

2000 ANNUAL TOWN MEETING WARRANT

ARTICLE 59: APPROPRIATE FOR WASTEWATER PUMP STATION PUMP REPLACEMENT

To see if the Town will vote to raise and appropriate the sum of \$25,000 for two wastewater pump station pump replacements, to be spent under the direction of the Board of Selectmen and raised from Wastewater receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article 59 Explanation: The estimated useful life of pump station pumps is 12 to 15 years. The goal of this program is to minimize emergency calls due to mechanical failures by replacing pumps that have outlived their useful lives. It seeks \$25,000 a year to finance the replacement of two pumps per year. There are 23 pumps in operation in the Town's pump stations. This request is for Year 2 funding of an ongoing program to replace pumps at the various stations around town. This appropriation will be used to replace one of the pumps at the Great Plain Avenue pump station and a pump at either of the Richardson Drive or Lake Drive Pump Stations.

Town Meeting Actions

Disposition

Adopted by Unanimous Consent

ARTICLE 60: APPROPRIATE FOR RTS TRANSFER TRAILERS

To see if the Town will vote to raise and appropriate the sum of \$87,000 for the purchase of two solid waste transfer trailers, to be spent under the direction of the Board of Selectmen and raised from the Solid Waste / Recycling retained earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to Approve \$43,500 for the Purchase of One Transfer Trailer

Article 60 Explanation: The estimated useful life of a transfer trailer under the present operating conditions at the Recycling Transfer Station is six years. Three years hauling solid waste and three years of less strenuous duty hauling recyclables. One of the trailers requested is for the replacement of a 1988 Yankee Walking Floor trailer. The second trailer requested is to increase the size of the transfer trailer fleet from five to six. By increasing the size of the fleet, the Town will not have to rely on the availability of trailers from transportation vendors when mechanical breakdowns occur or during the peak flow periods of spring, fall and early winter.

Town Meeting Actions (5/15/00 7:50 pm - 7:53 pm)

Disposition

Approved as amended

Amendments

1. \$43,500 for one only.

Aye

Discussion

Mr. Gerald Wasserman. Replacing a 12-year old trailer. The rehab or rental costs of not having the second new one will be large.

Mr. Paul Milligan. Finance Committee. Supports.

ARTICLE 61: APPROPRIATE FOR RTS RETAINING WALL RECONSTRUCTION

To see if the Town will vote to raise and appropriate the sum of \$150,000 for the reconstruction of retaining wall at the RTS, to be spend under the direction of the Board of Selectmen, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$150,000 for a period of up to five years, under M.G.L., Chapter 44, Section 8; or take any other action relative thereto.

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INSERTED BY: Board of Selectmen

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

Article 61 Explanation: The north and south drop-off area retaining walls are approaching 20 years of age and are in need of reconstruction. During the initial recycling area expansion, these walls were proposed to be reconstructed as part of the new design. However, with the implementation of the Pay-Per-Throw program, it was decided not to continue with the original design. Nonetheless, reconstruction of the retaining walls has been recommended to improve safety due to the structural deterioration. It is also proposed that while the walls are being reconstructed, the opportunity be taken to expand from 5 to 8 drop-off bays to increase the efficiency of disposal and traffic flows at the RTS as well as service.

Town Meeting Actions (5/15/00 7:53 pm - 8:08 pm)

Disposition

Approved

Discussion

Mr. Wasserman. Work has been put off. Will have more places.

Mr. Milligan. Finance Committee supports.

Mr. John Commando. In light of continuing RTS expenses, asks Selectmen to discuss RTS, curbside pickup, and privatization again.

Mr. Hinds. Repair versus bay size. Answer. Rebuild costs same either way.

Mr. Robert Larsen. Discusses traffic and road configuration. Answer Matthews. Road exists. Also answers Commando: these costs were in the calculations then.

Mr. James Healy. Esthetics were more important than costs when curbside pickup was discussed; costs were nearly equal then. Renovations have been more than perhaps anticipated.

ARTICLE 62: APPROPRIATE FOR LANDFILL RE-USE ENGINEERING

To see if the Town will vote to raise and appropriate the sum of \$100,000 for an engineering study to identify options for the reuse of the landfill, to be spent under the direction of the Board of Selectmen and raised from Landfill Reserve Account; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 62 Explanation: The Board of Selectmen has appointed the Park and Recreation Commission as the study committee to assess potential opportunities for the reuse of the 43 acre landfill property and the adjacent 12 acre parcel. This request of \$100,000 is for an engineering study to identify options for access to and reuse of the landfill.

