

**2012 Spring Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
April 26, 2012
Fourth Session**

The Fourth Session of the 2012 Spring Annual Town Meeting was called to order at 7:34 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fourth Session of 2012 Spring Annual Town Meeting. The Moderator asked that any recently elected or appointed members of Town Meeting who have not been sworn in to please stand and take the oath of office. Town Meeting stood for the Pledge of Allegiance and remained standing for a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Jonathan Freedman, Finance Committee Chair; James Everett, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Paul Joseph, Chair of the Board of Selectmen.

The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant and motions under certain conditions. He also reiterated that any person who has a monetary or equitable interest must disclose that prior to speaking on an article.

ARTICLE 23: Rescind Authorized, Unissued Debt (Town Administrator)

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects, or otherwise act thereon.

RECOMMENDATION:

By a vote of 13-0-0 on March 20, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 23.

MOTION: (majority vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to rescind the following amount of un-issued debt authorized for the following purposes:

<u>Amount Rescinded</u>	<u>Date of Vote</u>	<u>Purpose</u>
\$ 18,000	Art 9 April 15, 2008 Motion B Item 8	Voting Machines
\$ 600	Art 6 November 1, 2007 Motion B Item 6	Fire Station Renovations

The main motion under Article 23 passed unanimously.

ARTICLE 24: Street Acceptance: Karen Lane (Board of Selectmen)

To see if the Town will vote to accept Karen Lane as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Karen Lane, and any appurtenant drainage, utility or other easements related to said Karen Lane, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION:

By a vote of 12-0-0 on March 15, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 24.

MOTION: (majority vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to accept the following street and any appurtenant easements as laid out by the Board of Selectmen and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Karen Lane.

The main motion under Article 24 passed unanimously.

ARTICLE 25: Street Acceptance: Katie Path (Board of Selectmen)

To see if the Town will vote to accept Katie Path as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Katie Path, and any appurtenant drainage, utility or other easements related to said Katie Path, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article. Or otherwise act thereon.

RECOMMENDATION:

By a vote of 12-0-0 on March 15, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 25.

MOTION: (majority vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to accept the following street and any appurtenant easements as laid out by the Board of Selectmen and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Katie Path.

The main motion under Article 25 passed unanimously.

ARTICLE 26: Authorization for Selectmen to Accept/Obtain Utility Easements (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2013, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities; or otherwise act thereon.

RECOMMENDATION:

By a vote of 10-0-0 on March 6, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 26.

MOTION: (two-thirds vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen, during Fiscal Year 2013, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities; provided however that such authorization pertains only to easements acquired at no cost to the Town.

Ms. White spoke to this article.

The main motion under Article 26 passed unanimously.

ARTICLE 27: Authorization for Selectmen to Grant Access Easement (Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to grant to the owner(s) of the property at 99 East Central Street, shown on Town of Natick Assessors Map 44 as Lot 270, which property abuts the Natick Community/Senior Center property, an easement over a portion of said Natick Community/Senior Center Property located at 117 East Central Street, Natick, Ma., shown on Town of Natick Assessors Map 44 as Lot 271A. Said easement shall be for the purpose of vehicular and pedestrian access to and egress from said abutting property. Said easement is shown on a plan, a copy of which is on file with the office of the Natick Board of Selectmen, or otherwise act thereon.

RECOMMENDATION:

By a vote of 12-0-0 on March 15, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 27.

MOTION: (two-thirds vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen to grant to the owner(s) of the property at 99 East Central Street, shown on Town of Natick Assessors Map 44 as Lot 270, which property abuts the Natick Community/ Senior Center property, an easement over a portion of said Natick Community/Senior Center Property located at 117 East Central Street, Natick, MA, shown on Town of Natick Assessors Map 44 as Lot 271A. Said easement shall be for the purpose of vehicular and pedestrian access to and egress from said abutting property. Said easement is shown on a plan, a copy of which is on file with the office of the Natick Board of Selectmen.

Ms. White spoke to this article.

The main motion under Article 27 passed by two-thirds vote.

ARTICLE 28: Amend Zoning By-Laws: Special Permit Granting Authority (Planning Board)

To see if the Town will vote to amend the Zoning By-Laws to modify the designation of the Board responsible for Site Plan Review and for action as the Special Permit Granting Authority (SPGA) within the HOOP overlay zoning district, or otherwise act thereon.

RECOMMENDATION:

By a vote of 13-0-1 on March 20, 2012, the Finance Committee recommends referral to the Planning Board with regard to the subject of Article 28.

MOTION: (Majority Vote Required):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town refer the subject matter of Article 28 to the Planning Board.

