupancy), but in no event after Fiscal Year 2018, that provides for a percentage exemption from the real estate taxes applicable to incremental increase in the value of the PROPERTY due to the PROJECT, in exchange for a commitment by the COMPANY to: (1) create 250 permanent, full-time jobs on the PROPERTY; and (2) retain and relocate 450 permanent, full-time jobs to the PROPERTY; and

WHEREAS, the TOWN recognizes that this development will benefit the TOWN and its citizens through increased economic development, additional employment opportunities for residents and a strengthened local tax base; and

WHEREAS, the PARTIES agree and acknowledge that the TOWN has identified certain concerns with respect to the impact of the construction of the expanded and improved facilities on the PROPERTY, as well as their subsequent operation; and

WHEREAS, on October 16, 2012 the Town of Needham Planning Board approved the request of the property owner for a Major Project Special Permit for property located at 360 First Avenue, 410 First Avenue, 66 B Street and 37 A Street, also shown on the Needham Town Assessor's Plan No. 300 as parcels 29, 15, 16 and 28, respectively (the "MPSP"), which includes the PROPERTY; and

WHEREAS, the PARTIES intend to enter this HCA as a means of memorializing their obligations with respect to the mitigation of these impacts, as well as their intention to collaborate to the fullest extent possible to insure that the proposed expansion and improvements occur efficiently;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the PARTIES hereby agree as set forth herein.

1. The COMPANY shall use good faith efforts to provide or make available shuttle service between the PROJECT and public transportation stations during the hours of 7:00 a.m.-9:00 a.m. and 4:00-6:00 p.m. Mondays through Fridays, through utilization of the 128 Business Council Shuttle Service or other similarly constituted service.
2. The COMPANY and TOWN shall cooperate to formulate a system of locally focused internships and scholarships for Needham residents and students of the Needham Public Schools.
3. The PARTIES recognize that the COMPANY's plans in the future may include expansion and/or improvements of the facilities on the PROPERTY beyond what is the subject of this HCA and the associated TIF AGREEMENT. The COMPANY agrees that it shall not seek additional tax increment financing for any expansion involving the building referred to as "Building 2" in the MPSP.
4. The PARTIES respectively represent and warrant that:
 - a. Each is duly organized and existing and in good standing, has the full power, authority and legal right to enter into and perform this HCA, and the execution, delivery and performance hereof and thereof (i) will not violate any judgment, order, law, bylaw or regulation, and (ii) do not conflict with, or constitute a default under, any agreement or instrument to which either is a party or by which either party may be bound or affected; and
 - b. This HCA has been duly authorized, executed and delivered; this HCA constitutes legal, valid and binding obligations of each party, enforceable in accordance with its terms; there is no action, suit or proceeding pending or, to the knowledge of either party, threatened against or affecting either wherein an unfavorable decision, ruling or finding would

materially adversely affect the performance of any obligations hereunder, except as otherwise specifically noted in this HCA.

5. All notices or requests required or permitted hereunder shall be in writing and addressed, if to the TOWN as follows:

Town Manager
Town of Needham
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

with a copy to:

David S Tobin
Tobin & Grunebaum
55 William St
Wellesley, MA 02481

If to the COMPANY:

David Morris
Senior Corporate Counsel
TripAdvisor LLC
141 Needham Street
Newton, MA 02464

Each of the PARTIES shall have the right by notice to the other to designate additional persons to whom copies of notices must be sent, and to designate changes in address.

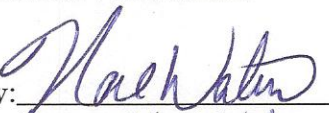
6. Failure by the COMPANY to perform its material obligations under any provision of this HCA beyond applicable notice and cure periods shall constitute a breach of the associated TIF AGREEMENT, following which the TOWN shall be entitled to pursue all remedies available to it pursuant to the TIF AGREEMENT. In addition, the TOWN shall be entitled to seek injunctive relief to cause the COMPANY to perform the COMPANY's obligations under this HCA. Such remedies shall be the TOWN's sole and exclusive remedies with respect to breaches by the COMPANY of its obligations under this HCA.
7. If and to the extent that either party is prevented from performing its obligations hereunder by an event of *force majeure*, such party shall be excused from performing hereunder and shall not be liable in damages or otherwise, and the parties instead shall negotiate in good faith with respect to appropriate modifications to the terms hereof. For purposes of this HCA, the term *force majeure* shall mean the supervening causes described here,

each of which is beyond the reasonable control of the affected party: acts of God, fire, earthquake, floods, explosion, actions of the elements, war, terrorism, riots, mob violence, a general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, actions of labor unions, condemnation, laws or orders of governmental or military authorities, or any other cause similar to the foregoing, not within the control of such party obligated to perform such obligation.

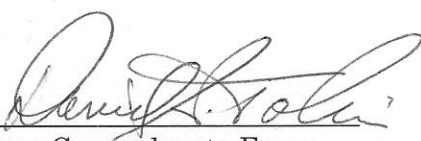
8. Failure by COMPANY to perform any term or provision of this HCA shall not constitute a default under this HCA unless COMPANY fails to commence to cure, correct or remedy such failure within thirty (30) days of the receipt of written notice of such failure from the TOWN and thereafter fails to complete such cure, correction or remedy within ninety (90) days of the receipt of such written notice, or, with respect to defaults which cannot be remedied within such ninety (90) day period, within such additional period of time as is required to reasonably remedy such default, if the COMPANY is exercising due diligence in the remedying of such default.
9. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.
10. Except for the TIF AGREEMENT, this HCA sets forth the entire agreement of the PARTIES with respect to the subject matter thereto. The failure of any party to strictly enforce the provisions hereof shall not be construed as a waiver of any obligation hereunder. This HCA may be modified only in a written instrument signed by the SELECTMEN and COMPANY. This HCA shall be binding upon the PARTIES and their successors and assigns.

Executed under seal.

TRIPADVISOR LLC

By: 
Name: Noel Watson
Title: Controller

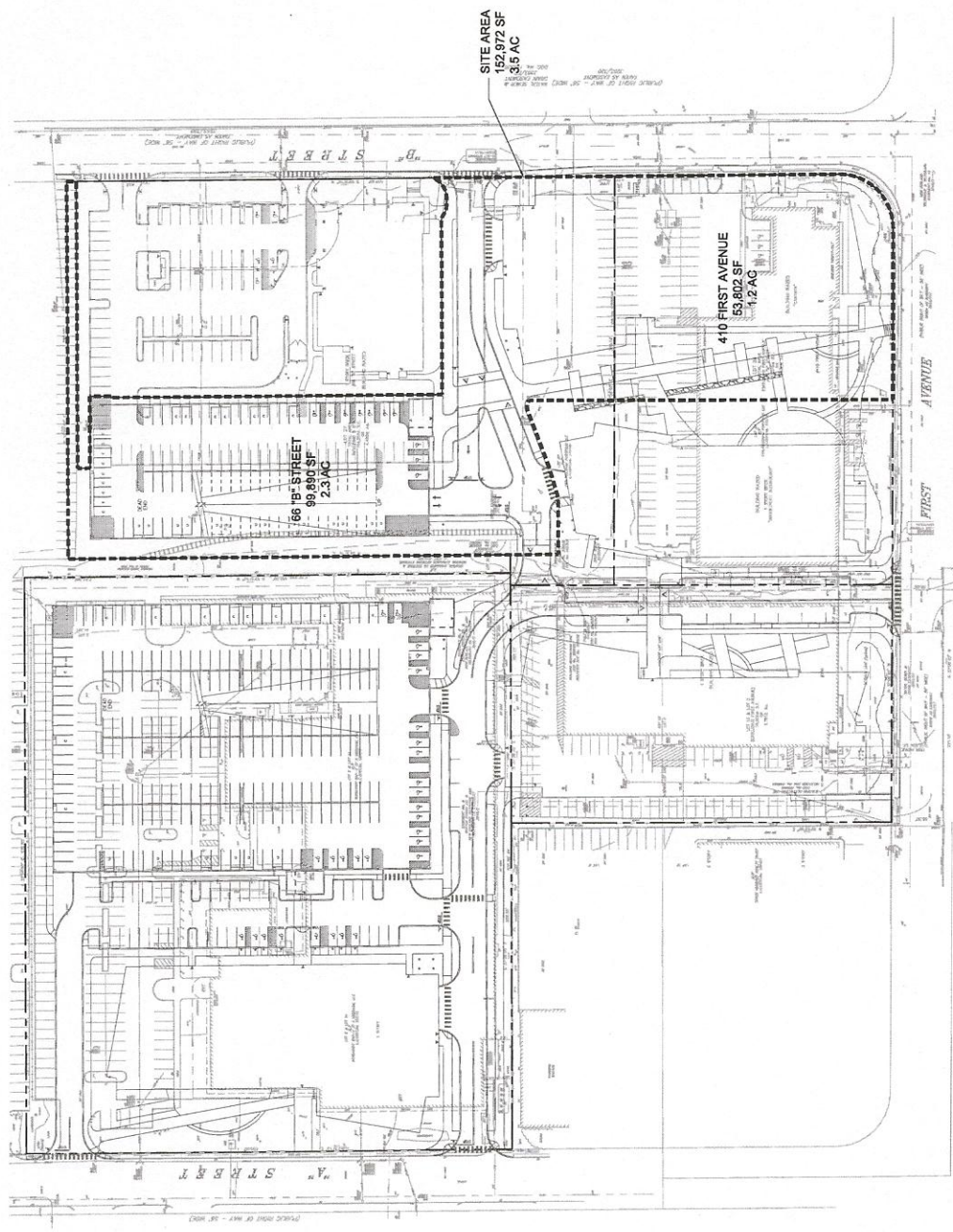
TOWN OF NEEDHAM BOARD OF SELECTMEN

By: 
Town Counsel as to Form

By: 
Its Chair
Hereunto duly authorized

11.14.2012

EXHIBIT A
EXPANSION PLAN
For
TRIPADVISOR



0 50' 100'
SCALE: 1"=100'-0"

Copyright Tetra Tech

TETRA TECH www.tetratech.com One Court Street Framingham, Massachusetts 01701 Phone: 508.803.2000 Fax: 508.803.2001	Center 128 Needham, MA Exclusive Use Plan Building #3	Project No.: 127-21127-12001 Date: 09/21/12 Designed By: SCV FIGURE 1
	Bar Measures 1 inch	

**TAX INCREMENT FINANCING AGREEMENT
BY AND BETWEEN
THE TOWN OF NEEDHAM,
TRIPADVISOR LLC and
NORMANDY GAP-V DEVELOPMENT NEEDHAM, LLC**

This AGREEMENT is made this 14th day of November, 2012 by and between the TOWN OF NEEDHAM, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, with a principal place of business at Town Hall, 1471 Highland Avenue, Needham, MA 02492 (the "TOWN") and TRIPADVISOR LLC, a Massachusetts limited liability company with a principal place of business at 141 Needham Street, Newton, MA 02464 (the "COMPANY"), duly authorized to do business in Massachusetts, and NORMANDY, GAP-V DEVELOPMENT NEEDHAM, LLC, a Delaware limited liability company, with a principal place of business at 53 Maple Avenue, Morristown, NJ 07960 or an affiliate/subsidiary or the nominee, successor or assignee thereof (the "PROPERTY OWNER").