Town Meeting Actions (5/15/00 8:08 pm - 8:30 pm)

Disposition

Approved as amended

Amendments

1. Wasserman. \$40,000. Access only.

Aye

Discussion

Mr. Gerald Wasserman. Selectmen. Need better understanding of access. So we can understand use. Allow to focus final study on that which is most feasible. Funding from D&C account used at time of landfill closing.

Mr. Ron Ruth, Finance Committee. Access is central. Supports.

Mr. Gerald Browne. Does not understand the rationale. Need some idea of what we are using it for before studying access.

Mr. Robert Larsen. Access again.

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Mr. Phil Robey. Park & Rec. Need guidance. Supports.

Mr. Stewart Farcas. Also feels it is backward.

Ms. Jane Howard. Makes no sense to spend this money now,

Ms. Barbara Popper. Chicken and egg.

Mr. Steve Rosenstock. Why wasn't all the money in the D&C account used. Answer; most was used; small amount saved for future uses like this.

Mr. Jeff Heller. Start of a complex process. Supports.

Mr. James Healy. Preserve open space.

Mr. Richard Weitzen. An opportunity to plan.

Mr John Bulian. Solid Waste Committee. Access is very complex.

ARTICLE 63

APPROPRIATE FOR ROSEMARY POOL RENOVATION DESIGN

To see if the Town will vote to raise and appropriate the sum of \$100,000 for design costs related to improvements to the Rosemary Pool Complex, to be spent under the direction of the Permanent Public Building Committee, and to meet this appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow up to \$100,000 for a period of up to five years, under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article Not be Adopted

Article 63 Explanation: Based on the results of the first phase of the Rosemary Pool Study funded in May, 1997, a listing of repairs and improvements to the pool complex required to maintain a safe and efficient operation were identified. This list included improvements to the pool complex grounds and building as well as improvements to the pool's infrastructure and mechanical systems. This Article would fund the design costs for these improvements.

Town Meeting Actions (5/15/00 8:31 pm - 8:49 pm)

Disposition

Approved 141-44

Amendments

1. Robey. Move to refer.
Nay 86-96

Discussion

Mr. Phil Robey. Park and Recreation. What's going on at the pool. Revenue and attendance are down. Reads a letter from a mother. Feels pool needs update for today's uses. Moves to refer,

Ms. Jill Owens. We need to maintain this facility.

Mr. Bill Myles. Similar concerns.

ARTICLE 64:

APPROPRIATE FOR REPAIRS TO FIELDS, FENCES AND BUILDING

To see if the Town will vote to raise and appropriate the sum of \$34,000 for maintenance to fields, fences and buildings, to be spent under the direction of the Park and Recreation Commission and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article 64 Explanation: Through the work of the Buildings and Grounds Study Committee and the Open Space Master Plan Committee, safety and accessibility issues have been noted at parks under the jurisdiction of the Park and Recreation Commission and the Board of Selectmen. In FY96, \$21,000 was appropriated for backstop repairs at Cricket and Walker-Gordon; boundary fencing at Cricket, Walker-Gordon, and DeFazio; and carpentry and repainting of the Cricket Building. Remaining work to be done includes: rehabilitating

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Cricket diamond, Perry diamond, Avery diamond, Dwight diamond; repairs and painting of the building at the Camp property; and re-paving the basketball court at Perry Park.

Town Meeting Actions (5/15/00 8:49 pm - 8:54 pm)

Disposition

Approved as amended

Amendments

1. Schaller. Adds \$500.
Aye.

Discussion

Ms. Schaller. Selectmen. Repair needed.

Mr. Crawford. Finance Committee Supports.

Mr. Michael Carey. Dust from fields. Ms. Patty Carey. Aware of problem.

ARTICLE 65: APPROPRIATE FOR FIRE DEPARTMENT BRUSH TRUCK

To see if the Town will vote to raise and appropriate the sum of \$44,000 to replace the Fire Department Brush Truck/ Tank Vehicle, to be spent under the direction of the Board of Selectmen and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 65 Explanation: This vehicle is a pick-up truck used for utility purposes year round. In addition, it has a slide in brush fire unit and serves as the forestry brush fire vehicle. The current pick-up is a 1993 Ford F-350 and will be seven years old at the time of replacement. The current slide-in brush fire unit will be 14 years old at the time of replacement and is unreliable due to age, and wear and tear. It has far exceeded its service, as it has been installed on three pick-up trucks. Estimated replacement cost is \$36,000. Estimated replacement cost of the slide-in brush fire unit is \$8,000.