The main motion to refer Article 28 to the Planning Board passed by majority vote.

ARTICLE 29: By-Law Amendment Regarding Participants in Senior Property Tax Work Program (Town Administrator)

To see if the Town will vote to amend Article 41, Section 4 of the Town of Natick By-Laws (Compensation of Town Officers and Employees) by adding at the end thereof a new sentence to read as follows: "Part-time employees whose additional compensation is through the Senior Property Tax Work Program shall be exempt from this requirement." Or otherwise act thereon.

RECOMMENDATION:

By a vote of 13-0-0 on March 8, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 29.

MOTION: (majority vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend Article 41, Section 4 of the Town of Natick By-Laws (Compensation of Town Officers and Employees) by adding at the end thereof a new sentence to read as follows: "Employees whose additional compensation is through the Senior Property Tax Work Program shall be exempt from this requirement."

Ms. White spoke to this article.

The main motion under Article 29 passed by majority vote.

ARTICLE 30: By-Law Amendment Regarding Applicability of Civil Service Laws to Position of Fire Chief (Town Administrator)

To see if the Town will vote to amend the Town of Natick By-Laws Article 10, specifically the chart entitled "Appointments Made by the Board of Selectmen" to add the following Citation next to the Fire Chief: "(C) s.3-2(c)" and to delete the following Additional Reference next to Fire Chief: "C.S. laws and rules" and insert in its place "(B) Art. 24, s.15"; or otherwise act thereon.

RECOMMENDATION:

By a vote of 10-0-0 on March 6, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 30.

MOTION: (majority vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend the Town of Natick By-Laws Article 10, specifically the chart entitled "Appointments Made by the Board of Selectmen" to add the following Citation next to the Fire Chief: "(C) s.3-2(c)" and to delete the following Additional Reference next to Fire Chief: "C.S. laws and rules" and insert in its place "(B) Art. 24, s.15".

The main motion under Article 30 passed by majority vote.

ARTICLE 31: Charter Amendment Regarding Applicability of Civil Service Laws to Position of Police Chief (Town Administrator)

To see if the Town will vote to amend Section 3-2 (c) of the Town of Natick Home Rule Charter by deleting the clause "a police chief, in accordance with the civil service laws and rules" and replacing it with the clause "a police chief, in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 14"; or otherwise act thereon.

RECOMMENDATION:

By a vote of 10-0-0 on March 6, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 31.

MOTION: (two-thirds vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend Section 3-2 (c) of the Town of Natick Home Rule Charter by deleting the clause "a police chief, in accordance with the civil service laws and rules" and replacing it with the clause "a police chief, in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 14".

Mr. Connolly moved, seconded by Mr. Gath to amend the main motion to delete the words "in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 14".

The amendment to the main motion passed unanimously. The amended main motion passed by a two-thirds vote.

ARTICLE 32: Charter Amendment Regarding Applicability of Civil Service Laws to Position of Fire Chief (Town Administrator)

To see if the Town will vote to amend Section 3-2 (c) of the Town of Natick Home Rule Charter by deleting the clause "a fire chief, in accordance with the civil service laws and rules" and replacing it with the clause "a fire chief, in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 15"; or otherwise act thereon.

RECOMMENDATION:

By a vote of 10-0-0 on March 6, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 32.

MOTION: (two-thirds vote required)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend Section 3-2 (c) of the Town of Natick Home Rule Charter by deleting the clause "a fire chief, in accordance with the civil service laws and rules" and replacing it with the clause "a fire chief, in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 15".

Mr. Connolly moved, seconded by Mr. Gath to amend the main motion to delete the words “in accordance with the provisions of the Town of Natick By-Laws Article 24, Section 15” and add the word “and” before fire chief.

The amendment to the main motion passed unanimously. The amended main motion passed by a two-thirds vote.

ARTICLE 33: Committee Article (Board of Selectmen)

To hear the reports of the several Town officers and reports of committees authorized by vote of any further Town Meeting and to authorize a sum of money for the purpose thereof, or otherwise act thereon.

RECOMMENDATION:

By a vote of 11-0-1 on March 13, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 33.

MOTION: (Majority Vote Required):

Mr. Schoenig moved, seconded by Mr. Connolly that the town be allowed to hear the report of the Cochituate Rail Trail Advisory Committee.

The main motion under Article 33 to hear the report passed by majority vote.

ARTICLE 34: Charter Amendment Prohibiting Members of the Board of Selectmen from being Town Meeting Members (Bruce A. Snow, et al)

This article requests a change to the town charter to facilitate a separation of power between the legislative and executive branches of Natick town government.