PRELIMINARY STATEMENTS

WHEREAS, the PROPERTY OWNER owns approximately 13.68 acres of real estate, consolidating four previously separate parcels, shown on Needham Town Assessor's Plan No. 300 as parcels 15, 16, 28 and 29, with the respective street addresses of 410 First Avenue, 66 B Street, 37 A Street and 360 First Avenue;

WHEREAS, the PROPERTY OWNER and COMPANY intend to develop a portion of that real estate, specifically delineated as 'Site Area' on a Plan entitled "Exclusive Use Plan – Building #3," dated September 21, 2012 and prepared by Tetra Tech, said portion to consist of sections of the lots shown on Needham Town Assessor's Plan No. 300 as parcels 15 and 16 with the street addresses 410 First Avenue and 66 B Street, respectively, comprising approximately 3.5 acres (hereinafter the "PROPERTY");

WHEREAS, the PROPERTY is to be developed with a 240,000 square-foot office building, together with associated improvements (collectively, the "PROJECT");

WHEREAS, the PROPERTY OWNER intends to lease 230,000 square feet of the PROJECT to the COMPANY;

WHEREAS, the PROPERTY is located within the boundaries of the Needham Economic Target Area (the "ETA") as designated by the Massachusetts Economic Assistance Coordinating Council (the "EACC") pursuant to Chapter 23A, Section 3D(a)(ii)(J) of the General Laws;

WHEREAS, the PROPERTY is located within and occupies the entire Center 128 Economic Opportunity Area (the "EOA"), which is the subject of an application from the TOWN to be submitted to the EACC, pursuant to Chapter 23A, Section 3E of the General Laws;

WHEREAS, through the PROJECT, the COMPANY is expected to create 250 new, permanent, full-time jobs (collectively, "NEW JOBS"), and retain and relocate 450 permanent full-time jobs from its Newton offices to the PROJECT ("JOBS RELOCATED");

WHEREAS, the PROJECT is expected to result in an estimated capital investment of approximately \$101 million including \$73.6 million for construction costs and \$12.4 million for land and related costs paid for by the PROPERTY OWNER, \$7.5 million for leasehold improvements and \$7.5 million for personal property paid for by the COMPANY;

WHEREAS, the COMPANY and the PROPERTY OWNER are seeking a Tax Increment Financing Exemption from the TOWN, in accordance with the Massachusetts Economic Development Incentive Program and Chapters 23A, 40 and 59 of the General Laws;

WHEREAS, the TOWN strongly supports increased economic development in the TOWN, to expand commercial and industrial activity within the TOWN, and to develop a healthy economy and stronger tax base;

WHEREAS, the COMPANY intends to apply for status as a Certified Project pursuant to Chapter 23A, Section 3F of the General Laws;

WHEREAS, the PROJECT furthers the economic development goals and the criteria established for the ETA and EOA; and

NOW THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, each to the other paid, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. The Board of Selectmen of the Town of Needham will execute this AGREEMENT on behalf of the TOWN. This execution is subject to ratification by the Town Meeting. Should the Town Meeting fail to ratify this AGREEMENT, it will not be binding on any of the parties.
2. This is a thirteen (13) year incentive, to commence in the later of (a) Fiscal Year 2016 (begins July 1, 2015) or (b) the first Fiscal Year in which the Project is placed in service (as evidenced by a certificate of occupancy) and ending thirteen full Fiscal Years thereafter (i.e., in Fiscal Year 2028 (ends June 30, 2028) if the commencement is Fiscal Year 2016), which shall include any real estate development associated with the PROJECT. In no event shall such incentive commence subsequent to Fiscal Year 2018. The COMPANY and the PROPERTY OWNER agree that development will be considered to be part of the PROJECT only if the building permits for the building envelope have been applied for on or before June 30, 2014.
3. The Tax Increment Financing Exemption formula for the PROPERTY shall be calculated as prescribed by Chapter 23A, Section 3E; Chapter 40, Section

59 and Chapter 59, Section 5, Clause 51st of the General Laws. The Tax Increment Financing Exemption formula shall apply to the incremental difference in the assessed valuation of the PROPERTY created by the PROJECT, excluding parking, landscaping and accessory facilities associated therewith (the "REAL ESTATE INCREMENT").

- a. The parties hereby agree that the base valuation for the PROPERTY is the value used for the calculation of property taxes owed in Fiscal Year 2013. The parties agree that the base valuation for the PROPERTY is \$6,826,315.
- b. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the General Laws.
- c. The REAL ESTATE INCREMENT created by the PROJECT is the amount eligible for exemption from real estate taxation.
- d. Specifically, except as otherwise provided below, this AGREEMENT calls for an exemption from real estate taxation on the REAL ESTATE INCREMENT, commencing on the date described in Section 2 above according to the following TIF SCHEDULE:

Year 1	76%
Year 2	76%
Year 3	76%
Year 4	76%
Year 5	76%
Year 6	1%
Year 7	1%
Year 8	1%
Year 9	1%
Year 10	1%
Year 11	1%
Year 12	1%
Year 13	1%

- e. The parties agree that there shall be no exemption from taxes on personal property pursuant to this AGREEMENT.
4. The TOWN is granting the Tax Increment Financing Exemption in consideration of the COMPANY'S commitment to:
- a. Create a minimum of 250 NEW JOBS within five (5) years after the commencement described in Section 2 above. The COMPANY shall consider in its hiring of new employees, subject to applicable law and assuming equal qualification, the hiring of qualified residents of the TOWN. For the purposes of this AGREEMENT, a NEW JOB shall be

newly created in the Commonwealth. In order to facilitate such employment, the COMPANY shall advertise in the local newspapers and online encouraging such residents to apply for employment with the COMPANY any time advertisements are otherwise placed by the COMPANY for employment at the facility. The COMPANY, however, will retain all authority regarding hiring decisions and recruitment activities;

- b. Retain 450 jobs to be located at the PROJECT.
 - c. Retain jobs as necessary to maintain a total number of employees at the PROJECT equal to the sum of the JOBS RELOCATED and the NEW JOBS created in the prior calendar years ("JOBS RETAINED").
 - d. Invest \$7.5 million for leasehold improvements and \$7.5 million for personal property as part of the PROJECT. It is anticipated that the PROPERTY OWNER will invest \$73.6 million for construction costs and \$12.4 million for land and related costs in connection with the PROJECT, for an aggregate total anticipated PROJECT investment of approximately \$101 million; and
 - e. Subject to applicable law and assuming equal qualification, to explore opportunities to hire qualified local contractors, vendors and suppliers, in connection with the construction and operation of the PROJECT. The COMPANY, however, will retain all authority regarding the hiring of contractors, vendors and suppliers.
5. The COMPANY commits to implement the job creation according to the following schedule. For the purposes of this section, the "First Calendar Year" is the year in which the certificate of occupancy is issued, the "Second Calendar Year" is the next year, and so on.:

On or before December 31 of the First Calendar Year	50 NEW JOBS created at the PROJECT. 450 JOBS RELOCATED to the PROPERTY.
On or before December 31 of the Second Calendar Year	50 NEW JOBS created at the PROJECT. 500 JOBS RETAINED at the PROJECT.
On or before December 31 of the Third Calendar Year	50 NEW JOBS created at the PROJECT. 550 JOBS RETAINED at the PROJECT.
On or before December 31 of the Fourth Calendar Year	50 NEW JOBS created at the PROJECT. 600 JOBS RETAINED at the PROJECT.

On or before December 31 of the
Fifth Calendar Year

50 NEW JOBS created at the
PROJECT. 650 JOBS RETAINED
at the PROJECT.

The COMPANY commits to retain at least 700 jobs at the PROJECT for the remainder of the term of the AGREEMENT.

6. The COMPANY agrees to submit annual reports on job creation, retention and new investment to the State Economic Assistance Coordinating Council and TOWN Board of Assessors on or before January 30 of each year for the duration of the Tax Increment Financing Exemption. These reports shall include:
 - a. The number of NEW JOBS created at the PROJECT, the number of JOBS RETAINED at the PROJECT, and the number of people hired from within the ETA for the annual time period ending December 31 and on a cumulative basis; and
7. Should the COMPANY fail to submit a required annual report, or should the annual report indicate that the COMPANY has failed to meet its scheduled target for EXISTING JOBS and NEW JOBS, the exemption from real property taxation shall be zero percent (0%) for the subsequent fiscal year.
8. The PROPERTY OWNER shall pass on all real estate tax savings resulting from this AGREEMENT to the COMPANY.
9. Neither the COMPANY nor the PROPERTY OWNER will seek a real estate tax abatement for the PROJECT, or any portion thereof, with respect to any fiscal year covered by this AGREEMENT.
10. Should the COMPANY be in default of this AGREEMENT, the TOWN, acting through its Board of Selectmen, may, at its sole discretion, after providing the notice and the opportunity to the COMPANY and to the PROPERTY OWNER to cure described below in this Section 10, notify the EACC and/or take action to request decertification of the project by the EACC. Prior to any decertification proceeding, however, the COMPANY shall have the opportunity to cure, correct or remedy its default. Upon receiving written notice of such a default from the TOWN (with a copy to the PROPERTY OWNER), the COMPANY shall have thirty (30) days to commence to cure, correct or remedy such failure or default, and shall complete such cure, correction or remedy within ninety (90) days of the receipt of such written notice, or, with respect to defaults that cannot be remedied within such ninety (90) day period, within such additional period of time as is required to reasonably remedy such default, provided that the COMPANY exercises due diligence in the remedying of such default. Should the COMPANY opt not to cure the default, the COMPANY agrees that it will not oppose request for decertification by the Town based upon such default. In any event, in addition to the COMPANY's right to cure such default, the PROPERTY

OWNER shall have the right (but not the obligation) to commence to cure, correct or remedy such failure or default within thirty (30) days of receiving the aforementioned written notice from the TOWN. Should the PROPERTY OWNER elect to exercise its right to cure under this Section, it shall give notice to the TOWN and to the COMPANY of its intention to do so, and shall complete such cure, correction or remedy within one hundred and twenty (120) days of the receipt of the aforementioned written notice from the TOWN, or, with respect to defaults that cannot be remedied within such one hundred and twenty (120) day period, within such additional time as is required to reasonably remedy such default, provided that the PROPERTY OWNER exercises due diligence in the remedying of such default.