Town Meeting Actions

Disposition

Withdrawn by proponents (see the Special Town Meeting of May 8)

ARTICLE 66: APPROPRIATE FOR FIRE DEPARTMENT LADDER TRUCK

To see if the Town will vote to raise and appropriate the sum of \$625,000 to purchase a Fire Department ladder truck, to be spent under the direction of the Board of Selectmen, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$625,000 for a period of up to five years, under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 66 Explanation: The ladder truck is essential to the proper delivery of fire suppression and life/fire safety rescue. It has many functions including rescue, ventilation and salvage. The existing Ladder 1 will be 15 years old at the time of this scheduled replacement. Currently, it is rusting and it is very difficult to get parts for repairs, as the manufacturer went out of business several years ago. Since this ladder truck has been discontinued, it will likely have to be sold directly and not traded in. If sold directly, it would probably sell for between \$5,000 - \$10,000.

Town Meeting Actions

Disposition

Withdrawn by proponents

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ARTICLE 67: **APPROPRIATE FOR FIRE DEPARTMENT COMMAND VEHICLE**

To see if the Town will vote to raise and appropriate the sum of \$40,000 to replace the Fire Department Command Vehicle, to be spent under the direction of the Board of Selectmen and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 67 Explanation: The incident command vehicle is operated by the Deputy Fire Chief and must be reliable to facilitate his quick response to the scene of an incident as Incident Commander. The current Deputy Chief's vehicle will not be traded in but retained as a special service unit. A Ford Bronco with 60,000 miles will be traded in.

Town Meeting Actions

Disposition

Withdrawn by proponents

ARTICLE 68: **APPROPRIATE FOR POLICE DEPARTMENT RADIO EQUIPMENT**

To see if the Town will vote to raise and appropriate the sum of \$76,000 to purchase portable radios for police department personnel, to be spent under the direction of the Board of Selectmen, and to meet this appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow up to \$76,000 for a period of up to five years, under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 68 Explanation: This request is for 55 portable radios, chargers, batteries (2 per radio) and carrying cases. The Police Chief's goal is to issue a radio to each officer, thereby expanding his/her communication capabilities with the Police Station. Like a service weapon, each officer will be responsible for the use, care and maintenance of this equipment.

Town Meeting Actions

Disposition

Withdrawn by proponents (see the Special Town Meeting of May 8)

ARTICLE 69: **RESCIND BOND AUTHORIZATIONS**

To see if the Town will vote to rescind a part of certain authorizations to borrow funds, which were approved in prior years, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the amount approved:

Article 33, May 1997 ATM - Mitchell School Roof	\$20,000
Article 54, May 1997 ATM - Landfill Closure	\$1,000,000
Article 17, November 1997 Special - Transfer Station Bldg Contingency	\$23,000
Article 39, May 1998 ATM - High School Roof	\$55,000
Article 40, May 1998 ATM - DPW Roof	\$1,000
Article 14, November 1998 Special - High School Gym Roof	\$38,100

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article 69 Explanation: The above noted projects have been completed. It is necessary for Town Meeting to rescind the balances of the bond authorization so that these authorizations can be removed from the Town's financial records.

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Town Meeting Actions (5/15/00 8:54 pm - 8:56 pm)

Disposition

Approved

Discussion

Mr. Dan Matthews and Mr. Paul Milligan support.

ARTICLE 70: APPROPRIATE FOR NEW DEBT SERVICE

To see if the Town will vote to raise and appropriate the sum of \$70,162 from the tax levy for the payment of interest on debt in fiscal year 2001 for capital projects approved at the Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Finance Committee

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

Article 70 Explanation: This Article is to fund the first year of the general fund debt service for those Capital Article bond authorizations approved by Town Meeting. Debt service for the Enterprise Fund related bond authorizations is found in Articles 25 - 27. All amounts will be amended, if necessary, based on final action by Town Meeting.

Town Meeting Actions (5/15/00 9:17 pm - 9:19 pm)

Disposition

Approved as amended

Amendments

1. 25,450

Aye

Discussion

Mr. Paul Milligan. Finance Committee.