RECOMMENDATION:

By a vote of 9-4-1 on March 20, 2012, the Finance Committee recommends referral to the sponsor with regard to the subject of Article 34.

MOTION: (two-thirds vote required)

Moved by Mr. Snow, seconded by Mr. Yang that the Town vote to amend the Natick Home Rule Charter, specifically Article 2, Legislative Branch, Section 2-4(a), as follows:

- 1.) Insert a second sentence, which says: “Any member of town meeting shall be prohibited from simultaneously serving as a member of the board of selectmen.”

Article 2, Legislative Branch, Section 2-4(a) would then read as follows:

“(a) Eligibility – Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member. Any member of town meeting shall be prohibited from simultaneously serving as a member of the board of selectmen.”

Mr. Sidney moved, seconded by Mr. Goldman to indefinitely postpone the subject matter of Article 34.

Ms. Salamoff moved, seconded by Mr. Brown to refer Article 34 to a new Charter By-Law review committee of seven members to be appointed by the Town Moderator following the conclusion of the 2013 Spring Annual Town Meeting for the purpose of reviewing the role of the Board of Selectmen and the role of Town Meeting in Natick’s structure of government and to report to the Fall Annual 2014 Town Meeting.

Mr. Yang moved, seconded by Mr. Linehan to amend the referral to change the time frames such that the committee would be formed after the 2012 Spring Annual Town Meeting and make a recommendation at the 2012 Fall Annual Town Meeting. ***The amendment to the referral motion failed.***

Town Meeting voted on the referral motion first. The Moderator determined that it would be necessary to count the vote and the tellers took their places. ***The vote was counted and the referral motion failed by a vote of 52 for and 57 opposed.***

The motion to indefinitely postpone the subject matter of Article 34 passed by majority vote.

ARTICLE 35: Amend Charter: Restore Charter Provision About Number of Votes Required to Fill Town Meeting Member Vacancy (Paul E. Connolly, et al)

To see if the Town will vote to restore the original language of the Town of Natick Home Rule Charter which provided that the town clerk certify candidates for town meeting member, who were not elected, as eligible for appointment to fill subsequent vacancies only if a candidate received at least ten votes.

The proposed amendment is as follows: In Section 2-6 (c), change the first sentence that begins "Following each town election" so that it will read "Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected, provided however that no person who received fewer than ten votes shall be listed.

RECOMMENDATION:

By a vote of 11-1-0 on March 8, 2012, the Finance Committee recommends referral to the sponsor with regard to the subject of Article 35.

MOTION: (Majority Vote Required):

Mr. Connolly moved, seconded by Mr. Sidney that no action be taken in regard to the subject matter of Article 35.

The motion to take no action with regard to the subject matter of Article 35 passed unanimously.

Prior to taking up the last article the Moderator publically thanked the Town Clerk's office staff, Pegasus, Wilson staff and the Town Meeting Pages.

ARTICLE 36: Amend Bylaws: Define Process for Filling Town Meeting Member Vacancies By Action of Town Meeting or Town Meeting Member Caucus (Paul E. Connolly, et al)

To see if the Town will vote to amend the Town of Natick Bylaws to define the process for filling Town Meeting Member vacancies by action of Town Meeting or a caucus of Town Meeting members, including the quantum of vote required to accomplish such action and any other rules that may need to be specified. This process is intended to apply to the situation when any vacancies have already been filled by persons who received votes at the town election (in accordance with Section 2-6 of the Town of Natick Home Rule Charter) and there are still vacancies remaining to be filled.

RECOMMENDATION:

By a vote of 10-2-0 on March 8, 2012, the Finance Committee recommends referral to the sponsor with regard to the subject of Article 36.

MOTION: (Majority Vote Required):

Moved by Mr. Connolly, seconded by Mr. Gath, that the Town vote to refer the subject matter of Article 36 to a committee of 3 to 5 members with term to May 31, 2013 to be appointed by the moderator. The charge for the committee is to draft a recommended change to the Town of Natick Bylaws to define a process for filling Town Meeting Member vacancies by action of Town Meeting or a caucus of Town Meeting members. The process to be defined is intended to apply to the situation when any vacancies have already been filled by persons who received votes at the town election (in accordance with Section 2-6 of the Natick Home Rule Charter) and there are still vacancies remaining to be filled.

The main motion passed by majority vote, 53 for and 51 against.

Mr. Glater moved, seconded by Mr. Sidney to dissolve the 2012 Spring Annual Town Meeting. The motion passed and the meeting dissolved at 9:35 PM.

A record of the Fourth Session of
2012 Spring Annual Town Meeting
April 26, 2012

Diane Packer, Town Clerk

April 26, 2012 Spring ATM
Session 4