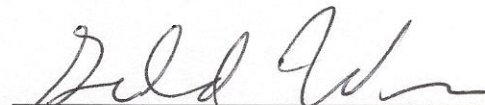
11. This AGREEMENT is being executed simultaneously with two Host Community Agreements, one between the TOWN and the PROPERTY OWNER (the "PROPERTY OWNER HCA") and one between the TOWN and the COMPANY (the "COMPANY HCA"). Application of the tax exemptions in this AGREEMENT shall be contingent upon the COMPANY and the PROPERTY OWNER undertaking all actions as are required in the COMPANY HCA and PROPERTY OWNER HCA, respectively, prior to the expiration of any notice and cure periods. Any default by the COMPANY or PROPERTY OWNER that continues beyond the expiration of any applicable notice and cure periods under the terms of the HCA shall be deemed to be a default of this AGREEMENT as well.
12. If and to the extent that either party is prevented from performing its obligations hereunder by an event of force majeure, such party shall be excused from performing hereunder and shall not be liable in damages or otherwise, and the parties instead shall negotiate in good faith with respect to appropriate modifications to the terms hereof. For purposes of this AGREEMENT, the term force majeure shall mean the supervening causes described here, each of which is beyond the reasonable control of the affected party: acts of God, fire, earthquake, floods, explosion, actions of the elements, war, terrorism, riots, mob violence, a general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, actions of labor unions, condemnation, laws or orders of governmental or military authorities, or any other cause similar to the foregoing, not within the control of such party obligated to perform such obligation.
13. The COMPANY shall give written notice to the TOWN at least thirty (30) days prior to any relocation of operations from the PROPERTY, or of any transfer of its leasehold on the PROPERTY or its business to any entity other than designated as the COMPANY in this AGREEMENT; provided that if the Company determines in good faith that such notice cannot be given thirty (30) days in advance because of the requirements of securities laws or related regulations, or any contractual, regulatory, or other similar types of obligations or prohibitions, such notice shall be given promptly after such prohibitions no longer apply. Such notice shall not operate to terminate any obligation set forth in this AGREEMENT.

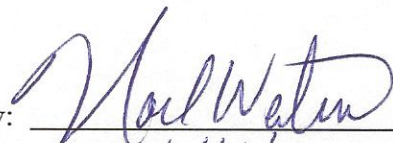
14. In endorsing this document, the TOWN also authorizes the submittal of the related TIF Plan and EOA application to the Massachusetts Office of Business Development and the EACC.
15. This AGREEMENT shall be binding upon all parties to it and, in addition, shall be binding upon and inure to the benefit of subsequent owners of the PROPERTY and to the successors and assigns of the COMPANY.
16. If any provision of this contract shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of the contract shall be deemed to be amended to the minimum extent necessary to provide to the parties substantially the benefits set forth in this contract.

AGREED TO:

TOWN OF NEEDHAM
BY ITS BOARD OF SELECTMEN

TRIPADVISOR LLC


Gerald A. Wasserman, Chairman

By: 
Name: Noel Watson
Title: Controller


Daniel P. Matthews, Vice Chairman

11/14/12
Date


John A. Bulian, Clerk

Maurice P. Handel


Matthew D. Borrelli

11.14.2012
Date

NORMANDY, GAP-V DEVELOPMENT
NEEDHAM, LLC

By: 
Name: Susan D. Krebs
Title: Authorized Signatory
Date: 11/14/12



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

MEETING DATE: 3/22/2022

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 May 9, 2022 Special Town Meeting.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Board vote to close the warrant for the May 9, 2022 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. May 9, 2022 Special Town Meeting Warrant Draft 3.18.2022	

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 9, 2022

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 3.18.2022

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

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

MONDAY, THE NINTH DAY OF MAY 2022

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

HUMAN RESOURCE ARTICLES

**ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM
BUILDING CUSOTODIAN AND TRADES INDEPENDENT ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Building Custodian and Trades Independent Employee Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2023; or take any other action relative thereto.

INSERTED BY: Select Board
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 EMPLOYEES ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Independent Public Employees Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2023; or take any other action relative thereto.

INSERTED BY: Select Board
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 – NEEDHAM FIRE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the fiscal year 2022 Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2021 and fiscal year 2022; or take any other action relative thereto.

INSERTED BY: Select Board
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 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022 and fiscal year 2023; or take any other action relative thereto.

INSERTED BY: Select Board
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 5: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2022 and fiscal year 2023; or take any other action relative thereto.

INSERTED BY: Select Board
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.

GENERAL ARTICLES/CITIZENS' PETITIONS

**ARTICLE 6: HOME RULE PETITION TO EXEMPT POLICE DEPARTMENT
FROM CIVIL SERVICE**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to exempt the Police Department, including the Chief of Police, from chapter 31 of the General Laws, the Massachusetts Civil Service Law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Town Manager approves amendments to the bill before enactment by the General Court; and provided further that the Town Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT EXEMPTING ALL POSITIONS IN THE POLICE DEPARTMENT OF THE TOWN
OF NEEDHAM FROM THE CIVIL SERVICE LAW

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

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the police department of the town of Needham, including the position of chief of police, shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding section 2, no appointment or promotion made after the effective date of this act shall be subject to chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Or to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

FINANCE ARTICLES

ARTICLE 7: AMEND THE FY2022 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2022 Operating Budget adopted under Article 20 of the May 1, 2021, Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>

or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

ZONING ARTICLES

ARTICLE 8: AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY

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

1. In Section 1.3 Definitions, by adding the following after the existing definition of “Basement” and before the existing definition of “Building (or part or parts thereof)”:
Brew Pub – Eat-in restaurant, licensed under relevant local, state, and federal statutes to produce and sell malt beverages at the location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer, ales, and hard ciders, which may include packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed forty (40) percent of the establishment’s production capacity. Accessory outdoor dining and live indoor entertainment is allowed if otherwise permitted in the zoning district in which the brew pub is located, if and as permitted by its license.
2. In Section 1.3 Definitions, by adding the following after the existing definition of “Medical Services Building,” and before the existing definition of “Mixed-Use Building”:
Microbrewery - A facility, licensed under relevant local, state, and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for retail sale and for consumption on or off the premises or wholesale distribution, with a capacity of not more than fifteen thousand (15,000) barrels per year, (a barrel being equivalent to thirty (31) gallons) and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out. A tasting room, not to exceed 25 percent of the building’s gross square footage, is permitted as an accessory use. Any such facility may provide samples at no charge and limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations, and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. The facility may include as an accessory use an eat-in or take-out restaurant, including outdoor dining, which may occupy more than half of the area of the facility, and live indoor entertainment if otherwise permitted in the zoning district in which the microbrewery is located, if and as permitted by its license.

3. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

<u>“USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Brew Pub	SP	SP	SP	SP	N”

4. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by inserting immediately below the row that reads “medical clinic” a new entry, which shall read as follows:

5.

<u>“USE</u>	<u>RRC</u>	<u>SRB</u>	<u>GR</u>	<u>A-1,2</u>	<u>I</u>	<u>IND</u>	<u>IND-1</u>
	<u>SRA</u>		<u>&3</u>				
Brew Pub	N	N	N	N	N	SP*	N
Microbrewery	N	N	N	N	N	N	SP”

*Applies only to the Industrial District any portion of which is located within 150 feet of the Arbor Street boundary, otherwise N.

6. In Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.2 Uses Permitted by Special Permit, by adding a new paragraph (k) that states “Microbrewery” and new paragraph (l) that states “Brew Pub”.
7. In Section 3.2.5, Uses in the Highland Commercial-128 District, Subsection 3.2.5.2, Uses Permitted by Special Permit, by adding a new paragraph (q) that states “Microbrewery” and a new paragraph (r) that states “Brew Pub” and by renumbering former paragraphs (q), (r) and (s) as paragraphs (s), (t) and (u) respectively.
8. In Section 3.2.6, Uses in the Mixed Use-128 District, Subsection 3.2.6.2, Uses Permitted by Special Permit, by adding a new paragraph (k) that states “Microbrewery” and a new paragraph (l) that states “Brew Pub” and by renumbering former paragraphs (k), (l) as paragraphs (m) and (n) respectively.
9. In Section 3.2.7 Uses in the Highway Commercial 1 District, Subsection 3.2.7.2 Uses Permitted by Special Permit, by adding a new paragraph (m) that states “Microbrewery” and a new paragraph (n) that states “Brew Pub” and by renumbering former paragraphs (m) and (n) as paragraphs (o) and (p).

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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

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

Given into our hands at Needham aforesaid this 22nd day of March 2022.

Matthew D. Borrelli, Chair
Marianne B. Cooley, Vice Chair
Marcus A. Nelson, Clerk
Daniel P. Matthews, Member
Kevin Keane, Member

Select Board of Needham

A TRUE COPY

Attest:

Constable:



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

MEETING DATE: 3/22/2022

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will update the Board on the status of the Annual Town Meeting Warrant.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Discussion Only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. 2022 Annual Town Meeting Warrant Draft 3.18.2022 b. Status of Warrant Articles 3.18.2022	

TOWN OF NEEDHAM



ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 12, 2022

Business Meeting: Monday, May 2, 2022

7:30 p.m.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 3.18.2022

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

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 12, 2022
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

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

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

Precinct A	-	Center at the Heights, 300 Hillside Avenue
Precinct B	-	Center at the Heights, 300 Hillside Avenue
Precinct C	-	Newman School Gymnasium, 1155 Central Avenue
Precinct D	-	Newman School Gymnasium, 1155 Central Avenue
Precinct E	-	Needham Golf Club, 49 Green Street
Precinct F	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct G	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct H	-	Needham Golf Club, 49 Green Street
Precinct I	-	Town Hall, Powers Hall, 1471 Highland Avenue
Precinct J	-	Town Hall, Powers Hall, 1471 Highland Avenue

on TUESDAY, THE TWELFTH DAY OF APRIL 2022

from seven o'clock in the forenoon until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for Three Years;
One Member of the Select Board for Three Years;
One Town Clerk for Three Years;
One Assessor for Three Years;
Three Members of School Committee for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – Veteran) for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – Non-Veteran) for Three Years
Two Trustees of Needham Public Library for Three Years;
Two Members of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Commissioner of Trust Funds for Three Years;
Two Members of Park and Recreation Commission for Three Years;
Twenty-four Town Meeting Members from Precinct A;
Twenty-four Town Meeting Members from Precinct B;
Twenty-four Town Meeting Members from Precinct C;
Twenty-four Town Meeting Members from Precinct D;
Twenty-four Town Meeting Members from Precinct E;

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

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on MONDAY, THE SECOND DAY OF MAY 2022

at seven o'clock in the afternoon, then and there to act upon the following articles, viz:

Warrant for the Annual Town Meeting

Monday, May 2, 2022, at 7:30 p.m. at Needham Town Hall

ARTICLE 2: COMMITTEE AND OFFICER REPORTS

To hear and act on the reports of Town Officers and Committees.