GENERAL BY-LAW ARTICLES

ARTICLE 71: AMEND GENERAL BY-LAW - TECHNOLOGY ADVISORY COMMITTEE

To see if the Town will vote to rescind Section 2.2.5.3 of the Town's General By-laws and replace it with the following:

"2.2.5.3 Technology Advisory Board

- (a) There shall be a Technology Advisory Board (hereinafter called the Board) consisting of five (5) regular members and four (4) *ex officio* members.
- (b) The regular members of the Board shall be appointed by the Board of Selectmen to staggered three-year terms. The regular members of the Board shall be residents of the Town who have knowledge and experience in telecommunications or information technology. No employee of the Town shall be a regular member of the Board. The Selectmen shall endeavor to appoint, as one of the five regular members, one resident of the Town who is serving as a member of the Cable Television Advisory Committee. In the event that a vacancy occurs during a regular member's three-year term, the Selectmen shall, within ninety (90) days, appoint a successor to fill the balance of the unexpired term.
- (c) The *ex officio* members of the board shall be appointed by the Board of Selectmen to one year terms. The *ex officio* members of the Board shall be:
 - (i) the Town's Director of Finance
 - (ii) the Town's Director of Management Information Services,
 - (iii) the School Department's Director of Financial Services, or a substitute designated by the Superintendent of

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- (iv) Schools,
the School Department's Director of Technology, or a substitute designated by the Superintendent of Schools.
- (d) The role of the Board shall be (1) to provide technical assistance to all Town departments and the School Department in the formulation of technology plans and capital requests for voice, data and video systems; (2) to advise the Board of Selectmen in its review of capital requests for voice, data and video systems, taking into consideration the goals of maximizing efficiency and cost effectiveness, minimizing unnecessary redundancy, and insuring, to the extent possible, the compatibility of each request with other existing or proposed systems; and (3) to advise the Permanent Public Building Committee on the specifications to be considered for voice, data and video systems when constructing or renovating Town Facilities.
- (e) The Board shall, annually in June, elect from among its regular members a chairman and vice-chairman, each of whom shall serve until a successor is duly elected. The chairman shall annually appoint one of the *ex officio* members to serve as secretary."

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 71 Explanation: The Town currently has a committee to advise it on computer purchases. At the May 1999 Town Meeting, it was suggested that a committee advise both the general government and school department on all technology plans. This by-law is meant to accomplish this objective.

Town Meeting Actions (5/15/00 9:19 pm - 9:27 pm)

Disposition

Approved as amended

Amendments

1. Greis. Add consulting paragraph (4) adding consulting duties related to internet technology, privacy, delivering government via internet, etc.

Aye

Discussion

Ms. Colleen Schaller. Selectmen endorse.

Mr. Michael Greis. Technological changes relating to Internet need to be addressed. Therefore he amends the article to cover these issues.

Mr. Bernie Ford. Responsibilities of board, committee, or commission. Answer. A committee.

Mr. Phil Dugan. On (B) vs (C) apparent contradiction. Answer. Employees are ex-officio.

ARTICLE 72: AMEND GENERAL BY-LAW - SECTION 1.3 - TOWN MEETING NOTIFICATION

To see if the Town will vote to delete in its entirety Section 1.3 of the Town's General By-Laws and replace it with the following:

"Section 1.3 Mailing of Notification

In addition to such required notification, the Town Clerk shall cause to be delivered or mailed to each place of residence a copy of the Warrant for each Annual town election of officers. The Town Clerk shall also cause to be delivered or mailed to each residence, at least seven days in advance, a copy of the Warrant for the Annual Town Meeting, held for the purpose of the transacting of business. The Town Clerk shall cause to be delivered or mailed to each Town Meeting Member, at least fourteen days in advance, a copy of the Warrant for each Special Town Meeting.

Said delivering or mailing shall not, however, constitute any part of the posting of said Warrant. The Town Clerk shall make available to any resident, upon request, a copy of the Warrant for each Special Town Meeting. The Town Clerk shall cause the titles and a synopsis of all Special Town Meeting Articles to be printed in a local newspaper."

Or take any other action relative thereto.

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INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article 72 Explanation: At the May 1999 Town Meeting the Board of Selectmen proposed a change to this by-law to make it consistent with State law. Inadvertently, however, we deleted the requirements that Warrants be delivered a certain number of days in advance of the Annual or Special Town Meeting. This revised by-law re-establishes this language.

Town Meeting Actions (5/15/00 9:27 pm - 9:29 pm)

Disposition

Approved

Discussion

Mr. Gerald Wasserman. Last time we did this, state-required words were left out.

ARTICLE 73

AMEND GENERAL BY-LAW - REGULATION OF NOISE DURING CONSTRUCTION AND LANDSCAPING

Proposed

“Regulation of noise during construction and landscaping in residential districts”

Brief overview:

The intent of this bylaw change is to improve the quality of life in Needham by limiting the hours during which loud heavy equipment may be operated in residential areas. The initial trigger for this proposed change has been the rise in tear-down construction projects that involve the use of heavy machinery throughout town, but other homeowner initiated activity has also been problematic. Statewide anti-noise ordinances only require finishing times before 11 PM, and contractors generally follow a traditional 7 AM starting time. Neighboring towns have policies ranging from Lexington’s “quiet Sunday”, to Wayland’s “No unreasonable noise” ordinance. No town has a comprehensive set of guidelines to address all aspects of this issue.

The proposed guidelines are an attempt to balance the schedules and work requirements of contractors with the lifestyle of the typical Needham homeowner. Since the aim of this bylaw is to restore a sense of consideration for the needs of neighbors, the proposed “punishment” is a direct apology to any aggrieved parties, rather than immediate fines or sanctions in the traditional sense.

The following article is proposed, to see if the Town will adopt the following bylaw change:

That construction and landscaping projects in residential areas of Needham (zoned as Residence A & B, General Residence, Rural Residence and Conservation) conform to the following restrictions on hours of operation of heavy equipment (to be defined below):

- 1) Weekdays: there shall be no activity at the worksite before 7AM, including the arrival of vans and trucks, and the starting up of engines and motors.
- 2) Saturdays: worksite activity shall start no earlier than 9AM.
- 3) Sundays and major holidays: excavation, construction and site clearing not permitted; landscaping may begin after 9 AM.

The Building Inspector, upon issuing a building or demolition permit, shall notify the permit holder of these restrictions.

Projects covered: The following types of projects and equipment are covered by this by-law:

- Excavation - tractors, front-end loaders, jackhammer, etc.
- Building and framing - power tools (permissible only inside fully enclosed quarters), power generators, cement mixers, etc.
- Site Clearing - equipment as listed above
- Landscaping - power mowers, leaf blowers, chainsaws, etc.

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Projects not covered: Commercial properties and projects in non-residential areas are not covered by this by-law. Snow removal is not covered.

Complaint process: Anyone aggrieved by a violation of this bylaw shall contact the Needham Police Department, to initiate the grievance process, as outlined below.

Penalties Any contractor or homeowner found to be in violation of the above code will be required to apologize in person to at least half of all direct abutters to the worksite in question. He or she (the contractor or homeowner, not the subcontractors or workmen) will be required to write a brief letter of apology to the community as a whole, to be published in both the Needham Newspapers. It is the responsibility of the complainant to determine if the penalty requirements have been complied with.

Method for settling disputes: Disagreements about the applicability of these guidelines to specific situations will be mediated by a committee consisting of one elected townwide official, one community representative with no ties to the home construction business, and one representative of the development community, each to be appointed by the Selectmen for three-year terms.

If these penalties are not abided by, as determined by the aforementioned committee, then a fine not to exceed \$100 shall be levied, and shall be directed to fund Peer Mediation and Conflict Resolution projects in the Needham Public Schools. Subsequent violations may lead to loss of building permit, to be determined by the above committee.

INSERTED BY: Citizen's Petition

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article 73 Explanation: The Town of Needham has endorsed the construction of large homes via the tear-down route. This rebuilding process can, and should, be done in a way that takes into account the impact of the heavy construction process on neighbors. It seems unfair, for example, that abutters be awakened by jackhammers at 7 AM on Saturdays in order to accommodate the work schedules of contractors. This bylaw is an attempt to balance the wishers of builders to complete their projects as quickly as possible with the rights of neighbors to minimal infringement of their peace and quiet, and it does so by the admittedly imperfect route of inconveniencing all parties to a similar and hopefully equitable degree.

Town Meeting Actions (5/15/00 9:29 pm- 10:18 pm)

Disposition

Refer

Amendments

1. Leskowitz. A mediating committee and a revised penalty paragraph. Also to remove explanatory paragraph.
2. Powers. Add "or an appropriate point decided by town counsel."
3. Leskowitz. Also amend to exclude municipal and non-profit.
4. Matthews. Refer.