HUMAN RESOURCE ARTICLES

ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2022, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$XX
Town Clerk with 6 years of service in that position	\$XX ⁽¹⁾
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

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

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

Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

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

FINANCE ARTICLES

ARTICLE 4: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Property Tax Assistance Program helps elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$21,225 in fiscal year 2021.

ARTICLE 5: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$400,000 be transferred from Overlay Surplus and that \$600,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and upgrades.

ARTICLE 6: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Affordable Housing Trust
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO2 detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

ARTICLE 7: APPROPRIATE FOR RTS SERVICE DELIVERY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding a solid waste disposal and recycling service delivery study, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Select Board adopted a goal to evaluate the service delivery model of the Recycling/Transfer Station prior to recommending significant capital investment in the facility.

ARTICLE 8: APPROPRIATE FOR PARKING STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$135,000 for the purpose of funding a parking study in Needham Square and Needham Heights, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Parking Meter Fund; or take any other action relative thereto.

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Select Board voted to seek funding for a study of the parking needs in Needham Center and Needham Heights. The purpose of the study is to help guide decision-making with respect to public parking options aligned with streetscape improvements, outdoor dining, and overall community interest in pedestrian-friendly and age-friendly amenities and infrastructure.

ARTICLE 9: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$12,000 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and that \$12,000 be transferred from Free Cash; or take any other action relative thereto.

Department	Vendor	Description of Goods/Service	Fiscal Year	\$ Amount
Building Department	Commonwealth of Massachusetts	Weights & Measures	2021	\$12,000
Total				\$12,000

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: State law requires Town Meeting action for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation. The above bill was presented for payment after the close of fiscal year 2021.

ARTICLE 10: APPROPRIATE THE FY2023 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$2,625,000 from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$32,328, and \$969,632 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as shown on pages X-X.

ARTICLE: 11: APPROPRIATE THE FY2023 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2023, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Sewer Enterprise
FY2023**

Line #	Description	FY2021		FY2022		FY2023		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$890,210	11.0	\$1,041,733	11.0	\$1,080,247	11.0	
201B	Expenses	\$409,924		\$513,076		\$770,691		
201C	Capital Outlay	\$45,000		\$51,000		\$51,000		
201D	MWRA Assessment	\$6,399,895		\$6,614,690		\$6,822,134		
201E	Debt Service	\$645,377		\$610,000		\$610,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,390,406	11.0	\$8,865,499	11.0	\$9,369,072	11.0	
FY2023 Budget Percentage Change from FY2022 Budget								5.7%

and to meet this appropriation that \$8,017,144 be raised from Sewer Enterprise Fund receipts, and that \$569,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$782,928 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

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

Article Information:

Budget Line	FY2023 Sewer Operations	FY2023 Drains Program	FY2023 Recommended Budget	FY2022 Sewer Operations	FY2022 Drains Program	Current FY2022 Sewer Budget
Salary & Wages	\$672,410	\$407,837	\$1,080,247	\$690,337	\$351,396	\$1,041,733
Expenses	\$395,600	\$375,091	\$770,691	\$338,104	\$174,972	\$513,076
Capital Outlay	\$51,000	\$0	\$51,000	\$51,000	\$0	\$51,000
MWRA Assessment	\$6,822,134	\$0	\$6,822,134	\$6,614,690	\$0	\$6,614,690
Debt Service	\$610,000	\$0	\$610,000	\$610,000	\$0	\$610,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,586,144	\$782,928	\$9,369,072	\$8,339,131	\$526,368	\$8,865,499
	FY2023 Sewer Operations \$ Change	FY2023 Drains Operations \$ Change	FY2023 Sewer Enterprise \$ Change	FY2023 Sewer Operations % Change	FY2023 Drains Operations % Change	FY2023 Sewer Enterprise % Change
Salary & Wages	-\$17,927	\$56,441	\$38,514	-2.6%	16.1%	3.7%
Expenses	\$57,496	\$200,119	\$257,615	17.0%	114.4%	50.2%
Capital Outlay	\$0	\$0	\$0	0.0%		0.0%
MWRA Assessment	\$207,444	\$0	\$207,444	3.1%		3.1%
Debt Service	\$0	\$0	\$0	0.0%		0.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	\$247,013	\$256,560	\$503,573	3.0%	48.7%	5.7%

ARTICLE 12: APPROPRIATE THE FY2023 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2023, under the provisions of M.G.L. Chapter 44, Section 53F ½:

**Water Enterprise
FY2023**

Line #	Description	FY2021		FY2022		FY2023		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,187,267	17.0	\$1,457,409	17.0	\$1,492,528	17.0	
301B	Expenses	\$986,127		\$1,294,764		\$1,361,349		
301C	Capital Outlay	\$15,000		\$40,000				
301D	MWRA Assessment	\$1,122,902		\$1,670,433		\$1,464,186		
301E	Debt Service	\$1,244,543		\$1,250,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,555,839	17.0	\$5,787,606	17.0	\$5,643,063	17.0	
FY2023 Budget Percentage Change from FY2022 Budget								-2.5%

and to meet this appropriation that \$5,643,063 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

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

Article Information:

ARTICLE 13: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

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

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary Chapter 90 allocation to be spent in fiscal year 2023 is \$912,849. Unless circumstances require otherwise, this Chapter 90 allocation will be directed to the design and construction of the next phase of the downtown infrastructure improvement project including design and construction of Quiet Zone compliant infrastructure at railroad grade crossings.

ARTICLE 14: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2023 beginning on July 1, 2022, for the revolving funds established in the Town's General By-Laws for certain departments,

boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2023 Spending Limit
Home Composting	Department of Public Works	\$3,000
Immunization Program	Health and Human Services Department	\$25,000
Memorial Park Activities	Memorial Park Trustees	\$4,100
Needham Transportation	Health and Human Services Department	\$60,000
Public Facility Use	Department of Public Works	\$250,000
School Transportation	School Committee	\$819,000
Traveling Meals	Health and Human Services Department	\$75,000
Tree Replacement	Department of Public Works	\$25,000
Water Conservation	Department of Public Works	\$10,000
Youth Services Programs	Health and Human Services Department	\$25,000
Aging Services Programs	Health and Human Services Department	\$90,000

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 15: APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated fiscal year 2023 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

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

Reserves:

B. Community Preservation Fund Annual Reserve \$1,790,008
C. Community Housing Reserve \$404,700
D. Historic Resources Reserve \$28,050
E. Open Space Reserve \$404,700

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 16: APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT

To see if the Town will vote to raise and/or transfer an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$29,067 for future appropriation to the Historic Resources Reserve and \$24,375 to the Open Space Reserve, and that to meet this appropriation that \$53,442 be transferred from the fiscal year 2022 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: During fiscal year 2022, the Town received additional State matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the Historic Resources Reserve and Open Space Reserve are funded at the legally required amount.

ARTICLE 17: APPROPRIATE FOR NHA ASSISTANT EXECUTIVE DIRECTOR

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$97,500 for the purpose of funding an Assistant Executive Director for the Needham Housing Authority, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Housing Authority is requesting \$97,500 to support the addition of an Assistant Executive Director. This funding would contribute 50% of the overall expense for two years

of salary. This position would support the day-to-day operations of the Needham Housing Authority and allow the Executive Director to dedicate more of their resources to the Modernization and Development Initiation pre-development period. 50% of the cost will be paid from NHA resources, and 50% of the cost would be CPA funded. After the pre-development period, it is expected that continued funding can be built into the costs of the initial construction period.

ARTICLE 18: APPROPRIATE FOR NHA PRE-DEVELOPMENT LINDEN CHAMBERS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,200,000 for the purpose of funding pre-development costs for the Linden Chambers housing project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Housing Authority is requesting \$1,386,000 to engage a firm to prepare preliminary design required to obtain zoning relief and complete other due diligence (e.g., geo-tech borings, traffic studies, etc.) to better position the Linden/Chambers developments to receive funds from outside sources. The requested CPA funds may also be used to create and explore options for temporary tenant relocation during the construction period.

ARTICLE 19: APPROPRIATE FOR NHA PROPERTY SURVEY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$62,500 for the purpose of funding a property survey for the Needham Housing Authority, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Housing Authority is requesting \$123,632 for funding to complete four property conditions reports for the Needham Housing Authority's federally subsidized deeply low-income housing developments as well as to complete a site survey of the Seabed's Way/Capt. Robert Cook site. The four reports are a prerequisite for applying to the U.S. Department of Housing and Urban Development for the approval of the repositioning of NHA's federal housing developments, which would substantially increase the properties' operating incomes and allow for a future renovation and modernization of the four buildings at Seabeds Way and six buildings at Capt. Robert Cook Drive, redevelopment of the 60 High Rock Estates bungalows into 60 duplexes and Land Survey.

ARTICLE 20: APPROPRIATE FOR NHA PURCHASE OF PROPERTY ON EAST MILITIA HEIGHTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,500,000 for the purpose of funding the acquisition of property on East Militia Heights Drive, to be spent under the direction of the

Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Housing Authority is requesting \$1,826,000 to fund the purchase of 12 three-bedroom bungalows situated on 3.5 acres of land owned by the U.S. Army through a bidding process. If successful, NHA will utilize federal or local subsidies so units could provide affordable housing for families. One or more of the units may be used as a group home for the Charles River Center.

ARTICLE 21: APPROPRIATE FOR COMMUNITY FARM GROWING BEDS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$200,000 for the purpose of funding the construction of growing beds at the Needham Community Farm, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Community Farm is requesting \$200,000 to construct 150, 4 by 12-foot garden beds for growing vegetables and flowers using organic practices. Seasonal rental would be offered, with priority to Needham residents, and to others dependent on demand. The project would occupy 3/4 of an acre and would be fenced. Site access would be improved to allow disabled access to the beds, with 15 beds elevated for wheelchair-bound usage. Site would be regraded for improved drainage, with a shed constructed for tool storage, and access to water supply installed. Construction would begin in July 2022 for initial use in the 2023 growing season.

ARTICLE 22: APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for design and engineering costs associated with the reconstruction of the High School Tennis Courts, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The requested funding would support \$50,000 in design funds to repair or replace the existing tennis courts at Needham High School. This project will evaluate the current condition of the tennis courts, and provide design options for both a resurfacing project and a full renovation. Once feedback has been received by the community, these funds will also be used to complete all design documents for the project.

ARTICLE 23: APPROPRIATE FOR BOAT LAUNCH

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$285,000 for construction of a boat launch on South Street, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding will support the construction of a boat launch to improve access to the Charles River. The project will clear and formalize the pathway leading to the river and allow for small, non-motorized boats such as kayaks and canoes to be launched easily and safely.

ARTICLE 24: APPROPRIATE FOR EMERY GROVER RENOVATION

To see if the Town will vote to appropriate \$19,400,000 for the renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation (i) that \$4,500,000 be transferred from Free Cash, (ii) that \$1,000,000 be transferred from Overlay Surplus, (iii) that X be transferred from CPA Free Cash, (iv) that X be transferred from the fiscal year 2022 CPA General Reserve, and (v) that the Treasurer, with the approval of the Select Board, is authorized to borrow \$13,900,000 under M.G.L., Chapter 44, Section 7, M.G.L. Chapter 44B, or any other enabling authority; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee & Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This project includes the historic renovation of the Emery Grover exterior, as well as renovation and modernization of the interior, and has been reduced in scope to fit within the existing structure of the building. The revised concept reduces overall square footage from 34,717 to 21,108 to reflect more efficient use of shared space, construction of common work areas, and relocation of the educational technology/head end room function to other school buildings. This project also includes the temporary use of the old Hillside Elementary School as swing space for school administration personnel during construction. This historic renovation project will be eligible for Community Preservation Act (CPA) funds as a local, state, and national historic resource. The October 25, 2021, Special Town Meeting appropriated \$1,475,000 in design funding. Because of the time frame for the project, Town Meeting approval of an emergency preamble will be requested.

CAPITAL ARTICLES

ARTICLE 25: APPROPRIATE FOR HILLSIDE SCHOOL HEATING REPAIRS AND UPGRADES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$275,000 for the purpose of upgrading the heating system at the Hillside School, to be spent under the direction of the Town Manager and Permanent Public Building Committee, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY:
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding request will allow for the purchase and installation costs to partially upgrade the heating system at the Hillside School so that it can be more easily maintained, efficient, and reliable. The Hillside School currently employs two cast iron boilers to heat the building. The boilers were installed during a renovation in 1998 and have surpassed their 20-year life cycle. Due to the age of the boilers, many parts necessary for continued maintenance are no longer manufactured, causing repair to become increasingly difficult. While Hillside is no longer being used as a school, it is still in use as swing space, most recently by the Police Department. The current heating system has failed and was not operation for period during the past two heating seasons. The continued heating plant operation of the building is necessary to prevent the building from freezing and causing major damage. The construction portion of the project will be coordinated with the renovation to allow for continued use as swing space by the School Department.

ARTICLE 26: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,191,314 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Bigbelly Trash Receptacles	\$135,000	
Community Services	Center at the Heights Generator Installation	\$27,000	
Community Services	Center at the Heights Space Utilization Study	\$75,000	
Community Services	Library Technology	\$26,280	
General Government	Geographic Information System	\$120,000	
General Government	Town Offices Replacement Furniture	\$25,000	
Public Safety	Personal Protective Equipment	\$53,174	
Public Safety	Public Safety Mobile Devices	\$50,000	
Public Schools	Roof Top Unit Replacement (Broadmeadow & Eliot Schools)	\$817,750	
Public Schools	School Copier Replacement	\$53,275	
Public Schools	School Furniture & Musical Equipment	\$25,000	
Public Schools	School Technology Replacement	\$437,000	
Public Works	Public Works Mobile Devices	\$50,000	
Public Works	Recycling and Transfer Station Property Improvements	\$47,500	
Public Works	Traffic Improvements	\$50,000	
Multiple	Fleet Program	\$1,124,335	
		\$3,116,314	

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Bigbelly Trash Receptacles

This funding request will support the acquisition of eight additional Bigbelly trash receptacles for use at remote locations that are currently served by traditional barrels. Locations under consideration include Walker Gordon Field, the Dog Park, Riverside Park, Mills Field (two units), Cricket Field, Perry Park, and the Reservoir Trail. The Town purchased 12 Bigbelly trash and five trash/recycling receptacles in 2019 and deployed them to DeFazio Park, Memorial Park and Greene's Field as part of a four-month (July-November) pilot program. The objectives of the pilot were to determine if the Bigbellies could address

issues commonly associated with municipal waste management. Benefits seen during the pilot program include a reduction of wind-blown litter and the staff time required to collect it, elimination of odors and easy access by vermin, an increase in the efficiency of trash and recycling collections, and an improvement of the physical appearance and standardization of trash infrastructure in public spaces. To continue to combat the ongoing trash concerns in the Town, a second deployment of Bigbelly trash receptacles to less centrally located parks is proposed. Installing the units at spread out locations would maximize the utility of the Bigbelly networked real time reporting system, allowing staff to easily determine which units are full via app. Routing staff and equipment to service only full receptacles generates operational efficiencies and cost savings by reducing unnecessary vehicles miles, fuel consumption, operator time, and equipment wear. New Bigbellies will aesthetically and functionally match those already deployed and those planned for the Town Common renovation, presenting as a cohesive and recognizable trash collection network across Needham.

Center At The Heights Generator Installation

This funding would provide a design of a new permanent generator installation at the Center at the Heights (CATH). The CATH has been designated as an appropriate location for a shelter and warming space (including a restaurant-grade kitchen) to support residents in need during an emergency. The CATH was not designed or built with an emergency generator. A portable generator has been in place at the building, which is insufficient as it does not support the full electrical load of the building and must be manually activated. The design will accommodate a more powerful generator with the capacity to supply the entire building with emergency power and will include evaluation of a more appropriate location for the placement of the generator. It will also include the addition of an automatic transfer switch, eliminating the need for staff to manually operate the generator in case of the loss of power.

Center At The Heights Space Utilization Study

This funding request will support a space utilization study at the CATH. Since opening, the CATH has increased its programming and extended its hours of operation. This increased usage has resulted in some concerns about the building spaces and their current function. Funding would support a space utilization study and an assessment of building needs at the CATH. This study will focus on program, office, and clinical spaces within the building to ensure optimal utilization and program flexibility for participants. The study would also look at the current configuration of the outdoor deck and the fitness room and how each room is being used, enhancing and expanding the application of the restaurant-grade kitchen, and a thorough review of parking and building accessibility.

Library Technology

This funding request will support the two remaining years of a five-year Library Technology Plan. Unless circumstances require otherwise, fiscal year 2023 funding is proposed for the replacement of two Program Specialist computers, 16 barcode scanners, 24 receipt printers, and four staff computers.

GIS Technology Systems And Applications

The funding request will support the update of Geographic Information System (GIS) technology systems and applications imagery. It will also support the update of planimetric data recorded via overflight to update aerial imagery. Planimetric data is the digital representation of above-ground physical structures and features. The updated data will be incorporated into the public site and departmental GIS sites used for planning and designing projects.

Town Offices Replacement Furniture

This funding request will fund furniture replacement in Town Hall and the Public Services Administration Building (PSAB). Town Hall was equipped with new furniture when it reopened in October 2011. In fiscal year 2023, the furniture will be 11 years old and certain items need to be replaced due to wear and tear. PSAB opened with new furniture in February 2010. In fiscal year 2023, the furniture will be 13 years old.

Worn and broken furniture likewise requires replacement. A furniture inventory, including current condition, has been completed annually for Town Hall and PSAB. Depending upon the condition of the furniture in outlying years, this request may be repeated either annually or biennially.

Personal Protective Equipment

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

Public Safety Mobile Devices

This funding request will fund replacement of laptops and tablets as well as installation services and accessories that are used for laptops and tablets in Needham Police and Fire Department Vehicles. The hardware is used to access multiple applications during the daily operations of individuals working in Police and Fire vehicle. The hardware communicates with the Public Safety CAD software as well as State and Federal databases. The devices themselves are hardened with specifications for use in more intensive environments. In the future, replacement of this equipment will be incorporated into the departmental operating budget or included in the purchase of vehicles, because the useful life of the equipment is now fewer than five years.

Rooftop Unit Replacement Broadmeadow and Eliot Schools

This funding request will support the design phase of a project to replace the current roof top units (RTUs) at Broadmeadow and Eliot Schools. Their current units (five units and four units, at Broadmeadow and Eliot respectively) are past the end of their useful life and are becoming increasingly inefficient, ineffective at dehumidifying, and costly to maintain. They do not feature industry standard energy recovery mechanisms that reduce energy costs. Additionally, some of the existing RTUs at these locations have compressors that run on an obsolete refrigerant called "R22," which is no longer produced in the U.S. and cannot be imported due to its environmental impact, resulting in costly supply challenges. The RTUs also have furnaces that are starting to fail and need to be replaced. These furnaces are the primary heat source for the building and keep the RTUs from freezing. The HVAC systems' connection to the existing boilers compromises efficiency, particularly during the summer. The boilers help reheat overcooled dehumidified air coming in from the RTUs, but the current boilers are not designed for this purpose due to their larger size. In the summer, the systems use larger amounts of energy to sustain the reheating than would be required by smaller, dedicated boilers. This funding would support an engineering assessment of the current RTU condition at both the Broadmeadow and Eliot schools and determine replacement options. The consultant would also design the installation of smaller boilers at both schools that are more appropriate for the reheating required by the HVAC systems in the summer and shoulder months. Funding for the construction phase will be proposed for fiscal year 2024.

School Copier Replacement

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

School Furniture

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

School Technology

The School Department technology replacement program includes desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The fiscal year 2023 Capital Improvement Plan (CIP) for school technology request is for \$437,000, including \$324,000 for hardware and \$113,000 for infrastructure replacement.