Aye

Discussion

Mr. Eric Leskowitz. Proponent. Discusses noise regulation, Spirit is one of consideration. Discusses history in his neighborhood. Feedback from TAB article on his proposal. Attempts to bring people together by using apology. Other towns have various approaches but never apologies,

Mr. J. H. Powers. A question. Where does this go? Need to add that. Proposes an amendment to let Town Counsel choose where to put it in the bylaws.

Mr. Dan Matthews. Moves to refer. Selectmen support but don't support in present form. Unintended consequences.

Mr. Richard Gatto. Supports as is.

Mr. Christianson. Leskowitz effort is admirable. Feels it is ambiguous.

Ms. Penny Gordon. Quality of life. Do it now.

Mr. Steve Rosenstock. When does this bylaw have effect? Answer, check with neighbors. Rosenstock sees ambiguity.

Ms. Marcia Young. School work? Answer. Intended to be separate.

Mr. John Connolly. As written would affect these contracts.

Mr. Ronald Morrison. (A contractor). Sundays already covered by state laws. Union hours are in contracts. So this

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would be a problem. Needham's reputation is not so good. Refer.

Ms. Cynthia Contourie. Very ear-splitting. No legal recourse as cracks grew in her house.

Mr. John Commando. Broadmeadow is residential. Question on union rules. Answer: not certain of effect.

Mr. Moe Handel. Needs to be done right. Should be referred.

ARTICLE 74

PETITION GENERAL COURT - RETIREMENT LEGISLATION

To see if the Town will authorize the Board of Selectmen to petition the General Court as follows:

An Act Relative to the Reporting of Pension Contributions in the Town of Needham

SECTION 1.

Notwithstanding the provisions of any general or special law to the contrary, whenever the retirement board of the Town of Needham shall find it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, it may, subject to the approval of the actuary, use estimates thereof on any basis which in its judgement is fair and just. The board, upon discovery of any error in any record on the system, shall, as far as practicable, correct such record.

When an error exists in the records maintained by the system, or an error is made in computing a benefit, and as a result a member or beneficiary receives from the system more or less than the member or beneficiary would have been entitled to receive had the records been correct or had the error not been made, the records or error shall be corrected and as far as practicable, and future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the member or beneficiary was correctly entitled shall be paid. If it is determined that a member has contributed an incorrect amount to the retirement system, the member will be required to contribute an amount sufficient to correct such error or the board shall pay an amount to the member to correct such error, as the case may be.

At the request of a member or beneficiary who has been determined to have been paid amounts in excess of those to which he or she is entitled or at the request of a member who has been determined to owe funds to the retirement system, the board may waive repayment or recovery of such amounts provided that:

- (i) the error in any benefit payment or amount contributed to the system persisted for a period in excess of one year; and
- (ii) the error was not the result of erroneous information provided by the member or beneficiary; and
- (iii) the member or beneficiary did not have knowledge of the error or did not have reason to believe that the benefit amount or contribution rate was in error.

SECTION 2. This act shall take effect on January 1, 2000 and shall apply to any demand previously made by the Needham Retirement Board for repayment of excess payments or amounts currently owed to the Needham Retirement System.

Or take any other action relative thereto.

INSERTED BY: Needham Retirement Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article 74 Explanation: To allow the Needham Retirement Board to propose home rule legislation which will allow the Needham Retirement Board the flexibility to waive repayment of funds owed to the retirement system because of an accounting error about which the retiree had no possible knowledge. The current retirement allowance will be adjusted to reflect the correct amount.

Town Meeting Actions (5/15/00 10:18 pm - 10:22 pm)

Disposition

Approved

Discussion

Mr. Dan Matthews. Long time error should not require payback.

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ARTICLE 75: PETITION GENERAL COURT: AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO ESTABLISH A SPECIAL FUND FOR THE PAYMENT OF COSTS RELATIVE TO SCHOOL RENOVATION PROJECTS

To see if the Town will authorize the Board of Selectmen to petition the General Court as follows:

Section 1. Notwithstanding the provisions of Section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Needham Board of Selectmen may establish a special fund in the town treasury into which shall be deposited income derived from the investment of the proceeds of all notes and bonds issued for school building projects outlined in the town's facilities' master plan study dated September 27, 1999 and funded through a Proposition 2 ½ debt exclusion for the renovation, reconstruction, construction and original equipping of said town's school buildings. The town treasurer shall be the custodian of said monies and shall make an accounting of the funds to the Board of Selectmen. All amounts in said special fund shall be applied solely to the payment of capital costs for school building projects referenced herein upon authorization by the Town Treasurer.