Public Works Mobile Devices

This funding request will support the refresh of public works mobile devices, bringing them up to the latest hardware and software specifications needed for the work. This hardware is used to access multiple applications during the daily operations of either an individual or vehicle within the Public Works Department. The current hardware is a mix of hardened laptops and tablets. Over the past several years multiple Public Works Divisions have migrated to mobile operations requiring field access to cloud-based data or applications.

Recycling And Transfer Station Facility Improvements

This funding request will support a design for the tipping pit that will need to be demolished and redesigned from the existing cantilever and curb at the front side and replaced with reinforced concrete and/or structural steel. The construction funds will be requested in fiscal year 2024. RTS Facility Improvement projects increase processing efficiency, comply with regulatory requirements, ensure safety, and enhance the facility's overall functionality. (Submitted by Department of Public Works/Recycling and Solid Waste)

General Fund Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
700	Ford Econoline Van E250	DPW Building Maintenance	2012	Utility Van	\$71,547

GENERAL FUND FLEET REPLACEMENT – SPECIALIZED EQUIPMENT

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
5	International 7400 Series	DPW RTS	2011	Heavy Duty Truck Class 8 Large Dump	\$291,255
59	Steco	DPW RTS	2015	Specialized Trailer	\$100,112
67	Addition to Fleet	DPW Parks	N/A	Work Truck Class 4	\$83,638
713	Ford F450	DPW Building Maintenance	2012	Work Truck Class 4	\$86,168
Bus 02	Blue Bird 303	School	2017	School Bus	\$108,100
C06	Ford F350	Fire	2015	Brush Truck	\$84,845
108	Trackless Tractor	DPW Highway	2011	Sidewalk Plow	\$298,670

ARTICLE 27: APPROPRIATE FOR POLLARD SCHOOL LOCKER ROOM RETROFIT

To see if the Town will vote to raise and/or transfer and appropriate the sum of 1,068,500 for Pollard School Locker Room retrofit, to be spent under the direction of the Town Manager and Permanent Public Building Committee, and to meet this appropriation that \$305,485 be transferred from Premium Surplus reserved and that \$763,015 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding request will fund the construction phase of the retrofitting of the Pollard School locker room. Funding for the design phase of this project was approved in fiscal year 2021. The current locker room layout at the Pollard Middle School is no longer conducive to the needs of the Athletic Department. The school offers diverse sports programs, which require storage for unique and large pieces of equipment (e.g., field hockey sticks, lacrosse sticks, bags, etc.) for which existing lockers are unable to accommodate. Additionally, the orientation of the locker room creates blind spots that pose a safety concern, the flooring is starting to crack in places due to age, and the bathrooms and showers are outdated. The project includes removing and replacing the floors, ceilings, lockers, and lighting fixtures, which will be updated to LEDs. The lockers will vary in size to accommodate the variety of sports and equipment needs in the building. Both restrooms located inside the locker rooms, as well as the two restrooms directly adjacent to the locker rooms will be renovated. Additionally, a gender-neutral restroom/changing room will be added. In each locker room, three individual changing stalls will be added for increased privacy.

ARTICLE 28: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,951,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts.

STREET RESURFACING The Town aims to resurface 17 lane miles per year. The cost per lane mile for resurfacing in fiscal year 2022 is \$94,500 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$90,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$7.40 per square yard. Target funding for street resurfacing in fiscal year 2023 is \$1,240,000.

SIDEWALK PROGRAM Fiscal year 2023 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$418,750 per mile (\$79.00/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$380,200 per mile (\$72.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage

improvements, or major public or private property adjustments. Target funding for the sidewalk program in fiscal year 2023 is \$798,500.

ROADWAY RECONSTRUCTION/REHABILITATION Marked Tree Road has been excavated by multiple utilities. The roadway is an inconsistent width and has deteriorated. This funding request is for the design phase of this project including the installation of granite curbing, accessible ramps, and sidewalk. It will also include drainage improvements. A focus of the improvements will be on pedestrian access and safety. The construction funding will be requested in fiscal year 2025. Target funding for roadway rehabilitation in fiscal year 2023 is \$250,000.

INTERSECTION IMPROVEMENTS There have been struggles with bringing appropriate traffic flow through the intersection of Great Plain Avenue and Central Avenue since it was constructed in the 1990s due to property size limitations. There is a historic property on one corner that limits the design. The existing intersection design does not provide the ideal traffic patterns for multiple modes of transportation. This project will include geometric improvements and replacement/improvement of the traffic signal system. Installing a new traffic signal system that will include modern technology will better control the flow of traffic through the intersection, reducing back-ups of traffic. The layout of the intersection will be improved to increase traffic flow. This intersection redesign will comply with complete streets principles. Target funding for intersection improvements in fiscal year 2023 is \$246,500.

STORM DRAIN CAPACITY IMPROVEMENTS The Stormwater Master Plan has identified several areas throughout Needham where improvements are required to resolve existing problems with flooding and illicit discharge. Since the issuance of the original Master Plan, numerous multi-unit developments have been built in the Town. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstance require otherwise, fiscal year 2023 funding is targeted for Concord Street and Burnside Road. This project includes construction of a new drain that will be connected to the recently extended Greendale Avenue drain project to provide additional stormwater capacity. Target funding for storm drain capacity improvements for fiscal year 2023 is \$1,217,000.

GUARDRAIL Many of the Town's guardrails are noncompliant and the department is preparing a plan to upgrade existing guardrails to make them both compliant and aesthetically pleasing. In fiscal year 2023, the Town will address the guardrail on Central Avenue between the Dover town line and Fisher Street. There is existing guardrail that has failed, and decorative guardrail that is unsafe. The decorative guardrail will be replaced as part of the Central Avenue/Centre Street bridge project. Other existing guardrail will be replaced with new, code compliant guardrail and areas without a guardrail will have a guardrail installed. In addition, the guardrail on Farley Pond Lane needs to be replaced. The existing guardrail has failed, and safety protocols necessitate a guardrail due to the proximity of Farley Pond to Farley Pond Lane. The existing guard rail will be replaced with a new, code compliant guardrail, and areas without a guardrail will have guardrail installed. Target funding for guardrail improvements for fiscal year 2023 is \$199,000.

ARTICLE 29: LIBRARY SPACE UTILIZATION STUDY

To see if the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$60,000 for a Library Space Utilization Study, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding request will enable the Library to engage a professional space planner to determine if the Library's interior space can be better arranged to accommodate high volumes of students and tutors who use the study rooms and study areas. In the afternoons during the school year, the Library is often used by students, tutors, and other people using the three study rooms, the row of carrels, and many four-seat tables. The Library is exploring the use of an automatic materials handler to check in and sort returned materials. The study will consider location options for said equipment.

ARTICLE 30: DPW COMPLEX FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$60,000 for a feasibility study of the reconstruction of the Department of Public Works Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This funding request will fund a feasibility study to determine the most efficient use of DPW facilities, a design phase to incorporate the study's recommendations into a plan, and a construction phase to implement said plan. This study will lead to a master plan to implement the needed upgrades and will generate additional capital improvement requests. The Department of Public Works utilizes multiple facilities including the DPW Garage, Daley Building, Jack Cogswell Building, Water and Sewer facilities, Recycling & Transfer Station, workshop at Claxton Field, and Public Services Administration Building. The Jack Cogswell Building was recently constructed as a storage facility for vehicles and equipment when not in seasonal use. The DPW Garage houses the Fleet Division, Snow & Ice program operations, a six-bay garage, and workstations for Highway and Parks & Forestry staff. Additionally, the Daley Building houses trades staff for the Building Maintenance Division and functions as a workshop and storage facility. Both the DPW Garage and Daley Building are past the end of their useful life and in need of upgrades in order to better accommodate DPW staff and support their daily operations.

ARTICLE 31: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$901,255 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$291,255	
Sewer	Sewer Main Project (Greendale/Rte 128)	\$610,000	
		\$901,255	

INSERTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Sewer Main Replacement/Greendale Avenue/Route 128

This funding request will address the Greendale Avenue/Route 128 sewer interceptor from Cheney Street to Great Plain Avenue. The existing sewer line is deteriorating and in need of rehabilitation/replacement in order to remain functional. The plan is to replace or reline 12,000 feet (2.25 miles) of 18-inch reinforced concrete gravity sewer main running through Town property along Greendale Avenue near Cheney Street towards Route 128, along the Route 128 right of way to Great Plain Avenue. The interceptor collects and conveys wastewater from numerous sewer lines. During the feasibility study, the Town discovered a blockage of the sewer main and two buried manholes that prevented the consultant from providing a complete inspection of the sewer main. The blockage has since been cleared. The fiscal year 2023 request is to fund the design phase of this project, which will include relining and/or removing and replacing parts of the sewer main underneath Route 128 at Great Plain Avenue. Funding for the construction phase will be requested for fiscal year 2025.

Sewer Fleet Replacement - Specialized Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
119	International 7400 Series	Sewer	2010	Heavy Duty Truck Class 8 Large Dump	\$291,255

ARTICLE 32: RESCIND DEBT AUTHORIZATIONS

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

Project	Town Meeting	Article	Authorized	Rescind
Rosemary Recreation Complex	2017 ATM	33	\$8,000,000	\$36,000
Memorial Park Building	2018 ATM	30	\$2,918,000	\$34,000
Total				\$70,000

or take any other action relative thereto.

INSERTED BY: Select Board
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.

TOWN RESERVE ARTICLES

ARTICLE 33: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains.

ARTICLE 34: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park. The balance in the fund as of March 15, 2022, was \$X.

ARTICLE 35: APPROPRIATE TO WORKERS COMPENSATION FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$130,000 to the Workers Compensation Fund, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The balance in the Account as of March 15, 2022 was \$X.*

ARTICLE 36: APPROPRIATE TO PUBLIC SAFETY INJURY ON DUTY FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$300,000 to the Public Safety Injury on Duty Fund, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *The 2016 Municipal Modernization Act added a paragraph to M.G.L. c. 41 Section 111F to allow cities and towns to establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred for public safety personnel. The monies in the special fund may be expended, with the approval of the chief executive officer and without further appropriation, for such expenses. Any balance in the fund shall carry over from year to year, unless specific amounts are released to the general fund by the chief executive officer upon a finding that the amounts released are not immediately necessary for the purpose of the fund, and not required for expenses in the foreseeable future.*

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE 37: AMEND GENERAL BY-LAW SNOW & ICE ON SIDEWALKS

To see if the Town will vote to amend the General By-laws by deleting Section 3.1.8 (Snow and Ice on Sidewalks) in its entirety, and inserting in its place the following:

3.1.8 Snow and Ice on Sidewalks.

3.1.8.1 Any person who places any snow or ice on a sidewalk or a street, shall forfeit not more than fifty dollars (\$50.00) for each offense.

3.1.8.2 Any owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, that allows snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset, shall forfeit not more than fifty dollars (\$50.00) for each offense. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove,

it may remain until it can more easily be removed; provided that while the snow and ice remain, entity in charge shall keep the sidewalk in safe condition by sanding or otherwise; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Section 3.1.8 of the General By-Laws currently requires property owners to clear snow and ice from any property used as a “store, office, or any other public place.” The practical intent of this section is to broadly require that any owner of commercial property, or property that is open to the public, remove snow and ice on a timely basis after a storm. Notwithstanding this intent, the existing terminology noted above may leave open some question as to what property is covered, and what property is not. Accordingly, this proposed by-law amendment would revise Section 3.1.8 to expressly cover any property that is used for a commercial purpose, and also to add broader itemized list of other uses open to the public (including hospitals, medical centers, places of worship, and multifamily housing developments) that will be expected to timely clear snow and ice from their property.

ARTICLE 38: AMEND GENERAL BY-LAWS – HOUSEHOLD REFUSE

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

1. Inserting in Section 3.1 (General) of Article 3 (Police Powers, Authority and Regulations) a new Section 3.1.12, to read as follows:

3.1.12 Household Refuse. No person shall deposit any household refuse or garbage in any receptacle maintained by the Town of Needham on public property.

2. Renumbering the existing sections within Section 3.1 in appropriate numerical order to account for the insertion of new Section 3.1.12.

3. Inserting in Section 8.2.2.4 (Police Regulations) a new section L., to read as follows:

L. Household Refuse (Section 3.1.12)

Enforcement Agent: Director of Public Works or Designee

Fine Schedule:

Warning - First Offense

\$100 Second Offense

\$200 Third Offense

\$300 Fourth and Subsequent offenses

4. Re-lettering the existing Sections within Section 8.2.2.4 in appropriate alphabetical order to account for the insertion of new section L; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The trash receptacles that the Town maintains on public property, such as the Town Common, parks, athletic fields, etc., are primarily intended to be used by those visiting these places, and for disposal of incidental waste that may be generated while people are out and about. Nonetheless, the

Police Department and the Department of Public Works have recently observed people disposing of bagged household garbage in the Town's public trash receptacles. A typical example would involve someone briefly stopping their car near a public receptacle, getting out, depositing a garbage bag, and driving away. This practice is inconsistent with the intended purpose of the Town's public trash receptacles and can quickly render them overly full and temporarily unusable by others. The proposed amendments to the General By-Laws would make it unlawful to dispose of household refuse in a public receptacle and would allow the DPW Director or their designee to issue non-criminal tickets (after issuing a warning for a first offense) in the event that a violation is observed.

ARTICLE 39: HOLD STREET ACCEPTANCE – HUTTER RIDGE ROAD

To see if the Town will vote to accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Select Board in accordance with plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans: Hutter Ridge Road; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Hutter Ridge Road was constructed by a developer in conformance with the Town's design standards. This article, if accepted, will make Hutter Ridge Road a public way.

ARTICLE 40: AMEND GENERAL BY-LAWS – NEEDHAM HOUSING AUTHORITY TERM CYCLE

To see if the Town will vote to amend the General Bylaws by deleting from Section 1.9 (Election of Officers) subsection 1.9.1(m) in its entirety and inserting in its place the following:

- (m) Three members of the Needham Housing Authority for five-year terms, so arranged that the term of not more than one member shall expire each year.

Or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Housing Authority is a five-member board, of which one member is appointed by the Governor. Until 2021, the other four members were elected by the voters. Changes to State law now require that at least one Commissioner on the Housing Authority Board be a tenant-commissioner and provides that one member be appointed by the Select Board. This proposed amendment will bring the General By-laws into compliance with State law.

ARTICLE 41: AMEND CHARTER - NEEDHAM HOUSING AUTHORITY TERM CYCLE AND TENANT MEMBER APPOINTMENT

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation

be adopted precisely as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

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

SECTION 1. Chapter 403 of the acts of 1971 is hereby amended by deleting from Section 19, as most recently amended by section 1 of Chapter 341 of the acts of 2018, subsection (viii) and inserting in place thereof the following:

(viii) Three (3) members of the Needham Housing Authority for 5-year terms;

SECTION 2. Chapter 403 of the acts of 1971 is hereby amended by striking out Section 20(b), as most recently amended by section 1 of chapter 341 of the acts of 2018, and inserting in place thereof the following:

(b) The select board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, except the town clerk, members of the historic commission, conservation commission, commission on disabilities, the tenant member of the housing authority and, except as provided in section 19, all other boards, committees and commissions for whom no other method of selection is provided in this charter or by-law.

SECTION 3. This act shall take effect upon passage.

Or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Housing Authority is a five-member board, of which one member is appointed by the Governor. Until 2021, the other four members were elected by the voters. Changes to State law now require that at least one Commissioner on the Housing Authority Board be a tenant-commissioner and provides that one member be appointed by the Select Board. This proposed amendment will bring the Town Charter into compliance with State law. Approval of the Legislature and the Governor are required for changes to the Town Charter.

ARTICLE 42: INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE

To see if the Town will vote to increase the maximum base upon which the retiree cost of living (COLA) is calculated from \$14,000 per year to \$16,000 per year in accordance with Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010; or take any other action relative thereto.

INSERTED BY: Retirement Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to increase the base amount upon which the retiree Cost-of-Living Adjustment is paid. MGL, Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010 allows a Contributory Retirement Board, with the approval of Town Meeting, to increase the base amount upon which the Cost-of-Living adjustment paid to retirees is calculated. An increase of the base from \$12,000 to \$14,000 was approved at the 2015 Annual Town Meeting. This action increased the maximum COLA a retiree can receive from \$360 per year to \$420 per year even if his/her pension exceeds \$14,000. Approval of this article will increase the base amount from \$14,000 to \$16,000. The decision to grant a COLA and at what amount is made annually by vote of the Needham Contributory Retirement Board.

ARTICLE 43: CITIZENS' PETITION - AMEND GENERAL BY-LAWS

To see if the Town will vote to amend the General By-Laws by inserting in Article 3 (Police Powers, Authority and Regulations) a new Section 3.1.14 to read as follows:

“Delivery of Written Material. Any person delivering written material to a residence shall leave such material at least 15 feet from the public way, unless left in a designated, enclosed box suitable for such purpose or if the principal residential structure to which a delivery is being made is located less than 15 feet away from the public way, in which case such material shall be left no more than 5 feet away from the principal structure. The provisions of this by-law do not apply to deliveries by the United States Postal Service. Whoever violates the provisions of this by-law shall be subject to a fine of \$25.00 for each offense.”

And to renumber the remaining existing sections within Article 3 in appropriate numerical order to account for the insertion on the new section.

INSERTED BY: Paul Seigenthaler, et.al.
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This citizens' petition proposes a new addition to the General By-Laws that would require all written materials delivered to a residence in Town to be placed at least 15 feet away from the public way (unless such materials are left in a mailbox, or the residence itself is already closer than 15 feet to the public way). This By-Law is intended to prevent the accumulation of written materials (for example, newspapers in plastic bags) left on or near the street, which often go uncollected, become unsightly litter, and can contribute to environmental pollution.

ARTICLE 44: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Select Board, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Select Board

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

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

Given under our hands at Needham aforesaid this 8th day of February 2022.

Matthew D. Borrelli, Chair
Marianne B. Cooley, Vice Chair
Marcus A. Nelson, Clerk
Daniel P. Matthews, Member
Kevin J. Keane, Member

Select Board of Needham

A true copy,
ATTEST _____ 2022
Constable (month) (day)

TOWN MEETING
Status of Articles 3.18.2022

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
	ANNUAL TOWN MEETING							
1	ANNUAL TOWN ELECTION							
2	COMMITTEE AND OFFICER REPORTS							
3	ESTABLISH ELECTED OFFICIALS' SALARIES							
4	APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM			Adopt				
5	APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM							
6	APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM							
7	APPROPRIATE FOR RTS SERVICE DELIVERY STUDY							
8	APPROPRIATE FOR PARKING STUDY							
9	APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS			Adopt				
10	APPROPRIATE THE FY2023 OPERATING BUDGET			Adopt				
11	APPROPRIATE THE FY2023 SEWER ENTERPRISE FUND BUDGET			Adopt				
12	APPROPRIATE THE FY2023 WATER ENTERPRISE FUND BUDGET			Adopt				
13	AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS							
14	SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS			Adopt				
15	APPROPRIATE TO COMMUNITY PRESERVATION FUND							

TOWN MEETING
Status of Articles 3.18.2022

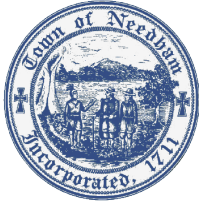
#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
16	APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT							
17	APPROPRIATE FOR NHA ASSISTANT EXECUTIVE DIRECTOR							
18	APPROPRIATE FOR NHA PRE-DEVELOPMENT LINDEN CHAMBERS							
19	APPROPRIATE FOR NHA PROPERTY SURVEY							
20	APPROPRIATE FOR NHA PURCHASE OF PROPERTY ON EAST MILITIA HEIGHTS							
21	APPROPRIATE FOR COMMUNITY FARM GROWING BEDS							
22	APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS DESIGN							
23	APPROPRIATE FOR BOAT LAUNCH							
24	APPROPRIATE FOR EMERY GROVER RENOVATION							
25	APPROPRIATE FOR HILLSIDE SCHOOL HEATING REPAIRS AND UPGRADES							
26	APPROPRIATE FOR GENERAL FUND CASH CAPITAL							
27	APPROPRIATE FOR POLLARD SCHOOL LOCKER ROOM RETROFIT							
28	APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE							
29	LIBRARY SPACE UTILIZATION STUDY							
30	DPW COMPLEX FEASIBILITY STUDY							
31	APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL							
32	RESCIND DEBT AUTHORIZATIONS							