Section 2. If, upon declaration of the town department or committee responsible for oversight of a project referenced herein that the project is completed, there remains a balance in the special fund attributable to that project, that balance shall be transferred to the general fund of the town.

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

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article 75 Explanation: The issuance of debt for the financing of capital projects outlined in the Town's facilities' master plan study dated September 27, 1999 could generate significant amounts of bond proceeds which, when invested, could result in significant investment income. Under Massachusetts General Laws, investment income resulting from the investment of bond proceeds is recorded as revenue of the Town's general fund. This petition of the Legislature, modeled on an act passed for the Town of Arlington, seeks authority to segregate investment income resulting from the investment of bond proceeds for projects reflected in the Master Plan and funded through a Proposition 2 ½ debt exclusion. Segregation of this income will insure that it is applied solely to defray the cost of these capital projects. This will reduce the property tax impact of these projects and protect against the use of this non-recurring revenue for on-going operating budget costs.

Town Meeting Actions (5/15/00 10:22 pm - 10:46 pm)

Disposition

Approved as amended

Amendments

1. Smith, wording, see below.

Aye

Discussion

Mr. John Cogswell. Authorizes keeping interest with projects.

Mr. Rosenstock. Why School only? Answer. All.

Mr. Paul Smith. Finance Committee. Important issues. Avoid using interest to spend extra or to spend on other projects. Amends to Say that.

Mr. John Cogswell. Selectmen agree with amendment.

Mr. Tobin. Legislators may change wording.

Mr. Jeff Kristeller. Would it pass? Answer. Yes. Could we do it without legislation? Answer: possible, but a poor plan

Mr. Mike Vaughn. Is this legal? Answer. yes.

Mr. Rosenstock. Amend to remove "school".

Mr. Powers. Rosenstock amendment too far beyond corners of article. Amendment ruled out of order.

Mr. Alpert. Confused about amendment. Mr. Smith clarifies.

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Mr. Healy, Points out it reduces income.

Mr. Greis. Scope. Answer, Large.

TOWN MEETING COMMITTEES

ARTICLE 76: CONTINUE COMMUNITY CENTER STUDY COMMITTEE

To see if the Town will continue the Community Center Study Committee, established by vote of the 1994 Annual Town Meeting under Article 59, to direct and authorize said Committee to study the options for providing a community facility that may meet the current and future needs for youth, recreation, cultural and senior programs, said Committee shall report back to the next Annual Town Meeting or sooner; or take any other action relative thereto.

INSERTED BY: Community Center Study Committee

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Town Meeting Actions

Disposition

Adopted by Unanimous Consent

ARTICLE 77: CONTINUE SCHOOL SAFETY STUDY COMMITTEE

To see if the Town will vote to continue the School Safety Study Committee, established by vote of the 1991 Special Town Meeting under Article 10, direct and authorize said Committee to continue the study and evaluation of safe walking routes for Needham School children, to develop and recommend minimum and uniform safety criteria regarding school walking routes, to address the issue of age appropriate walking routes and distances and to generally examine the issue of safe student access to and from their schools, said Committee to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

INSERTED BY: School Safety Study Committee

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Town Meeting Actions

Disposition

Adopted by Unanimous Consent

ARTICLE 78: CONTINUE SOLID WASTE DISPOSAL/RECYCLING ADVISORY COMMITTEE

To see if the Town will vote to continue the Solid Waste Disposal/Recycling Advisory Committee, established by vote of the 1966 Annual Town Meeting under Article 73 and amended under Article 40 of the 1993 Annual Town Meeting, direct and authorize said Committee to continue to investigate all methods of collection and disposal of solid waste, said Committee to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

INSERTED BY: Solid Waste Disposal/Recycling Advisory Committee

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Town Meeting Actions (5/15/00 10:47 pm - 10:56 pm)

Disposition

Approved

Amendments

1. Weiner. Refer.

Nay

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Discussion

Mr. John Bulian. Chairman. Wed evening trial til 7:30 coming up. Committee handled fee structure which went down due to recycling.

Mr. Ted Weiner. Feels it is a selectmen committee. Should report there.

Mr, Wasserman. Selectmen oppose amendment to refer.

ARTICLE 79: CONTINUE THE NEEDHAM GOVERNMENTAL REVIEW STUDY COMMITTEE

To see if the Town will continue the Needham Governmental Review Study Committee, established by vote of the 1997 Annual Town Meeting, under Article 71, said Committee shall report back to the next Annual Town Meeting or sooner, or take any other action relative thereto.

INSERTED BY: Needham Governmental Review Study Committee
FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Town Meeting Actions (5/15/00 10:56 pm - 11:01 pm)

Disposition

Approved

Discussion

Ms. Colleen Schaller, Selectmen endorse.

Mr. Bill Myles. a summary has been mailed. Have been busy educating themselves. Now ready to get to work. Report For next may.

ARTICLE 80: ESTABLISH A COMMITTEE TO REVIEW, INVESTIGATE AND REPORT ON THE COLLECTION OF SOLID WASTE, OPERATION OF THE RECYCLING TRANSFER STATION (RTS) AND FUNDING OF THE SAME

To ask the Moderator to appoint a Study Committee made up of one (1) Representative of the Finance Committee, one (1) Representative of the Board of Selectmen, three (3) elected Town Meeting Members and two (2) Registered Voters, not members of Town Meeting, to study the alternatives for the collection of solid waste within the Town, the operation of the RTS and various means of financing solid waste collection and operation of the RTS, remembering the recycling concerns of the Town and State. Said Committee shall report back to the Town Meeting no later than the next Annual Town Meeting or earlier with a report of their recommendations. The Study Committee shall have the support and cooperation of all Town Officials, Departments, Board, Administrative Offices and Committees.

INSERTED BY: Citizen's Petition
FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Town Meeting Actions

Disposition

Withdrawn by proponents

ARTICLE 81: OMNIBUS ARTICLE

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town Officer or Committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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Town Meeting Actions (5/15/00 11:01 pm - 11:34 pm)

Budget Amendments

1. Mr. Paul Milligan moved that the FY 2001 budget be amended as follows (this is shown in the budget page as well).

211	Finance Committee Reserve	From	780,554	to	736,056
506	Municipal Building Maintenance Salaries	From	1,950,523	to	1,995,021

This is to account for the passage of Article 13.

Disposition

Approved

Resolutions

1. A Resolution Commending Needham's Representative to the Minuteman District Board.
Mr. Dan Matthews, Selectman. This resolution is to prevent any thoughts that our vote on budget line 021 implies a lack of confidence in our representative, Mr. Jeff Stulin.
Mr. Stulin. When he began on the board, meetings were chaotic. The key complaint was that assessments were too high. On investigation it was found that only some of these complaints were justified. Current assessment would be about \$15,000 per student per year if not for the situation with School Choice. This is reasonable for a vocational education. The problem with School Choice is that the amount the sending district can pay is capped at \$5000 per student per year by the legislation. Thus the members of the district end up paying \$18,000-22,000 per student to fund students from outside. While this is crazy, the reduction in enrollment that would occur if these students were simply cut off would likely be very difficult for the school to handle. Therefore School Choice has to be phased out gradually. He has a plan that includes asking for help from the member towns.

Disposition

Approved

2. A resolution by Mr. Theodore Weiner to establish a study committee to encourage resident participation in town government and to communicate ways to encourage participation.
Mr. Weiner. There is a problem that ignoring won't cure. This is a step forward.
Mr. Matthews. The Selectmen object to this one. Any step is not better than nothing at all. The existing government review committee overlaps with this one. 11 pm is not a good time for an open ended discussion.

Disposition

Defeated

3. A resolution by Mr. Steven Rosenstock. "To vote that all future warrant committees be required to include in any article appropriating or adjusting an Enterprise Fund budget, for any period of time, the balance of the retained earnings for that Enterprise Fund, as most recently certified by the Department of Revenue.
Mr. Rosenstock. Related this back to Mr. Fachetti's comments under Article 27.
Mr. Matthews. The Selectmen have no objection.

Disposition

Approved

Dissolution

The meeting was dissolved in honor of the many civic accomplishments of Eugene S. McMorro who served 30 years as a Town Meeting Member.

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

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

Given under our hands at Needham aforesaid this day of 29 day of February, 2000

William M. Powers, Chairman
Paul Theodore Owens, Vice Chairman
Daniel P. Matthews
John H. Cogswell
Gerald A. Wasserman
Selectmen of Needham

a true copy

2000 ANNUAL TOWN MEETING WARRANT

Attest:
Constable