TOWN MEETING
Status of Articles 3.18.2022

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
33	APPROPRIATE FOR COMPENSATED ABSENCES FUND							
34	APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND							
35	APPROPRIATE TO WORKERS COMPENSATION FUND			Adopt				
36	APPROPRIATE TO PUBLIC SAFETY INJURY ON DUTY FUND			Adopt				
37	AMEND GENERAL BY-LAW SNOW & ICE ON SIDEWALKS							
38	AMEND GENERAL BY-LAWS – HOUSEHOLD REFUSE							
39	HOLD STREET ACCEPTANCE – HUTTER RIDGE ROAD							
40	AMEND GENERAL BY-LAWS – NEEDHAM HOUSING AUTHORITY TERM CYCLE							
41	AMEND CHARTER - NEEDHAM HOUSING AUTHORITY TERM CYCLE AND TENANT MEMBER APPOINTMENT							
42	INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE			Adopt				
44	CITIZENS' PETITION - AMEND GENERAL BY-LAWS							
45	OMNIBUS							
	SPECIAL TOWN MEETING							
1	FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM BUILDING CUSOTODIAN AND TRADES INDEPENDENT ASSOCIATION							

TOWN MEETING
Status of Articles 3.18.2022

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
2	FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEES ASSOCIATION							
3	FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION							
4	FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION							
5	FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION							
6.	HOME RULE PETITION TO EXEMPT POLICE DEPARTMENT FROM CIVIL SERVICE							
7.	AMEND THE FY2022 OPERATING BUDGET							
8.	AMEND ZONING BY-LAW – SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBEWERY							



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

MEETING DATE: 3/22/2022

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

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



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

MEETING DATE: 3/22/2022

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members may report on the progress and / or activities of their Committee assignments.	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
none	



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

MEETING DATE: 3/22/2022

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	1.) Exception 3: Collective Bargaining (Police Union) 2.) Exception 6: Purchase, Exchange, Lease or Value of Real Property
2.	VOTE REQUIRED BY SELECT BOARD
	<u>Exception 3:</u> To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. <u>Exception 6:</u> To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to Open Session prior to adjournment
3.	BACK UP INFORMATION ATTACHED
	none



**NEEDHAM
FREE PUBLIC
LIBRARY**

March 8, 2022

The Needham Select Board
1471 Highland Avenue
Needham, MA 02492

Subject: Library Donations

Dear Select Board,

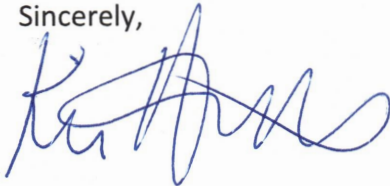
The Needham Free Public Library has received the following donations:

- Priscilla Fisch donated forty-two puzzles (approximate value \$700.00).
- Deborah Lovett donated a copy of *Walt Disney's Mickey Mouse: "Race to Death Valley"* by Floyd Gottfredson (graphic book) (\$29.99).
- Debra Olshever gave the library the following books in honor of the authors:
 - The Bullet Catch; Murder by Misadventure* by Amy Axelrod and David Axelrod (autographed by David) (\$17.95)
 - Your Friend in Fashion, Abby Shappiro* by Amy Axelrod (\$17.95)
- Barbara Kochaniak donated \$500.00 for the purchase of children's books in the Polish language.
- Sue Barber donated \$50.00 in memory of Sally Powers.
- Maratha Kraft donated a large collection of books in the German Language (approximate value \$100.00)
- The Daughters of the American Revolution donated 3 years (18 issues) of their periodical "American Spirit." (\$48)
- Heather Marsh donated \$1,000.
- William Powers and Leslie Creedy donated \$100 in remembrance of Sally Powers.
- Catherine Collishaw donated \$30 in memory of Earl Raymond Olsen
- Ellen and Michael Knizeski donated \$500 in memory of Bernie Ford.
- The Friends of the Needham Free Public Library donated \$185 in memory of Sally Powers on behalf of Sandra Jascek, Amy Kapinos, and Sally Zoppo.

- The Friends also donated \$300 to the Ann MacFate Fund for the Visually Impaired on behalf of Brooks and Moss.
- Alexander and Sandra Jaszek donated \$100 to the Ann MacFate Fund for the Visually Impaired.
- Gail Hansen donated \$50.
- William J. Powers and Leslie Creedy donated \$100 in memory of Sally Powers.
- The Friends of the Needham Free Public Library donated \$40,964.
- Carol Thomas donated \$100 to the Ann MacFate Fund for the Visually Impaired.

Pursuant to Massachusetts General Laws, Chapter 44, Section 53a, the Needham Free Public Library seeks permission from the Select Board to accept this gift and to apply the funds for the purpose expressed by the donor.

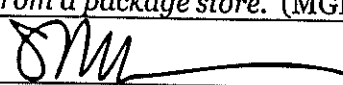
Sincerely,



Kim Hewitt, Director
Needham Free Public Library

**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)	Plugged In Band Program Sandra Rizkallah		
Event Manager Address			
Event Manager Phone Number	781- 956- 4281		
Organization Representing (if applicable)			
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	British Invasion of Needham		
Date of Event	5/21/22		
License is for Sale of:	☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)		
	Wine & Beer		
Requested Time for Liquor License	FROM:	6 pm	TO: Midnight
Are tickets being sold in advance for this event?	☒ YES	\$ 45 /per ticket	☐ NO
Is there an admission fee for this event?	☒ YES	\$ 45 /per ticket	☐ NO
	Ticket Price @ Door		
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	250 - 300		
Name & address of event location. Please attach proof of permission to use this facility.	Needham Town Hall - Power Hall		
Who will be serving the alcohol to your guests?	Licensed Bartender - Leo LeFarge		
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).	Leo LeFarge - Attached		
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.			
Purchased from bar			
☒ 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: 3/7/2022



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/04/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brown & Brown of Massachusetts, LLC 980 Washington Street Suite 325 Dedham MA 02026		CONTACT NAME: Sauyin Wong PHONE (A/C, No, Ext): (781) 455-6664 E-MAIL ADDRESS: swonglee@rodmanins.com FAX (A/C, No):	
INSURED Plugged In Teen Band Program Plugged In Teen Band Program 40 Freeman Place Needham MA 02492		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Insurance Company INSURER B: Twin City Fire Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18058 29459	

COVERAGES**CERTIFICATE NUMBER:** CL216483946**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:			PHPK2264884	05/19/2021	05/19/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 cyber liab \$ 25,000	
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	☐ OCCUR ☐ CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N N/A						PER STATUTE ☒ OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Professional Liability			PHPK2264884	05/19/2021	05/19/2022	Per Occur \$1000000 Aggregate \$2000000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Event: 5/21/22 6-11pm at James Hugh Powers Hall

CERTIFICATE HOLDER**CANCELLATION**Needham Town Hall
Powers Hall
1471 Highland Ave
Needham

MA 02494

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Myles Tucker

From: Donna <donna.vello@gmail.com>
Sent: Monday, March 14, 2022 8:41 PM
To: Myles Tucker
Cc: Sandra Rizkallah; Tony Mastromatteo; Noreen Finnegan; Cathy Freedberg; Laura Nerney
Subject: Re: One day permit for alcohol Document - Mar 7, 2022

Hello Myles,

I have reached out to Leo and he will send me his tips certificate and I will forward it to you.

For the bar:

"The bar will be set up on two or three rectangular tables in the back left-hand corner of Powers Hall. The bartenders will be TIPS certified and will be serving the alcohol to attendees."

"The alcohol will be brought in by the Plugged In volunteers and will be placed in the bar area for the bartenders to serve."

We are still working on the ticket price so I don't have that answer right now, but it will likely be \$40-\$45. We will let you know as soon as we have that answer and get the flyer to you.

Thank you.

Donna and the team

Sent from my iPhone

On Mar 14, 2022, at 6:02 AM, Myles Tucker <mtucker@needhamma.gov> wrote:

Hi Donna,

Before moving forward, I'll need you to resubmit the license application with a few pieces of info added:

1. Ticket Price and admission fee (they may be the same)
2. Copy of the bartender's TIPS certificate
3. Alcohol delivery plan (drawn on the floor plan or submitted as a standalone document – this could just be a sentence or two about how Leo will safely and securely bring the alcohol in, store it, and remove it)

Thanks,
Myles

--



eTIPS On Premise 3.0

CERTIFIED

Issued: 7/9/2020

Expires: 7/9/2023

ID#: 5356001

Leo LaFarge

Lafarge Bartending Services

Leo Lafarge

463 Fellsway W

Medford, MA 02155-1821

For service visit us online at www.gettips.com

Hand-drawn floor plan of a building section. The plan shows the following rooms and areas:

- RECEPTION 210**: Located on the far left.
- 203**: A small room at the top left.
- VESTIBULE 206**: A central area connecting to the reception and other rooms.
- DATA 205**: A room adjacent to the vestibule.
- JAN 204**: A small room (likely a janitor's closet) next to the data room.
- 202**: A room at the top center.
- STAIR 2 201**: A staircase area on the right side.

A blue handwritten note "Registration table" is written near the bottom center, with a blue rectangle and wavy lines indicating a table and its surroundings.

[illegible]

SEAL, 20
CHIPS 23(4) 92
HOLDS 14
STANDING AREA 100

Memorandum of Agreement

Between the Town of Needham

And

Town Manager

This Memorandum of Agreement, pursuant to Chapter 41, Section 108N of the Massachusetts General laws, is made and entered into this 22nd day of March, 2022 by and between the Town of Needham, a municipal corporation, hereinafter the “Town,” acting by and through its Select Board, hereinafter the “Board,” and Kate Fitzpatrick, hereinafter the “Town Manager,” as follows:

1. The parties agree to extend the term of the Employment Agreement between the Town and the Town Manager dated February 27, 2019 as amended March 9, 2021 (the “Agreement”) to May 5, 2025.
2. The parties agree to delete Section 5.1 of the Agreement and insert in place thereof the following:

- 5.1 The Town agrees to pay the Town Manager for services rendered under this Agreement a base salary, subject to applicable withholdings and deductions and payable in semi-monthly installments, as follows:

<u>Effective Date</u>	<u>Salary</u>
Effective July 1, 2022	\$220,575
Effective July 1, 2023	\$227,192
Effective July 1, 2024	\$234,008

3. This Memorandum of Agreement shall become effective on 12:00 a.m. on May 6, 2022.

Except as expressly set forth herein, all terms and conditions of the Employment Agreement between the Town and the Town Manager dated February 27, 2019 as amended March 9, 2021 remain in full force and effect.

Town Manager

Select Board

Date:

Date: