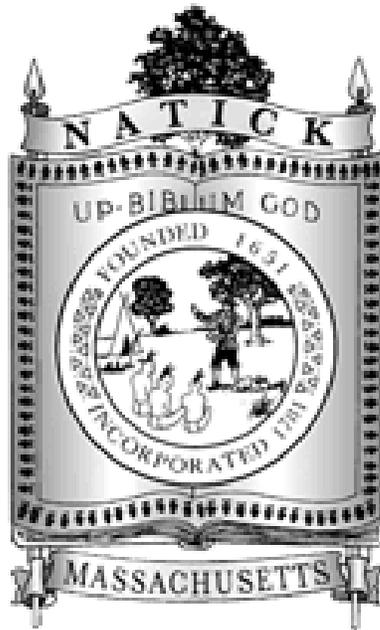


Town of Natick

2009 Fall Town Meeting



Recommendations of the Natick Finance Committee

October 20, 2009 – Wilson Middle School – Natick, MA



Town of Natick

2009 Fall Town Meeting – Town Meeting Information Book

**Please bring this book with
you to the 2009 Annual
Fall Town Meeting
Tuesday, October 20th
7:30 PM
Wilson Middle School**



Town of Natick

2009 Fall Town Meeting – Town Meeting Information Book

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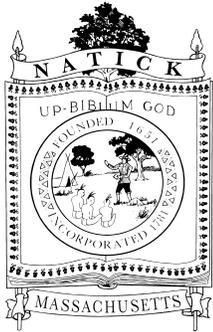
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Town of Natick

2009 Fall Town Meeting – Town Meeting Information Book

Town Administrator's Budget Message & Update



TOWN OF NATICK

Massachusetts 01760

www.natickma.gov

Martha L. White
Town Administrator

Michael Walters Young
Deputy Town Administrator

TOWN ADMINISTRATOR'S REPORT TO THE 2009 FALL ANNUAL TOWN MEETING UPDATE REGARDING FISCAL YEAR 2010 BUDGET October 20, 2009

This memorandum provides to Town Meeting members an update regarding the FY 2010 budget using the most current revenue and expense information available, a look ahead at the balance of the fiscal year, and information regarding financial actions proposed at the 2009 Fall Annual Town Meeting.

FY 2010: From Spring ATM to Fall ATM

When Town Meeting adjourned in May, a total General Fund budget of \$101,730,385 had been approved to support FY 2010 operations. Since that time, the FY 2010 State budget has been approved, FY 2009 has been closed and a judgment has been issued in a litigation matter involving the method of calculation for police officers' overtime pay (the "FLSA litigation"). These issues and others are summarized in this memo.

Changes to Revenues: Spring ATM to Fall ATM:

On a positive note, the Town finds that it has more revenue available in FY 2010 than predicted last spring. The major driver of this was the timely completion of the condominium development at the Natick Collection and issuance of occupancy permits prior to the close of FY 2009, allowing the value of those properties to be added to the tax base for FY 2010 as new levy growth. This nets an additional \$410,000 above the forecast from spring. Unfortunately, the Town also received news that the Natick District Court was closing around the end of September, resulting in a corresponding loss of nearly \$163,000 in rent for the remainder of FY 2010 and over \$217,000 in FY 2011.

The net result of these two actions, combined with final state aid figures, is that unappropriated revenues set-aside for free cash increased from approximately \$125,000 in spring to approximately \$405,000 today. This is, of course, before appropriations to be considered at the Fall 2009 Annual Town Meeting are factored into the equation.

As we move forward in FY 2010, we will be closely monitoring the State revenue outlook. Recent revenue figures were substantially below state forecasts – this trend will inevitably

result in further cuts in the state budget. Hopefully these cuts will not include reductions in local aid.

Changes to Expenses: Spring ATM to Fall ATM:

For the first time in many years, no additional funds are requested under Article 1 (the FY 2010 Omnibus Budget). In fact, the only change to be voted on by Town Meeting will be a request to reappropriate \$150,000 from unemployment insurance to the Stabilization Fund under Article 2. This is not to say, however, that there are not concerns with respect to the current year budget, all of which we are closely monitoring, including:

- 1) Charges for Special Elections for the U.S. Senate: With the passage of Senator Kennedy, the Commonwealth has set a State Primary election for December 8, 2009 and a State General election for January 19, 2010 to fill the seat. Although there will certainly be costs incurred by the Town Clerk's office – projected at \$20,000 to \$30,000 per election – we are hopeful at this time that the state will subsidize all or a portion of these costs in that the State Auditor has declared that this election is an “unfunded state mandate” for municipalities. Rather than make a preemptive appropriation, we will utilize the existing budget to fund the elections, possibly augment available funds through requests to the Reserve Fund, and make formal adjustments at the Spring 2010 Annual Town Meeting if necessary.
- 2) FLSA Judgment: Article 4 on the Town Meeting warrant seeks funds as required in the case of Robert F. Murphy, III , et. al. v. Town of Natick, et. al. (“the FLSA litigation”) for back pay and liquidated damages to the patrol officers (\$646,566), plaintiffs’ attorney fees (\$272,166.03), and back pay (including liquidated damages) for the period of time between the date of the judgment (May 19, 2009) and the date the Town started paying overtime consistent with the judgment (July 22, 2009) (\$29,557.26); note that as of this writing the interest costs associated with this judgment have not been calculated.

To fund these costs (which total \$948,289.12 plus interest) we propose to utilize \$500,000 from the overlay account (which funds have been released by the Board of Assessors) \$100,000 from tax levy and \$348,289.12 (plus the required interest payment) from the Stabilization Fund.

This funding methodology accomplishes several objectives. First, it leaves over \$100,000 available within the tax levy as a “cushion” against unforeseen circumstances, such as potential mid-year local aid cuts. It also significantly minimizes the impact to the Stabilization Fund and leaves a balance in that fund of just over \$2 million. This could be very important to bond rating agencies when the town undertakes future borrowing; we do not want to jeopardize our Aaa bond rating at a time when significant projects are being proposed such as the new high school and the community/senior center.

- 3) Overtime costs in the Police Department: The judgment in the FLSA litigation also requires future overtime for patrol officers to be calculated differently. This new method will result in additional costs, projected at \$105,000 - \$110,000 annually, which were not built into the FY 2010 Police Department budget. However, the

retirement of Chief Mannix, the shift of Lt. Mabardy to Interim Chief, and the resulting vacant Lieutenant position have left a salary differential of over \$130,000. We plan to use this differential to cover these additional overtime costs in FY 2010 so no additional appropriation is anticipated this fiscal year.

It should be cautioned that the FY 2011 Police Department budget will have to be adjusted to accommodate these additional, mandated, overtime costs. In addition, the salary of a police sergeant was not included in the FY 2010 budget due to his year-long deployment to active duty in Iraq; this salary will need to be added back in to the FY 2011 budget. Further, decisions will need to be made regarding future funding of police educational incentive (“Quinn Bill”) payments should the State continue to under-fund this program. Article 3 on the Town Meeting warrant seeks funding for this purpose for FY 2010 only.

The following summary shows actions and appropriations requested under budget-related articles at the 2009 Fall Annual Town Meeting:

Appropriations for 2009 Fall Town Meeting

Financial Articles:

Article 1	Omnibus Budget (refer to sponsor)	\$	-
Article 2	Stablization Fund Source: Transfer of \$150,000 from Article 5, Section G, Fringe Benefits from the 2009 Spring Annual Town Meeting. Part of the the \$372,348 budgeted for Unemployment Insurance.	\$	150,000
Article 3	Funding for Quinn Bill Payments Source: Tax Levy	\$	200,689
Article 4	FLSA Settlement Source: \$500,000 from Overlay Surplus, \$100,000 from Tax Levy and the balance from the Stablization Fund, (a minimum of \$348,289).	<i>minimum</i> \$	948,289
Article 5	Rescind Borrowing Authorization	\$	-
Article 6	Capital Equipment Sources: \$147,380 from Free Cash (when certified), \$250,000 from Mall Mitigation funds, and \$400,000 from Borrowing	\$	797,380
Article 7	Capital Improvement Source: \$165,000 from Borrowing	\$	165,000
Article 8	Lease and/or Repair (refer to sponsor)	\$	-
Article 9	Unpaid Bills (refer to sponsor)	\$	-
Article 11	High School Partial Architectural Services (refer to sponsor)	\$	-

Total Appropriations, 2009 Fall Annual Town Meeting

***minimum* \$2,261,358**

Note that our certification of free cash by the Department of Revenue may be delayed due to staffing reductions at that agency. We are on or ahead of schedule for submitting this

information, but we have been advised by our DOR representative that their usual turn-around time of a few days may increase to as much as 3 weeks. Absent this certification, we cannot, by law, appropriate funds from free cash. We certainly will have the certification prior to the close of Town Meeting.

During FY 2009, there were significant concerns regarding local receipts (notably motor vehicle excise tax, interest income and permit fees associated with new construction) as well as state aid and, in fact, state aid was cut mid-year by over \$900,000. In response to these concerns, several cost-containment measures were instituted to ensure, at a minimum, a positive end-of-year balance and, ideally, a healthy level of resulting free cash. End of year departmental “turn-backs” are summarized below:

FY 2009 Year-End Turnbacks

FY 2009 General Fund Operating Expenses	Revised Budget	Actual	Encumbrances	Total Spent	Balance
	A	B	C	D	E
				(B+C)	(A-D)
Municipal (incl. Libraries)	27,814,029	26,023,725	441,732	26,465,457	1,348,572
Education	44,148,423	43,741,845	324,178	44,066,023	82,400
Shared (incl. Keefe Tech)	27,190,917	26,518,966	47,226	26,566,191	624,725
Other Expenses	4,286,994	4,286,138	-	4,286,138	856
Total General Fund	103,440,363	100,570,674	813,136	101,383,810	2,056,553

The results of the Administration’s cost-containment efforts, combined with a supplemental tax payment (tied to issuance of occupancy permits) for the condominium development at the Natick Collection that effectively offset the local aid cuts, should position the Town reasonably well for our end of FY 2009 free cash.

FY 2010 Budget: Impacts of the 2009 Fall Annual Town Meeting

An updated Revenue/Expenditure Summary for the FY 2010 budget, reflecting proposed actions at the Fall Annual Town Meeting, is shown on the following page.

General Fund Revenue/Expenditure Summary

	FY 2010 Appropriated (Spring ATM)	FY 2010 Proposed (Fall ATM)	Difference \$	Reason
General Fund Revenues				
Tax Levy	\$ 75,818,308	\$ 76,228,308	\$ 410,000	Natick Mall Condos added as New Growth
State Aid	\$ 10,533,589	\$ 10,621,055	\$ 87,466	Final Cherry Sheet Aid Amount
Estimated Receipts	\$ 9,686,423	\$ 9,523,423	\$ (163,000)	Loss of Natick District Court Revenue for 9 months of year
Other Local Receipts			\$ -	
Indirects	\$ 2,506,416	\$ 2,506,416	\$ -	
Free Cash	\$ 2,000,000	\$ 2,147,380	\$ 147,380	As yet uncertified Free Cash for Art. 6
Stabilization Fund	\$ 600,000	\$ 948,289+	\$ 348,289+	Additional to settle balance of Art. 4 request
Overlay Surplus	\$ 500,000	\$ 1,000,000	\$ 500,000	\$500,000 add. to be released to settle FLSA Judgement under Art. 4
Other Available Funds	\$ 210,851	\$ 210,851	\$ -	
Revenues set-aside for Free Cash	\$ (125,202)	\$ (104,286)	\$ 20,916	Portions used to settle Art.3 & Art. 4 requests
Total General Fund Revenues	101,730,385	103,081,436	1,351,051	
General Fund Expenses				
Education & Learning				
Natick Public Schools	\$ 42,141,517	\$ 42,141,517	\$ -	
Keefe Tech	\$ 1,283,158	\$ 1,283,158	\$ -	
Morse Institute Library	\$ 1,729,807	\$ 1,729,807	\$ -	
Bacon Free Library	\$ 115,896	\$ 115,896	\$ -	
Public Safety	\$ 11,323,888	\$ 11,323,888	\$ -	
Public Works	\$ 7,322,776	\$ 7,322,776	\$ -	
Health & Human Services	\$ 1,556,215	\$ 1,556,215	\$ -	
Administrative Support Services	\$ 4,056,112	\$ 4,056,112	\$ -	
Committees	\$ 18,510	\$ 18,510	\$ -	
Shared Expenses			\$ -	
Fringe Benefits	\$ 14,395,784	\$ 14,245,784	\$ (150,000)	Reduction of \$150,000 from U/I to Stab. Fund under Art. 2
Prop & Liab. Insurance	\$ 496,150	\$ 496,150	\$ -	
Retirement	\$ 5,271,467	\$ 5,271,467	\$ -	
Debt Services	\$ 7,158,728	\$ 7,158,728	\$ -	
Reserve Fund	\$ 400,000	\$ 400,000	\$ -	
General Fund Oper. Expenses	\$ 97,270,007	\$ 97,120,007	\$ (150,000)	
Capital Equipment (Art. 6)	\$ 153,560	\$ 300,940	\$ 147,380	Request under Article 6 for Capital Equipment (from Free Cash)
School Bus Transportation	\$ 311,186	\$ 311,186	\$ -	
State & County Assessments	\$ 1,494,494	\$ 1,540,299	\$ 45,805	Final State Assessments
Cherry Sheet Offsets	\$ 48,624	\$ 57,511	\$ 8,887	Final Cherry Sheet Offsets
Tax Title	\$ 25,000	\$ 25,000	\$ -	
Snow Removal Supplement	\$ 750,000	\$ 750,000	\$ -	
Overlay	\$ 1,150,000	\$ 1,150,000	\$ -	
Golf Course Deficit	\$ 355,000	\$ 355,000	\$ -	
Collective Bargaining (STM)	\$ 162,514	\$ 162,514	\$ -	
Misc. Articles (STM)	\$ 10,000	\$ 10,000	\$ -	
Stablization Fund (Art. 2)	\$ -	\$ 150,000	\$ 150,000	\$150,000 Increase coming from Unemployment Insurance (Art.2)
Quinn Funding (Art. 3)	\$ -	\$ 200,689	\$ 200,689	Tax Levy due to reduced police appropriation in spring
FLSA Judgment (Art. 4)	\$ -	\$ 948,289.12+	\$ 948,289.12+	Known amount is \$948,289.12...interest fees undetermined at this time
Total General Fund Expenses	\$ 101,730,385	\$ 103,081,436	\$ 1,351,051	
Net Excess / (Deficit)	0	0	0	

General Fund Revenue/Expenditure Summary

	FY 2010 Appropriated (Spring ATM)	FY 2010 Proposed (Fall ATM)	Difference \$	Reason
General Fund Revenues				
Tax Levy	\$ 75,818,308	\$ 76,228,308	\$ 410,000	Natick Mall Condos added as New Growth
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Stabilization Fund	\$ 600,000	\$ 948,289+	\$ 348,289+	Additional to settle balance of Art. 4 request
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Health & Human Services	\$ 1,556,215	\$ 1,556,215	\$ -	
Administrative Support Services	\$ 4,056,112	\$ 4,056,112	\$ -	
Committees	\$ 18,510	\$ 18,510	\$ -	
Shared Expenses			\$ -	
Fringe Benefits	\$ 14,395,784	\$ 14,245,784	\$ (150,000)	Reduction of \$150,000 from U/I to Stab. Fund under Art. 2
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State & County Assessments	\$ 1,494,494	\$ 1,540,299	\$ 45,805	Final State Assessments
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Tax Title	\$ 25,000	\$ 25,000	\$ -	
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Quinn Funding (Art. 3)	\$ -	\$ 200,689	\$ 200,689	Tax Levy due to reduced police appropriation in spring
FLSA Judgment (Art. 4)	\$ -	\$ 948,289.12+	\$ 948,289.12+	Known amount is \$948,289.12...interest fees undetermined at this time
Total General Fund Expenses	\$ 101,730,385	\$ 103,081,436	\$ 1,351,051	
Net Excess / (Deficit)	0	0	0	



Finance Committee *Town of Natick* Massachusetts 01760

October 9, 2009

Greetings Town Meeting Members and Citizens of Natick,

This report contains the Natick Finance Committee recommendations regarding appropriations for Fiscal Year 2010 supplemental budgets and capital requests. In addition, this report contains our recommendations on the non-financial 2009 Fall Annual Town Meeting Warrant Articles in accordance with the Natick Home Rule Charter and Natick By-laws regarding Finance Committee responsibilities.

Each of the Finance Committee recommendations are made after conducting a duly noticed public hearing and open meetings of the Finance Committee as a whole. We took into account comments and data gathered from Warrant Article sponsors, many Town Department Heads, the Town Administration, Town Boards, and Commissions, and the public at large.

The Finance Committee made its recommendations only after affording ample time for input and discussion during our meetings held on September 3rd, 8th, 10th, 15th, 17th, 22nd, 24th, 29th, and October 1st, and 6th. The committee will hold an additional hearing on the first night of Town Meeting, October 20th, at 6:00 PM in the Wilson School Music Room.

The 2009 Fall Annual Town Meeting Warrant has sixty one (61) articles that have dug into many of the Charter & By-Law Articles for the Town of Natick. Some are simply a one word correction and others are remake of the Article in order to bring it up to modern day standards. It was a tedious process at times, but we have made every effort to complete due diligence on all of these sixty one (61) of these Articles.

We have voted Favorable Action recommendations on forty three (43) articles and we made six (6) Favorable Actions with Amendments to the sponsors Articles. We have recommended "no action" on one (1) article. We also voted Referral on eight (9) articles and we were unable to come up with a recommendation on only one (1) article. One (1) additional article has been postponed until October 20th, as noted above, to be heard by our committee before Town Meeting starts.

We would like to express our thanks and appreciation for all of the hard work and dedication contributed by all of the town officials, members of boards, committees and departments, as well as many concerned citizens for their cooperation and participation during our Warrant Article public hearings.

The biggest kudos during this process hearings definitely goes to the Charter & By-Law Review Committee for tackling many of the most tedious responsibilities that you can imagine when reviewing the Town of Natick's Charter and By-Laws.

We would especially like to once again thank Ms. Joyce Towers, our recording secretary for the consistently excellent efforts she has made recording and writing our extensive meeting minutes.

We respectfully submit our recommendations for the 2009 Fall Annual Town Meeting Warrant Articles for your consideration.

Respectfully submitted,


Richard P. Jennett Jr.
Chairman

James Everett, Vice Chairman
Jonathan Freedman, Secretary
Mari Barrera
James Brown
Cathi Collins

Bruce Gorton
Patrick Haswell
Robert Hickman
John Horrigan
Kenneth Hoyt

Tony Lista
Jerry Pierce
Richard Sidney
Harlee Straus

ARTICLE 1
Omnibus Budget
(Town Administrator)

To determine what sum or sums of money the Town will raise and appropriate, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, and to provide for a reserve fund for Fiscal Year 2010 (July 1, 2009 to June 30, 2010), and to see what budgets for Fiscal 2010 will be reduced to offset said additional appropriations, or otherwise act thereon.

RECOMMENDATION: By a vote of 8-0-0 on September 24, 2009, The Finance Committee recommends REFERRAL to the Town Administrator with regard to the subject of Article 1.

During the review of this article it was noted:

- *No additional funds or changes are requested under Article 1: FY 2010 Omnibus Budget.*
- *The Town Administrator stated that although there are both revenue (State Aid) and expenditure (Police Department overtime, Elections) line-items which are of concern, no action is necessary at this time.*
- *The budget will continue to be diligently monitored throughout the course of FY 2010, and changes to the operating budget may be proposed at the Spring 2010 Annual Town Meeting.*

For more information regarding the FY 2010 budget, please refer to the Town Administrator's Budget Update found at the front of this document.

The Board of Selectmen voted 5-0-0 to recommend referral of the subject matter of Article 1 to the Town Administrator.

MOTION: (Requires majority vote)

Move that the Town vote to refer the subject matter of Article 1 to the Town Administrator.

ARTICLE 2
Stabilization Fund
(Town Administrator)

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the stabilization fund under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

RECOMMENDATION: By a vote of 8-0-0 on September 24, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 2 and that the sum of \$150,000 be transferred from Article 5, Section G: Shared Expenses, Line-Item Fringe Benefits, of the 2009 Spring Annual Town Meeting to the Stabilization Fund.

During the review of this article it was noted:

- *As the FY 2010 budget was being built, staff made every effort to ensure that the Town's obligations under unemployment laws would be properly funded should layoffs be necessary to close the budget gap.*
- *The final FY 2010 appropriation for Unemployment Insurance approved by Town Meeting was \$372,348, a substantial increase from previous years and more than sufficient to handle anticipated claim levels in FY 2010.*
- *Transferring \$150,000 out of the Unemployment Insurance line-item and into the Stabilization Fund is a prudent measure which allows Town Meeting to utilize those funds immediately as a funding source for other pressing needs.*
- *The balance of the Stabilization Fund (as of September 2009) is approximately \$2,288,392. With this transfer of \$150,000, the balance in the Stabilization Fund will grow to approximately \$2,438,392.*

The Board of Selectmen voted 5-0-0 to recommend the transfer of \$150,000 from Article 5, Section G: Shared Expenses, Line-Item Fringe Benefits to the Stabilization Fund .

MOTION: (Requires 2/3 vote)

Move that the Town vote to transfer the sum of \$150,000 from the appropriation under Article 5, Section G: Shared Expenses, Line-Item Fringe Benefits of the 2009 Spring Annual Town Meeting to the Stabilization Fund.

ARTICLE 3
Funding for Quinn Bill Payments
(Board of Selectmen)

To see if the town will vote to raise and appropriate, or transfer from available funds a sum of money to fully fund the FY 2010 Police Educational Incentive Program (“Quinn” Bill), or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 3 and that the sum of \$200,689 be appropriated from the Tax Levy.

During the review of this article it was noted:

- *With approval of the FY 2010 State budget came the sobering news that the State only funded a portion – 16% to be exact – of their obligation to police officers under the educational incentive program referred to as the Quinn Bill.*
- *It should be remembered that one of the reasons why Town Meeting deferred taking action on the FY 2010 Budget in April was to await the impact of the initial state budgets on overall levels of cherry sheet aid including state support for Quinn.*
- *The recommendation of the administration at that time was to lower the total proposed police appropriation – in April the original request of \$4,955,884 was lowered to a final approved/appropriated level of \$4,732,433.*
- *The difference - \$223,451 was made up of a decrease of \$1,369 for a COLA Adjustment (for Clerical employees) and \$222,082 for the Quinn/Educational Incentive.*
- *The difference from the \$222,082 amount and the requested \$200,689 is the amount of educational reimbursement that would have been owed to Chief Mannix had he not retired.*
- *Making up these payments will have no effect on the Town’s pension obligations.*
- *This Article addresses only FY 2010. The Administration is hopeful that the state will reinstate this funding in subsequent years.*
- *The state’s obligation to fund 50% of this incentive is a state law. Some communities previously took legal action against the state but were advised that a court ruled the law was “subject to appropriation” by the legislature.*
- *Responses to this action by the state has varied among local communities which has resulted in an uneven playing field among municipalities with regard to salary comparisons for similar positions.*
- *Because this issue was emerging, the Administration did not ask the police officers to forego their cost of living increase, as was requested of all other unions, in order that these individuals not be faced with two reductions in previously negotiated wage increases.*

The Board of Selectmen voted 5-0 to recommend favorable action on the subject matter of Article 3 and to appropriate the sum of \$200,689 from the Tax Levy.

Article 3 Cont'd

MOTION: (Requires majority vote)

Move that the Town vote to appropriate from the sum of \$200,689 in addition to the appropriation made under Article 5 Section B, Police Department, Line Item Salaries at the 2009 Spring Annual Town Meeting for the funding of educational incentive (Quinn) payments, and that the sum of \$200,689 be raised from the Tax Levy.

ARTICLE 4

Funding for Judgment in Fair Labor Standards Act (FLSA) Litigation (Board of Selectmen)

To see what sum of money the Town will vote to appropriate to pay the judgment entered in the case of Robert F. Murphy, III., et al v. Town of Natick, et al, United States District Court for the District of Massachusetts No.04-11996-RGS; to determine how such appropriation shall be raised, whether by transfer from available funds, borrowing under applicable provisions of law or otherwise act thereon.

RECOMMENDATION: The Finance Committee has NO RECOMMENDATION as of the date of publication. The Administration is still working to finalize the dollar amounts involved with this article.

Town Administrator's information:

As stipulated in the final judgment in Robert F. Murphy, III, et. al. v. Town of Natick, et. al., the Town's backpay and liquidated damages obligation in the FLSA matter is \$646,565.83. This amount does not include: (1) additional back-pay due to the patrol officers for the period between May 19, 2009 and the date that the Town began paying FLSA overtime consistent with the court's order (July 22, 2009); and (2) Plaintiffs' attorney fees and costs. A Public Statement with respect to this litigation is provided on the following pages.

The additional back-pay and plaintiffs' attorney fees were not available for the Finance Committee's consideration in time for this printing. The Board of Selectmen, however, did receive and review this information at their meeting of October 9, 2009 and by a vote of 5-0 authorized the amount of \$272,166.83 for plaintiffs' attorney fees and the amount of \$29,557.26 in additional back pay.

A final amount under this article is still not available, however, as interest costs must now be calculated. The Finance Committee will consider this article and a final cost therefore at a meeting to be held prior to the commencement of Town Meeting.

As indicated in the Town Administrator's message to the 2009 Fall Annual Town Meeting, the proposal for funding these costs (which total \$948,289.12 plus interest) includes utilization of \$500,000 from the overlay account (which funds have been released by the Board of Assessors) \$100,000 from tax levy and \$348,289.12 (plus the required interest payment) from the Stabilization Fund.

The Board of Selectmen voted 5-0 to recommend favorable action in the amount of \$948,289.12, plus interest in an amount not to exceed \$3,000 on the subject matter of Article 4 and to appropriate the

Motion: (Requires 2/3 vote)

A proposed motion has not yet been developed as the final cost under this article has not yet been determined.

Article 4 Cont'd

PUBLIC STATEMENT REGARDING FINAL JUDGMENT ON FLSA LITIGATION

On June 15, 2009 the U.S. District Court of Massachusetts issued a final judgment in Case No. 04-11996 RGS on the matter of the Natick Patrol Officers and the Natick Superior Officers against the Town of Natick. This matter was originally filed in September, 2004.

This case involves over 60 current and former patrol officers and superior officers who are present or former employees of the Town of Natick. The Plaintiffs seek payment of statutory overtime alleged to be due under the Fair Labor Standards Act of 1938, 29 U.S.C. §201, et seq., (“the FLSA”), as amended. The Plaintiffs alleged willful violations of the FLSA, including:

1. Failure to include multiple wage augments that the Plaintiffs receive in calculating the regular rate and the FLSA overtime rate;
2. Failure to pay superior officer Plaintiffs at the applicable rate under the FLSA for principal work duties as superior officers that immediately precede or follow the hours of their regular shift; and
3. Failure to pay all Plaintiffs at the applicable overtime rate under the FLSA for time spent working on so-called “Town” details.

The Plaintiffs sought both retrospective and prospective damages, specifically the Complaint sought back pay from September 15, 2001 to the present as well as changes in the way the Officers are paid going forward. In addition, the Complaint sought liquidated damages, attorney’s fees and costs.

In the fall of 2006 the parties filed Motions for Summary Judgment, asking the Court to rule on the various issues. On September 25, 2007, the Court ruled as follows:

1. Plaintiffs are entitled to have all wage augments included in their regular rate of pay, with the exception of the in-service training differential.
2. Plaintiffs are entitled to overtime for performing “Town Details” which the Court identified as details on behalf of the Town Recreation Department, the Department of Public Works, and the High School.
3. Superior Officers (sergeants and lieutenants) are exempt from the FLSA overtime provisions.
4. Detectives are not exempt.
5. Plaintiffs eligible for overtime are entitled to liquidated damages.
6. The Town is entitled to credit the premium portions of all contractual overtime payments on a cumulative basis towards FLSA payments owed.
7. The parties were to calculate the amount owed to each Plaintiff under the Court’s rulings and submit a proposed form of final judgment.

Article 4 Cont'd

Following the ruling on Summary Judgment, the parties filed proposed forms of judgment with the Court, and further briefing and argument occurred, as well as a bench trial on March 30, 2009, regarding the technicalities of the damages calculation methodology. Ultimately, data was analyzed for 56 Plaintiffs who at some time during the period at issue in the litigation served the Town of Natick at the rank of Patrol Officer and were thus eligible for FLSA overtime (many have retired or been promoted, or are new hires, so some have a very short period of relevant time involved).

The final judgment stipulates payment of FLSA back-pay and liquidated damages to these eligible officers in the total amount of \$646,565.83, and dismisses the claims of the superior officers, with prejudice and with all rights of appeal being waived.

This judgment covers the period from September 15, 2001 through May 19, 2009. The final judgment amount does NOT include: (1) additional back-pay due to the patrol officers for the period between May 19, 2009 and the date that the Town begins paying FLSA overtime consistent with the court's order (July 22, 2009); and (2) Plaintiffs' attorney fees and costs.

During this protracted litigation the Town of Natick has consistently worked towards a solution that is fair to both the eligible officers and the taxpayers of the Town. The Town has an obligation to make adjustments to the overtime calculation based on the rulings in this case, and has begun to make weekly FLSA payments based on this court-imposed methodology. Although the Town continues to disagree with some aspects of the methodology, it chose not to exercise its right of appeal.

ARTICLE 5

Fire Apparatus: Rescind Borrowing Authorization (Town Administrator)

To see if the Town will vote to rescind the following amount of un-issued debt authorized for the following purpose:

<u>Amount Rescinded</u>	<u>Date of Vote</u>	<u>Purpose</u>
\$400,000	April 15, 2008 (Article 9)	Replace Engine 5 Fire Pumper

or otherwise act thereon.

RECOMMENDATION: By a vote of 8-0-0 on September 24, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 5 and that the Town vote to rescind the vote taken under Article 9 of the 2008 Spring Annual Town Meeting on April 15, 2008 which appropriated \$400,000 for the purpose of replacing Engine 5 Fire Pumper.

The purpose of this article is to rescind the April 15, 2008 TM borrowing authorization (which was specific to just a pumper apparatus) so that it can be re-authorized under Article 6 for an engine/pumper/ladder unit.

During the review of this article it was noted:

- This action is being taken to be sure all procedures are in place to the satisfaction of bond counsel.*
- Although a borrowing authorization requires a two-thirds vote of Town Meeting, the rescinding requires only a simple majority.*

The Board of Selectmen voted 5-0-0 to recommend favorable action with respect to the subject matter of Article 5.

MOTION: (Requires majority vote)

Move that the Town vote to rescind the vote taken under Article 9 of the 2008 Spring Annual Town Meeting on April 15, 2008 which appropriated \$400,000 for the purpose of replacing Engine 5 Fire Pumper.

ARTICLE 6
Capital Equipment
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums of money as may be required for capital equipment for the various departments of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 24, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 6 and that the sum of \$797,380 be raised as shown below.

At the 2009 Spring Annual Town Meeting, slightly more than \$400,000 of capital equipment and improvements was approved for funding. This Town Meeting the Administration has recommended funding another \$797,380 for capital equipment in the Fire Department and the Department of Public Works. Detailed descriptions of the projects requested are shown below and on successive pages.

#	<u>Proposed Item</u>	<u>Amount</u>	<u>Funding Source</u>
1	Replacement of Engine 1 with an Engine equip. w/Ladder This request would replace Engine 1 and allow the decommissioning of two of the oldest pieces of Fire apparatus - a 1984 Ladder Truck and a 1985 Pumper (engine) with the purchase of a combined unit. Funding is proposed through a re-designation of a previous borrowing authorization (\$400,000) and an existing set-aside of Mall Mitigation funds (\$250,000) designated for this purpose.	\$ 650,000	Borrowing Authorization Mall Mitigation
2	Eliot School Doors This request would replace the passage doors at the Eliot Montessori School. This request is needed to improve energy efficiency at a Town owned property and to replace doors which have become severely worn over the years. Due to the historic nature of the structure, doors will be replaced with exact duplicates, which will provide better energy efficiency. This request includes removal, disposal of the old doors and installation of the new.	\$ 27,500	Free Cash
3	Replacement of H-1 This request replaces a 2000 vehicle used by the Supervisor of the Highway Division. The vehicle is used 24/7 for meetings, checking on road crews, wintertime operations, construction projections and emergency response. Nearing the end of its useful life, the underbody has severe rot and the chassis body is weakening. The vehicle has been on the replacement plan since 2005.	\$ 26,000	Free Cash

Continued on next page

Article 6 Cont'd

#	<u>Proposed Item</u>	<u>Amount</u>	<u>Funding Source</u>
4	<p>Street Light Replacement</p> <p>In Spring 2009, Town Meeting approved the same amount for streetlight replacement, but still far short of the annual requested amount of over \$80,000 annually. The Administration, has recently been exploring a program to convert existing street lights to LED - powered lights which are far more efficient. We intend to undertake a pilot program at various locations throughout the community to determine if this new lighting provides adequate illumination. Appropriating \$25,000 will bring the total amount to \$50,000 this fiscal year.</p>	\$ 25,000	Free Cash
5	<p>Replacement of E-2</p> <p>This request replaces E-2, a 2001 mini-van with 61,000 which is utilized by the DPW Engineering Division daily to conduct fieldwork, surveying, GIS mapping and a variety of other tasks. The van has over 75,000 miles on it and has reached the end of its useful life. The body is rusting away and holes have developed in several places. The vehicle has been on the replacement plan since 2005.</p>	\$ 23,000	Free Cash
6	<p>Passageway Doors at DPW Facility</p> <p>Several steel doors at the DPW facility have become rotted, rusty and no longer work properly. In some cases they do not even close, which poses a security problem at the DPW. Originally a request for seven doors, this request would replace approximately 3 doors, thereby improving energy efficiency and reestablishing proper security at an important Town-owned property.</p>	\$ 12,880	Free Cash
7	<p>Replacement of LF-19</p> <p>This request replaces a frontline 2001 Hustler Z lawn mower. It mows many fields used daily by the Recreation Department and the Natick Public Schools. Replacement of this lawnmower is essential in Fall 2009 so as to have available for use beginning in Spring 2010.</p>	\$ 13,000	Free Cash
8	<p>Replacement of Dumpsters</p> <p>Deferred from Spring, the DPW annually has requested \$10,000 to replace rotted and unsafe dumpsters at municipal and school facilities. This ongoing capital equipment purchase should be made regularly, as it and is important to maintain safe and hygienic trash collection on municipal properties.</p>	\$ 10,000	Free Cash
9	<p>Replacement of Guardrails</p> <p>Deferred from Spring, the DPW annually has requested \$10,000 to replace unsafe guardrails along various streets and highways within the Town. This ongoing capital purchase should be made regularly to ensure that motorists are properly protected along Natick roadways.</p>	\$ 10,000	Free Cash
Total		\$797,380	

Even as recently as a year ago, efforts were being made to strengthen annual capital spending and dedicate more resources annually towards capital projects. Unfortunately, given the state of the economy and the significant financial pressures facing the Town, it is not possible to sustain that progress at this point in time. The administration has stated that the \$1,200,000 of capital equipment approved in spring and recommended at the 2009 Fall Annual Town Meeting represents replacement of and repair of only the most critical projects and equipment necessary for the continued operation of General Fund

Article 6 Cont'd

and Water & Sewer Operations. Important projects for both the Public Schools and the General Government cannot be funded at this point in time because the additional costs cannot be incurred in the current fiscal climate.

The administration has stated that those projects that are being deferred, however, cannot be forgotten because failure to replace and renew capital assets in a timely manner leads to costlier replacements in the future.

The Finance Committee's Capital Sub-committee met with representatives of Town Administration, the Department of Public Works, the Fire Department and the School Department and toured the equipment maintenance facility at the Department of Public Works to inspect the vehicles & many of the other items proposed for funding.

During the review of this article it was noted:

➤ Replacement Fire Engine

- *DPW Maintenance estimates that as much as \$30,000 to \$40,000 would be needed to repair the vehicles proposed to be decommissioned and strongly support this plan to dispose of these vehicles which are at the end of their serviceable life. A typical lifespan for a vehicle of this type would be 10 years for a pumper, and 15 years for an aerial, so these units are well beyond that.*
- *Funds from surplus vehicles go into the General Fund, although on occasion, this might be put into the DPW revolving fund. The decision on whether a vehicle is traded in or auctioned is made at the time of the surplus decision.*
- *It could be nearly a year before the new vehicle is actually in place, however, every effort will be made to shorten that timeframe.*
- *The 75-foot apparatus is being proposed at this time instead of the 100-foot vehicle which the Fire Department also hopes to acquire because the 75-foot truck is smaller, lighter and, because it can serve as both a pumper and a ladder truck, more flexible. It therefore enables the decommissioning of the two older vehicles. Purchase of the 100-foot vehicle would not allow both to be taken out of service.*

➤ Replacement of Eliot School Doors

- *Although the current lease for the Eliot School is a short-term lease, the Administration is currently negotiating with the present tenants for an additional term of up to three years and, thereafter, will be negotiating for a long-term (up to 99 years) lease for this property. The importance of maintaining the security and integrity of the building was stressed, whether the building is occupied or unoccupied.*

➤ Replacement of H-1

- *This is a "take home" vehicle because the Highway Supervisor must be on call twenty-four hours a day. The policy guidelines for such vehicle use are delineated in the collective bargaining agreements.*
- *Due to the type of use, the wear and rot on the undercarriage is excessive in spite of excellent maintenance by the DPW.*

➤ Replacement of E-2

- *The DPW is eager to consider energy efficient alternative fuel vehicles provided the payback is reasonable. The DPW Deputy Director and the Town's*

Article 6 Cont'd

- *Environmental Compliance Officer plan to attend a seminar of alternative fuel vehicles.*
- *Potential purchase of a pre-owned vehicle will also be explored.*
- Replacement of LF-19
 - *The small areas for which this item is used have not previously been put out for contract because the current approach allows for the flexibility of mowing these areas during slow times. Based on the current contract rate of between \$29 and \$50 per acre, it is anticipated that contracting these would be more costly.*
 - *The cost of increased overtime, if this equipment was not purchased was calculated to be well in excess of the cost of the equipment spread over its nine year projected service life.*
- Street Light Replacement
 - *There may be some energy credits available from NStar for these replacements.*
 - *Advantages of the new lights include:*
 - *Energy use reduced by 42% - 52%*
 - *Higher, more focused light output*
 - *Increased life expectancy*
 - *Contain no mercury or other heavy metals*
- Replace DPW Passageway Doors
 - *Although the doors being proposed, at a cost of \$3,220 each, carry a lifetime warranty, it was suggested that metal doors, at a cost of \$1,850 each, with a 10-year life, might be satisfactory, given that the existing metal doors have lasted for 20 years.*
- Replacement of Dumpsters
 - *Leasing is an option for the dumpsters, but damage and repairs would not be covered.*
 - *Compacting has been explored, but is expensive since the weight of the compacted material requires the additional expense of a service to move it.*
- Replacement of Guardrails
 - *It was suggested the Public Safety Committee should be involved in the decisions regarding need for additional guardrails and their replacement.*

The Board of Selectmen voted 5-0-0 to recommend favorable action for \$797,380 with respect to the subject matter of Article 6.

MOTION A: (majority vote required)

Move that the Town vote to appropriate from Tax Levy the sum of \$147,380 to be expended under the direction of the Director of Public Works for the purpose of funding Capital Items 2 through 9 listed above.

Article 6 Cont'd

MOTION B: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$400,000 to be expended under the direction of the Fire Department for the purpose of purchasing a replacement Fire Engine 1, said apparatus to be equipped with a pumper and ladder, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$400,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$400,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program.

MOTION C: (majority vote required)

Move that the Town vote to appropriate the sum of \$250,000 to be expended under the direction of the Fire Department for the purpose of a replacement Fire Engine 1 equipped with a pumper and ladder and that to meet this appropriation the sum of \$250,000 be transferred from the appropriation under Article 10 of the 2006 Spring Annual Town Meeting.

ARTICLE 7
Capital Improvement
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums of money to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 24, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 7 and that the sum of \$165,000 be raised from a borrowing authorization.

The purpose of this article is to fund the replacement of the HVAC rooftop units at Memorial School.

During the review of this article it was noted:

- *The request is being made at the Fall 2009 Town Meeting such that the installation of these units will coincide with replacement of the building roof (approved at a previous Town Meeting); the project is scheduled to begin in late Spring 2010.*
- *Replacement of these HVAC units will allow for greater efficiency, air quality and ventilation and, importantly, preserve the integrity of the new roof as both projects will concur simultaneously.*
- *Delay of this funding authorization until the Spring Town Meeting would effectively delay the project until Spring of 2011 as the money could not be borrowed in time to meet the narrow window of opportunity of the summer season while schools are not in session. Should this Article not be approved by Town Meeting, staff has indicated delay of the roof repair until such time that both could be performed simultaneously*
- *The placement of these units on the roof would require opening up the roof to install the curbs which hold the units and provide access to the related duct work, wiring and piping. As a result, the objective would be to install these units prior to replacement of the roof.*
- *Once this work was completed, the only item remaining relating to the Memorial School heating system would be a boiler replacement, which was targeted for two years out.*
- *The \$165,000 budget figure includes standard units equipped for both heating and air conditioning, although the plan is only to provide air conditioning in administration, the nurse's office and the library. A/C could be extended to additional areas if needed.*
- *If four of the rooftop units were purchased with only heating capability, that would reduce the cost by approximately \$10,000.*

The Board of Selectmen voted 5-0-0 to recommend favorable action for \$165,000 with respect to the subject matter of Article 7.

Article 7 Cont'd

MOTION: (two-thirds vote required)

Move that the Town vote to appropriate the sum of \$165,000 to be expended under the direction of the School Department for the purpose of a replacement HVAC units at the Memorial School and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$165,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$165,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program.

ARTICLE 8
Lease/Repair
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums of money as may be required for the lease and/or repair of equipment for various departments of the Town of Natick, to determine whether this appropriation shall be raised by borrowing or otherwise, or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 24, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 8 to the Town Administrator.

There is nothing requiring Town Meeting action regarding lease or repair at this time.

The Board of Selectmen voted 5-0-0 to recommend referral of the subject matter of Article 8 to the Town Administrator.

MOTION: (Requires majority vote)

Move that the Town vote to refer the subject matter of Article 8 to the Town Administrator.

ARTICLE 9
Unpaid Bills
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide such sums of money as may be required for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick, or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 24, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 9 to the Town Administrator.

There are no unpaid bills at this time.

The Board of Selectmen voted 5-0-0 to recommend referral of the subject matter of Article 9 to the Town Administrator.

MOTION: (Requires 4/5 vote for a positive motion; majority for referral)

Move that the Town vote to refer the subject matter of Article 9 to the Town Administrator.

ARTICLE 10

Natick 360: Progress Report

(Town Administrator)

To see if the Town will hear a report from the Town and/or sponsoring boards and committees on progress with respect to the Natick 360 Strategic Plan, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 10.

The purpose of this article is to allow to hear a Natick 360 Update report.

Town Administrator's Comments:

As was done at the 2008 Fall Annual Town Meeting, the Administration has included a warrant article to give any of the Natick 360 Strategic Plan sponsoring boards and committees an opportunity to provide an update on their progress with respect to the Plan's implementation. As indicated by the Administration, it is important to ensure that the vision and goals outlined in Natick 360 serve as a guide to the Town's policies and decisions, and that the community is updated on efforts in this regard.

As a reminder, the Natick 360 Strategic Plan sponsoring boards and committees are the Board of Selectmen, Finance Committee, School Committee, Planning Board, and Conservation Commission.

Town Meeting members will be pleased to learn that Natick has been awarded the Kenneth Pickard Innovation Award of the Massachusetts Municipal Association (MMA) for the Natick 360 Strategic Planning Process. This recognition by the MMA, the professional organization for Massachusetts municipalities, is the strongest possible confirmation of the value of citizen involvement in a town's strategic planning process. It is a welcome recognition of the high level of commitment to the town by the citizens, boards and committees, and professional staff of Natick. The values, visions, and goals present an opportunity for keeping decisions in line with long term objectives. We encourage everyone to take a fresh look at the Natick 360 Strategic plan available on the Town of Natick website at www.natickma.gov.

The Board of Selectmen did not vote on the subject matter of Article 10.

MOTION: (Requires majority vote)

Move that the Town hear progress reports with respect to the Natick 360 Strategic Plan.

ARTICLE 11

Natick High School Project: Partial Architectural Services

(School Committee)

To see if the Town will vote to appropriate a sum of money for partial architectural services for the replacement/renovation of Natick High School including schematic design, design development and construction documents as required by the Massachusetts School Building Authority; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 11 to the School Committee.

This purpose of this article was to provide additional funding of partial architectural services for the replacement of Natick High School

During the review of this article it was noted:

- *However, the School Committee has determined that this funding is not required at this time due to a delay in the selection of an architect.*
- *The funding from the Spring 2009 Town Meeting will provide adequate cash flow to complete this next phase of the project.*
- *The School Committee and School Building Committee expect to ask the Board of Selectmen to (1) call a Special Town Meeting sometime early in 2010 and (2) include a ballot question for a Debt Exclusion Override vote at the March 2010 Town election, both for the purpose of seeking the Town's support for a new High School.*
- *It is hoped the debt exclusion override vote can "piggy-back" on the March Town election, but a Town Meeting vote would be required to authorize the Treasurer to borrow, thus the need for a Special Town Meeting.*
- *The borrowing would not occur if the debt exclusion override vote failed, however the School Department believes a favorable vote by Town Meeting just prior to the election would send an important message of support to the Town.*
- *The next major project milestone after the design contract is signed will be the Massachusetts School Building Authority (MSBA) approval of the project scope and budget agreement which will clarify the State's funding commitment.*
- *A favorable vote on the debt exclusion override would be required to maintain the MSBA support. Although no towns have failed to receive voter support for their projects, additional attempts to gain voter support could be made if the initial vote fails.*
- *Waiting for Spring Town Meeting for the borrowing authorization could potentially delay the project timeline due to the need for Town Meeting to close before any authorizations could be acted on.*

The Board of Selectmen voted 5-0-0 to recommend referral of the subject matter of Article 11 to the School Committee.

MOTION: (Requires majority vote) Move that the Town vote to refer the subject matter of Article 11 to the School Committee.

Article 12 Cont'd

- *Although as a matter of policy, the Administration and the Board of Selectmen could propose to “ earmark” these revenues to be used for capital, however, this could not be mandated for future years.*
- *It was noted that the fiscal challenges facing the Town go well beyond what these additional tax revenues can address. The Administration is exploring several areas with potential to have significant impact on future expenses, including health insurance alternatives, opportunities for reorganization, regionalization, and sharing of major equipment. The ultimate goal of the Economic Development Committee is to diversify the Town’s tax base, to have companies which provide revenue and good job opportunities to the Town and which make good use of the infrastructure and investments in the Town which have been made in recent years. One idea which may be brought forward in the Fall is a municipal sponsorship program, in which businesses would be offered the opportunity to advertise or sponsor certain Town assets.*
- *It’s estimated approximately 20 communities have implemented these new local option taxes, including the City of Boston and the town of Brookline. Most of these were able to act quickly through their City Councils. Wellesley and Needham are debating the issue; Southborough and Marlboro declined. Because this requires a vote of Town Meeting, the timing is dependent on when those meetings will take place.*

The Board of Selectmen voted 3-2-0 of the subject matter of Article 12.

In conjunction with their discussion regarding the local option taxes described in Articles 12 and 13, the Board of Selectmen unanimously approved the following motion: “The Natick Board of Selectmen recommends to Town Meeting that the revenue from a local option meals tax and/or increased room tax, if adopted by Town Meeting, be used to support the long term interests of the Town and be applied to the Town’s financial reserves and to capital investment and improvement.”

MOTION: (Requires majority vote)

Move that the Town vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise.

ARTICLE 13

Local Option Added Hotel/Motel Tax

(Board of Selectmen)

To see if the Town will vote to amend its local room occupancy excise under G.L. c.64G §3(a) to the rate of six percent; or otherwise act thereon.

RECOMMENDATION: The Finance Committee has NO RECOMMENDATION on the subject matter of Article 13.

As indicated under Article 12, the FY 2010 state budget added two revenue-generating opportunities for municipalities:

- *A new local option excise of .75 percent on sales of restaurant meals originating within the municipality*
- *A local option to increase the maximum rate of the existing local option room occupancy excise from 4% to a maximum of 6%*

Town Meeting approval is required to adopt these local options; this Article addresses only the local option increase to the room occupancy excise. If this option is accepted prior to December 1, 2009, FY 2010 revenues are projected as follows:

2% Additional Hotel/Motel Tax \$191,768 (estimated receipts, FY 2010)

The revenues for FY 2011 are obviously higher as they would be attributable to the full fiscal year:

2% Additional Hotel/Motel Tax \$460,245 (estimated receipts, FY 2011)

PLEASE NOTE THAT THE DISCUSSION POINTS FOR BOTH ARTICLES 12 & 13 WERE DISCUSSED AT THE SAME TIME AND ARE LOCATED AT ARTICLE 12.

The Board of Selectmen voted 3-2-0 to Refer to the Board of Selectmen on the subject matter of Article 13.

MOTION: (Requires majority vote)

The Finance Committee does not have a recommendation with respect to Article 13. If a positive main motion is proposed, however, the following would be the proper form:

Move that the Town vote to amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of six percent.

ARTICLE 14

Acceptance of MGL c.140§139: Exempt Dog License Fee for Persons 70 and Older

(Board of Selectmen)

To see if the Town will vote to accept the provisions of Chapter 140, Section 139 of the Massachusetts General Laws which provides that no fee shall be charged for a license for a dog owned by a person aged seventy years or over in any city or town that accepts the said provision; or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 17, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 14.

The purpose of this article is to waive the dog license fee for persons 70 and older.

During the review of this article it was noted:

- *Current license fees are \$10 or \$15 for dogs not neutered or spayed. The number of individuals who would be eligible for this is small; therefore the potential revenue loss is considered negligible.*
- *Although the license fee would be waived under this provision, late fees will be imposed if the license is not renewed by the required date.*
- *A mechanism to enable individuals who have typically paid this fee with return of the census form should be available to continue to permit this convenience.*

The Board of Selectmen voted 5-0 to recommend favorable action on the subject matter of Article 14.

MOTION: (Requires majority vote)

Move that the Town vote to accept the provisions of Chapter 140, Section 139 of the Massachusetts General Laws.

ARTICLE 15

Town Forest: Transfer to Conservation Commission (Board of Selectmen and Conservation Commission)

To see if the Town will vote to transfer from the Board of Selectmen to the Conservation Commission the care, custody, management and control of the property known as Henry S. Hunnewell Memorial Town Forest, shown on Assessors' Map 20, Lot 2, or otherwise act thereon.

RECOMMENDATION: By a vote of 9-1-0 on September 17, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 15.

The purpose of this article is to enhance opportunities for proper oversight, accountability and management of the Town Forest by transferring the care, custody, management and control of this resource to the Conservation Commission, and placing the Town Forest Committee under the jurisdiction of the Conservation Commission.

During the review of this article it was noted:

- The Commission has the expertise and charge to best oversee this resource. It is anticipated that this change will provide for greater accountability and more effective forest management; in addition the change will create opportunity to expend Conservation funds on the Town Forest as warranted.*
- There was a question as to whether this action would require a 2/3 vote of Town Meeting. Based on correspondence from Town Counsel included in the handouts it did not appear that a 2/3 vote was required.*
- If this Article is passed, the By-Laws will need to be updated to move the responsibility for appointment of the Town Forest Committee from the Board of Selectmen to the Conservation Commission.*
- The Article would transfer the care, custody, management and control of the property to the Conservation Commission, but the ownership remains with the Town.*
- The activities anticipated to be required going into the future are those related to maintaining the health and vitality of the ecosystem. A consultant is currently updating the Open Space Management Plan for the Conservation Commission. The Town Forest will be included in that.*
- A handout prepared by the Town Administrator summarized the Conservation funds currently available for unrestricted use (provided that use is consistent with MGL guidelines for appropriate uses) as \$588,949.*
- Concern was expressed that the proposed transfer could result in use of Conservation funds to offset costs associated with work done in this area by Town employees.*
- Expenditures related to maintaining the Town Forest were estimated to be in the range of \$3,000 over a period of 31 years, and no significant ongoing expenses are anticipated going forward.*
- The Town is still awaiting a reply from the DOR regarding the appropriate use of Conservation Commission funds.*

Article 15 Cont'd

The Board of Selectmen voted 5-0 to recommend favorable action on the subject matter of Article 15.

At its meeting of September 23, 2009, the Planning Board voted favorable action on Article 15. Vote 6-0-0

MOTION: (Requires 2/3 vote)

Move that the Town vote to transfer from the Natick Board of Selectmen to the Natick Conservation Commission the care, custody, management and control of the property known as the Henry S. Hunnewell Memorial Town Forest, and that the Town vote to authorize the Natick Conservation Commission to appoint a Special Town Forest Committee to manage and care for the Henry S. Hunnewell Memorial Town Forest. Said property is shown on Town of Natick Assessors' Map 20 as Lot 2 and is described in a deed from Walter Hunnewell, Hollis H. Shaw and Nelson S. Bartlett, Trustees under the will of Henry S. Hunnewell, to the Inhabitants of the Town of Natick by deed dated May 29, 1933 and recorded with the Middlesex South Registry of Deeds at Book 5724, Page 416.

ARTICLE 16

John J. Lane Park: Transfer to Conservation Commission (Board of Selectmen and Conservation Commission)

To see if the Town will vote to transfer from the Board of Selectmen to the Conservation Commission the care, custody, management and control of the property known as John J. Lane Park, shown on Assessors' Map 33, Lot 35A, or otherwise act thereon.

RECOMMENDATION: By a vote of 10-0-0 on September 17, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 16.

The purpose of this article is to transfer the care, custody, management and control of the existing John J. Lane Park property to Conservation Commission from the Board of Selectmen.

During the review of this article it was noted:

- It is anticipated that the Conservation Commission will be entering into a 30 year lease with the Commonwealth of Massachusetts for a 3.5 acre adjoining passive park/open space area pursuant to previous Town Meeting authorization.*
- The ability to have both areas under one Board's jurisdiction will best facilitate future park planning and management.*
- If eventually permitted by the State the Conservation Fund monies can be expended for park improvements if this article passes thus creating an opportunity to provide badly needed recreational facilities in West Natick at reduced or no cost to taxpayers.*
- The proposed lease expense is considered an acceptable expenditure of the Conservation Commission's restricted funds.*
- The Recreation & Parks and Public Works Departments will be responsible for security, trash pickup, and similar maintenance activities according to the model of shared responsibilities in effect at Camp Mary Bunker. Fees and expenses for the Park will flow through the Recreation & Parks Department's Revolving fund.*
- There had been some thought, initially, that the state would lease this property to the Town for a nominal fee, however, it now appears the lease cost will be greater, but still very reasonable.*
- There is a plan to develop a Memorandum of Understanding (MOU) which lays out the responsibilities and expectations of the respective departments and the Conservation Commission with respect to the ongoing management of the Park.*

The Board of Selectmen voted 5-0 to recommend favorable action on the subject matter of Article 16.

The Planning Board voted to recommend favorable action on Article 16 - Vote was 6-0-0.

MOTION: (Requires 2/3 vote) Move that the Town vote to transfer from the Board of Selectmen to the Conservation Commission the care, custody, management and control of the property known as John J. Lane Park, shown as Lot 35A on Assessors' Map 33.

ARTICLE 17

Glenwood Cemetery: Use of Land for Burial Purposes

(Allen B. Bush, Jr., et al)

To see if the Town will vote, pursuant to Chapter 114, Section 34 of the Massachusetts General Laws, to allow the land contiguous to the Glenwood Cemetery at 50 Glenwood Street, Natick, Massachusetts to be used for burial purposes. Said land is described in a deed from Arnold W. Hunnewell, Jr., Walter Hunnewell and Jane P. Hunnewell to Glenwood Cemetery Association, dated August 27, 1980, recorded with the Middlesex South Registry of Deeds in Book 14054, Page 6 and is shown as Lot 37B on a plan entitled "Plan of Land in Natick, Mass." dated June 10, 1980, drawn by Cheney Engineering Co., Inc. recorded with said deed. Said land is also shown on the Town of Natick Assessors' Map 69 as parcel 37; or otherwise act thereon.

RECOMMENDATION: By a vote of 10-0-0 on September 17, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 17.

The Glenwood Cemetery Association, now the owner of the cemetery of that name, came into being as successor to a Town Committee in 1881. The cemetery is non-denominational, the Corporation has non-profit status, having as its sole purpose the management of the 9.5 acre parcel purchased by the Town from Mrs. Hanna Glenwood in 1862. In 1980, after 117 years of management, both as a committee and then as a Corporation (created by Act of the State Legislature) the Glenwood Cemetery Association accumulated enough funds to purchase 10 additional and contiguous acres for future expansion. That land is the subject of this article and since Massachusetts law requires that the Town grant approval for such expansion, the Corporation initiated this warrant article.

During the review of this article it was noted:

- *Based on engineering reports the Cemetery Association is aware of no conservation issues related to this property.*
- *There is a land clearance by-law which will be addressed as needed.*
- *There is no known opposition to this plan from neighborhood abutters.*
- *The preparation process usually takes approximately seven years from commencing the preparation and use of the land for burial.*
- *The current owner is a non-profit 501c3 organization.*

The Board of Selectmen voted 5-0 to recommend favorable action on the subject matter of Article 17.

The Planning Board voted to recommend favorable action on Article 17.

Article 17 Cont'd

MOTION: (Requires majority vote)

Move that the Town vote, pursuant to Chapter 114, Section 34 of the Massachusetts General Laws, to allow the land contiguous to the Glenwood Cemetery at 50 Glenwood Street, Natick, Massachusetts to be used for burial purposes, subject, however, to all conditions, restrictions or limitations imposed by the Natick Board of Health in its approval under the Massachusetts General Laws of the location of the lands intended for such use. Said land is described in a deed from Arnold W. Hunnewell, Jr., Walter Hunnewell and Jane P. Hunnewell to Glenwood Cemetery Association, dated August 27, 1980, recorded with the Middlesex South Registry of Deeds in Book 14054, Page 475, and is shown as Lot 37B on a plan entitled "Plan of Land in Natick, Mass." dated June 10, 1980, drawn by Cheney Engineering Co., Inc., which plan is recorded with said deed. Said land is also shown on the Town of Natick Assessors' Map 69 as Lot 37.

ARTICLE 18

Abandon a Portion of Drainage Easement – 24 Franconia Avenue (Board of Selectmen)

To see if the Town will vote to abandon an easement for drainage purposes granted by Gregg P. Murphy and Donna W. Murphy to the Inhabitants of the Town of Natick by instrument dated August 20, 2009 and recorded with the Middlesex South Registry District of Land Court, at Book 01250, Page 150; provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for such abandonment. Said easement is located on the property at 24 Franconia Avenue, Natick, MA, which property is shown on Town of Natick Assessors' Map 27 as Lot 138. Said easement is shown on a plan entitled "Plan of Lot C on Land Court 18098A in Natick, Massachusetts (showing Town of Natick Drain Easement) owned by Gregg P. Murphy and Donna W. Murphy", Scale 1"=20', Dated June 12, 2009, prepared by MacCarthy and Sullivan Engineering, Inc., 205 Newbury Street, Suite 205, Framingham, Massachusetts recorded herewith, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 18.

In 2001 the property owners at #24 Franconia Avenue granted the Town of Natick a Drainage Easement for an existing Town drain line that traversed their property, thereby allowing the DPW access for future repair and maintenance of this line. During this past summer, these property owners applied for a building permit to construct an addition to the rear of their house. During a review of the building permit application by the Engineering Division, it was discovered that the proposed addition would encroach on the easement that they granted to the Town in 2001. The property owners at their own expense relocated a portion of the Town drain line and prepared the proper easement documents to grant the Town a new easement over the relocated drain pipe. The relocated drain pipe and new easement documents were reviewed by the Engineering Division and meet with all requirements of DPW. The action required by this article will formally abandon that portion of the drain easement no longer needed by the Town.

During the review of this article it was noted:

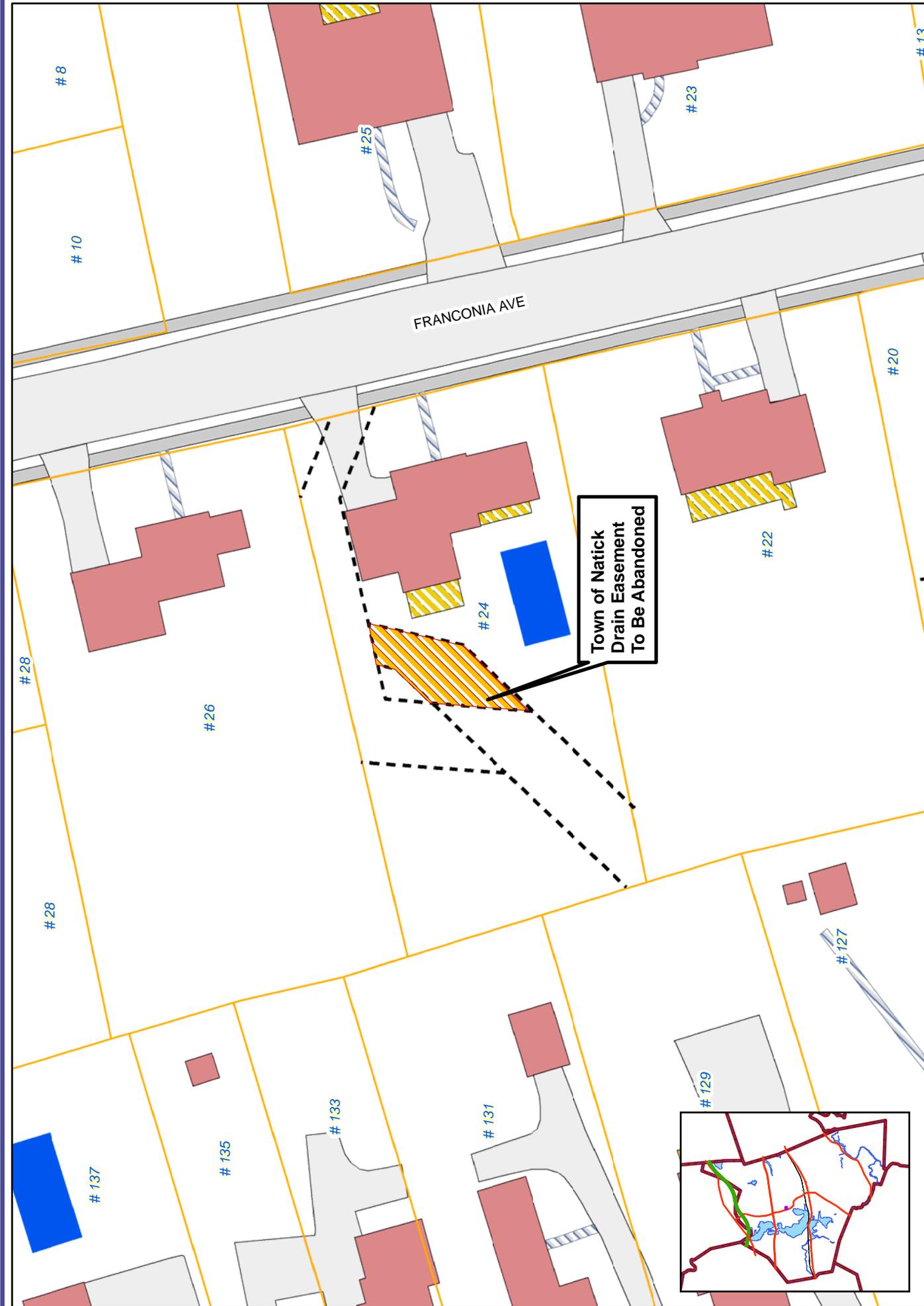
- *Given the fact that the necessary work has been completed and the abandonment of the easement has already been filed with the Registry of Deeds, this is essentially a formality.*
- *The Town Engineering Department allowed this process to move forward in advance of this action by Town Meeting in order to avoid imposing an effective one-year delay on the property owner's construction project.*

The Board of Selectmen voted 4-0 to recommend favorable action on the subject matter of Article 18.

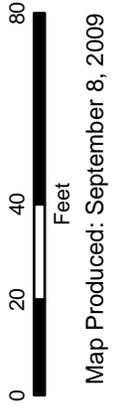
Article 18 Cont'd

MOTION: (Requires 2/3 vote)

Move that the Town vote to abandon an easement for drainage purposes granted by Gregg P. Murphy and Donna W. Murphy to the Inhabitants of the Town of Natick by instrument dated July 3, 2009 and recorded with the Middlesex South Registry District of the Land Court, at Book 01250, Page 150, said easement being located on the property at 24 Franconia Avenue, Natick, MA, which property is shown on Town of Natick Assessors' Map 27 as Lot 138. Said easement is shown on a plan entitled "Plan of Lot C on Land Court 18098A in Natick Massachusetts (showing Town of Natick Drain Easement) owned by Gregg P. Murphy and Donna W. Murphy", Scale 1"=20', dated June 12, 2009 prepared by MacCarthy and Sullivan Engineering, Inc., 205 Newbury Street, Suite 205, Framingham, Massachusetts, which plan is recorded with the Middlesex South Registry of Deeds with the foregoing instrument.



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Map Produced: September 8, 2009

Article 18
Abandon a Portion of Drainage Easement
24 Franconia Ave



ARTICLE 19

Acceptance of Sewer Easement: Newfield Drive

(Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a permanent sewer easement and a temporary construction easement, and/or to accept a grant thereof, for the purpose of constructing, installing, maintaining, reinforcing and replacing a sewer main and appurtenances thereto, said sewer easement being shown as a "20' sewer easement" on a plan entitled "Plan of Land in Natick, Mass.", dated May 2, 1974, scale 1" = 100', prepared by New England Survey Service, Inc., which plan is recorded with the Middlesex South District Registry of Deeds as Plan Number 813 of 1974 in Book 12669 Page 5; 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 carry out the purposes of this article; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 19.

A letter from the attorney for the petitioners of Articles 19 and 20 is provided on the following pages. Article 19 has been proposed as, in the course of making improvements to Newfield Drive in anticipation of its acceptance by the Town, it was discovered that no recorded document existed that clearly established the legality of a sewer line and easement used by the Town for many years. The line runs from Newfield Drive to Kendall Lane. It is the intention of the appropriate residential complexes, as part of the process of the acceptance of Newfield Drive, to convey to the Town the easement in question, so as to remove any uncertainty about its legality.

PLEASE NOTE THAT THE FOLLOWING DISCUSSION POINTS ARE FOR BOTH ARTICLES 19 & 20 AS THEY WERE REVIEWED AT THE SAME TIME.

During the review of Articles 19 & 20 it was noted:

- *Typically when new subdivisions are built within the Town, easements go to the Town when the roads are accepted. This development extends back approximately thirty years, however, and the process which is now standard did not take place.*
- *The Town does not have written policy guidelines regarding the street acceptance process beyond what is detailed in the Massachusetts General Laws (MGL).*
- *Because the easement relates to a common sewer, the Town has been maintaining the sewer line since it was installed, and would be responsible for any problems with it even if the Town did not accept this street and related easement.*
- *The easement has already been recorded.*
- *With the acceptance of a road as a Town road, the Town assumes responsibility for ongoing maintenance and snow removal during the winter. Structural requirements mandated by the Engineering Department for a road to be accepted assure that the road is structurally sound and is unlikely to present any significant maintenance needs for a number of years. The*

Article 19 Cont'd

acceptance also enables the Town to add the approximately 0.75 miles of this road to the total miles of roadway eligible for Chapter 90 State funds. No recent cost/benefit analysis has been conducted to compare Chapter 90 revenue per mile with estimated maintenance, repair and snow removal expense.

The Board of Selectmen voted 4-0 to recommend favorable action on the subject matter of Article 19.

The Planning Board voted 6-0 to recommend favorable action on the subject matter of Article 19.

MOTION: (Requires 2/3 vote)

Move that the Town vote to authorize the Board of Selectmen to acquire by gift a permanent sewer easement and a temporary construction easement, and/or to accept a grant thereof, for the purpose of constructing, installing, maintaining, reinforcing and replacing a sewer main and appurtenances thereto, said sewer easement being shown as a "20' sewer easement" on a plan entitled "Plan of Land in Natick, Mass.," dated May 2, 1974, scale 1" = 100', prepared by New England Survey Service, Inc., which plan is recorded with the Middlesex South District Registry of Deeds as Plan Number 813 of 1974 in Book 12669 Page 5; 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 carry out the purposes of this article.

LAW OFFICES
BIKOFSKY, WHITE & BENJAMIN
435 WORCESTER ROAD
FRAMINGHAM, MASSACHUSETTS 01701
TELEPHONE: (508) 879-5000 - FACSIMILE: (508) 620-1779

AARON K. BIKOFSKY
ARTHUR M. WHITE
PHILIP B. BENJAMIN

September 22, 2009

Martha L. White, Town Administrator
Town of Natick
13 East Central Street
Natick, MA 01760

Re: Newfield Drive

Dear Ms. White:

Thank you for agreeing to sponsor the two Town Meeting articles (Articles 19 and 20) regarding acceptance of Newfield Drive. The following information may be helpful to the Selectmen and Town Meeting members as they deliberate these articles, and we would appreciate you sharing it with them as you deem appropriate.

Our office represents Natick Village Condominium, Deerfield Forest Condominium, Kendall Crossing Apartments and Natick Green Condominium. Each of these four residential communities owns portions of Newfield Drive, which is the road that abuts each community and runs from West Central Street to H.F. Brown Way for a distance of approximately three-quarters of a mile. Together these four communities contain a total of 1822 residential units and in FY09 paid to the Town approximately \$3,538,474 in real estate taxes.

Several years ago, representatives of the four properties that own Newfield Drive met and agreed that since the road is open to, and used by, the public it would be in the best interest of all that the Town of Natick accept Newfield Drive as a town road.

After discussions with Town representatives, including the Natick Engineering Department and the Natick Department of Public Works, it was determined that the Town would consider acceptance of Newfield Drive only if the road was brought up to Town of Natick road standards. A Memorandum of Agreement was generated memorializing that understanding. I have attached a list of major tasks that have been completed pursuant to that agreement. The

2008 at a cost in excess of one million dollars, an amount borne entirely by the four residential communities. The completed road has been inspected and approved by town officials.

In order for a condominium to transfer its ownership, or an easement, interest in common area, i.e. Newfield Drive and appurtenant easements, to the Town, it must obtain the consent of seventy five percent of the unit owners and fifty one percent of certain mortgagees. This has been done by the four properties and letters confirming this have been furnished to you and Town Counsel. The governing boards of each complex have been authorized to proceed with the transfer and to execute those documents reasonably requested by the town to accomplish this. Kendall Crossing, which is privately owned, has sent a similar letter agreeing to the transfer.

During the course of this project, the Town discovered that no recorded document existed that clearly established the legality of a sewer line and easement used by the Town for many years. The line runs from Newfield Drive to Kendall Lane. That is the subject of Article 19. It is the intention of the appropriate residential complexes, as part of the process of the acceptance of Newfield Drive, to convey to the Town the easement in question, so as to remove any uncertainty about its legality.

Thank you for your courtesies to date and we look forward to working with you to a successful completion of this process.

Very truly yours,

Bikofsky, White & Benjamin

Aaron K. Bikofsky

cc: client; B. Nelson

Preconstruction Preparation

Existing conditions topographic survey

Wetland and resource area delineation in accordance with Mass DEP regulations

File Request for Determination of Applicability (RDA) under the Wetlands Protection Act for storm drain line cleaning

Presentation of RDA to the Natick Conservation Commission; negative determination issued

Storm drain line cleaning and television inspection

Preparation of proposed reconstruction plans and profiles

Review and coordination with Natick Engineering and DPW throughout design process

Preparation and submittal of Notice of Intent to Mass DEP and Natick Conservation Commission

Presentation of NOI to the Natick Conservation Commission, approval granted

Preparation of Natick Land Disturbance Bylaw application; approval granted

Presentation of Land Disturbance submittal to the Natick Conservation Commission; approval granted

Solicitation and evaluation of project bids

Road Construction

Placement of erosion control measures along roadway, approximately 6,500 feet of hay bales and silt fence installed

Pulverization of pre-existing roadway surface

Installation of 25 new deep sump catch basins with oil/water separators

Replacement of storm drain lines

Repair and replacement to the domestic water system as directed by Natick DPW and Engineering Departments

Replacement of all hydrants along Newfield Drive

Epoxy lining of all existing sanitary sewer lines within Newfield Drive to eliminate ground water infiltration

Epoxy lining of existing select sanitary sewer manholes to eliminate groundwater infiltration

Road sub grade preparation and compaction

Installation of Pavement binder course

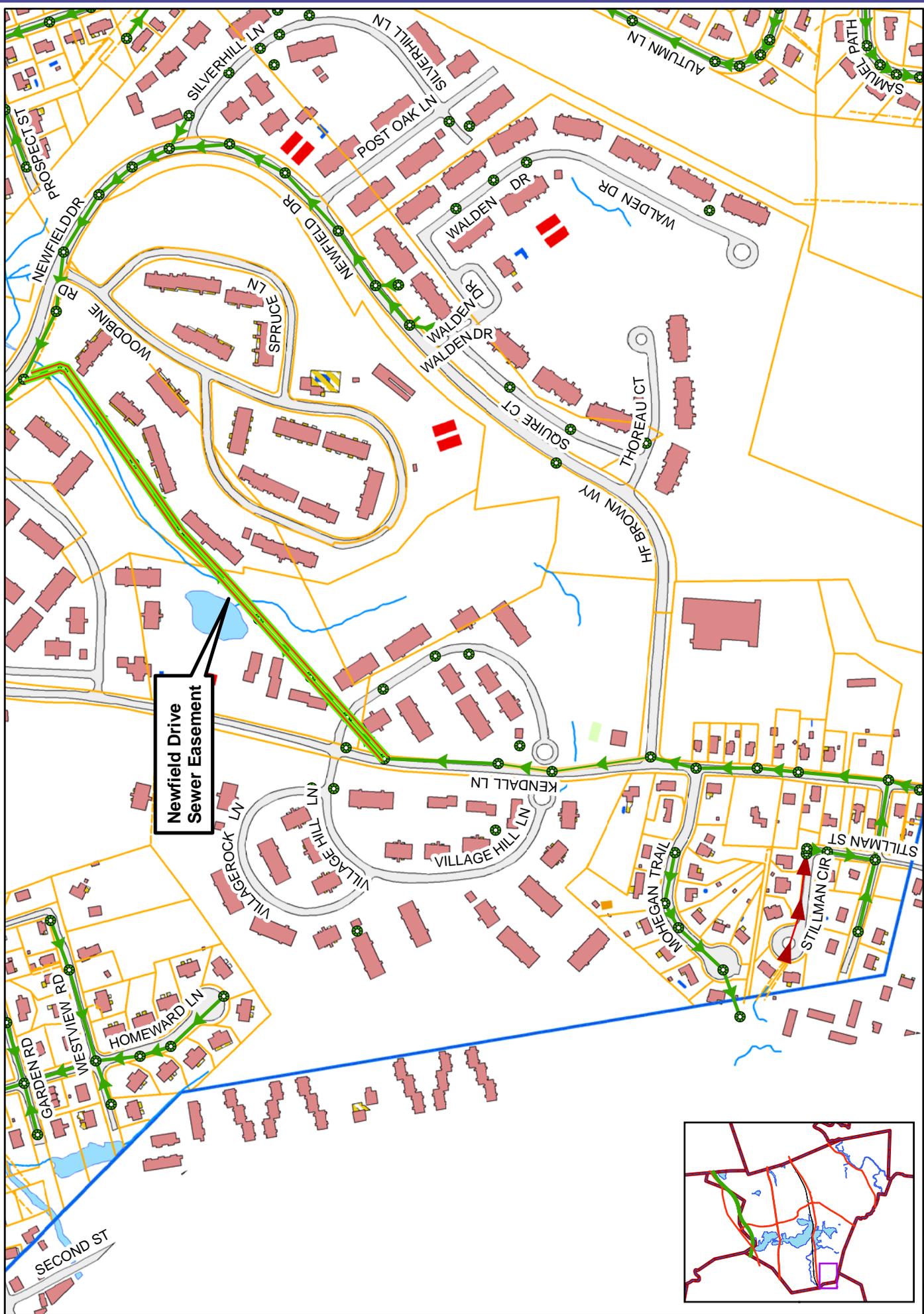
Installation of new bituminous concrete walkways and concrete handicap access ramps along entire Newfield Drive Right of Way

Installation of pavement finish course

Loam and seed road shoulders

As built survey and preparation of as built drawings and street acceptance plans

Close out order of conditions with Conservation Commission

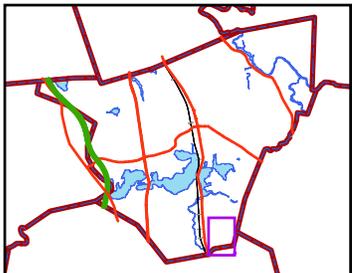


**Newfield Drive
Sewer Easement**

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Map Produced: September 8, 2009



Article 19
Acceptance of Sewer Easement
Newfield Drive



ARTICLE 20

Street Acceptance: Newfield Drive

(Board of Selectmen)

To see if the Town will vote to accept Newfield Drive 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 Newfield Drive, and any appurtenant drainage, utility or other easements related to said Newfield Drive, 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 September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 20.

Several years ago, representatives of the four properties that own Newfield Drive met and agreed that since the road is open to, and used by, the public it would be in the best interest of all that the Town of Natick accept Newfield Drive as a town road. After discussions with Town representatives, it was determined that the Town would consider acceptance of Newfield Drive only if the road was brought up to Town of Natick road standards at no cost to the Town. The Newfield Drive road, sidewalk and utility upgrades were completed in November, 2008 at a cost in excess of \$1 million, an amount borne entirely by the four residential communities. The completed road has been inspected and approved by town officials.

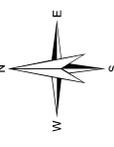
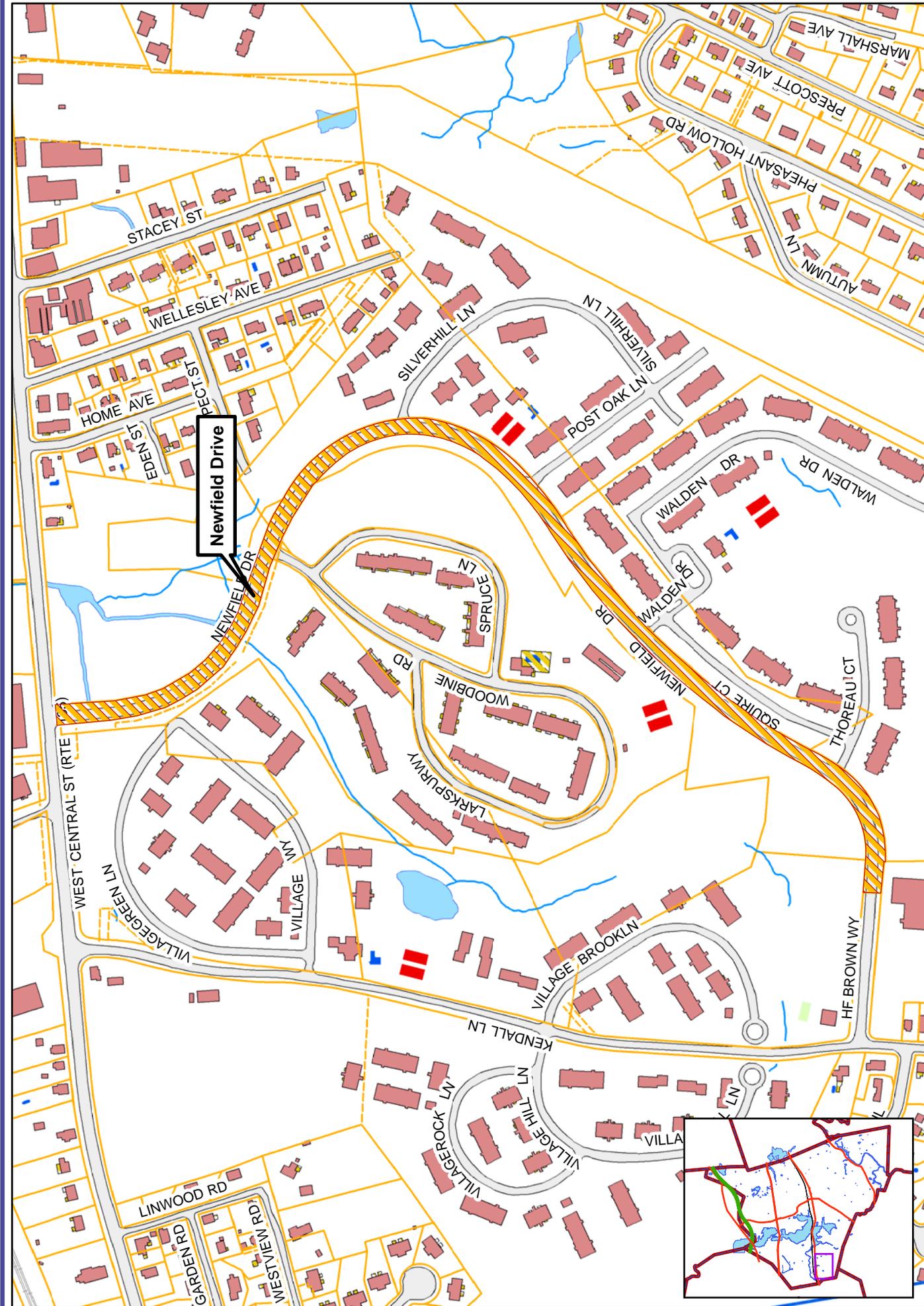
PLEASE NOTE THAT THE DISCUSSION POINTS FOR BOTH ARTICLES 19 & 20 WERE DISCUSSED AT THE SAME TIME AND ARE LOCATED AT ARTICLE 19.

The Board of Selectmen voted 4-0 to recommend favorable action on the subject matter of Article 20.

The Planning Board voted 6-0 to recommend favorable action on the subject matter of Article 20.

MOTION: (Requires majority vote)

Move that the Town vote to accept the following street and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Newfield Drive and 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 Newfield Drive, and any appurtenant drainage, utility or other easements related to said Newfield Drive, and/or to accept grants thereof; and 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

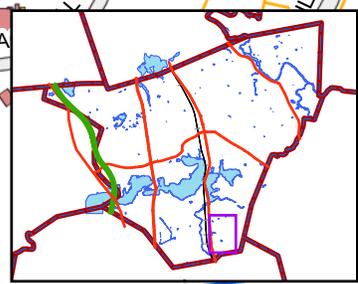


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Map Produced: September 8, 2009

Article 20
Street Acceptance Newfield Drive



ARTICLE 21

Street Acceptance: Ice House Lane

(Board of Selectmen)

To see if the town will vote to accept Ice House 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 Ice House Lane, and any appurtenant drainage, utility or other easements related to said Ice House 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 September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 21.

This article seeks Town Meeting approval to accept the street, "Ice House Lane".

During the review of this article it was noted:

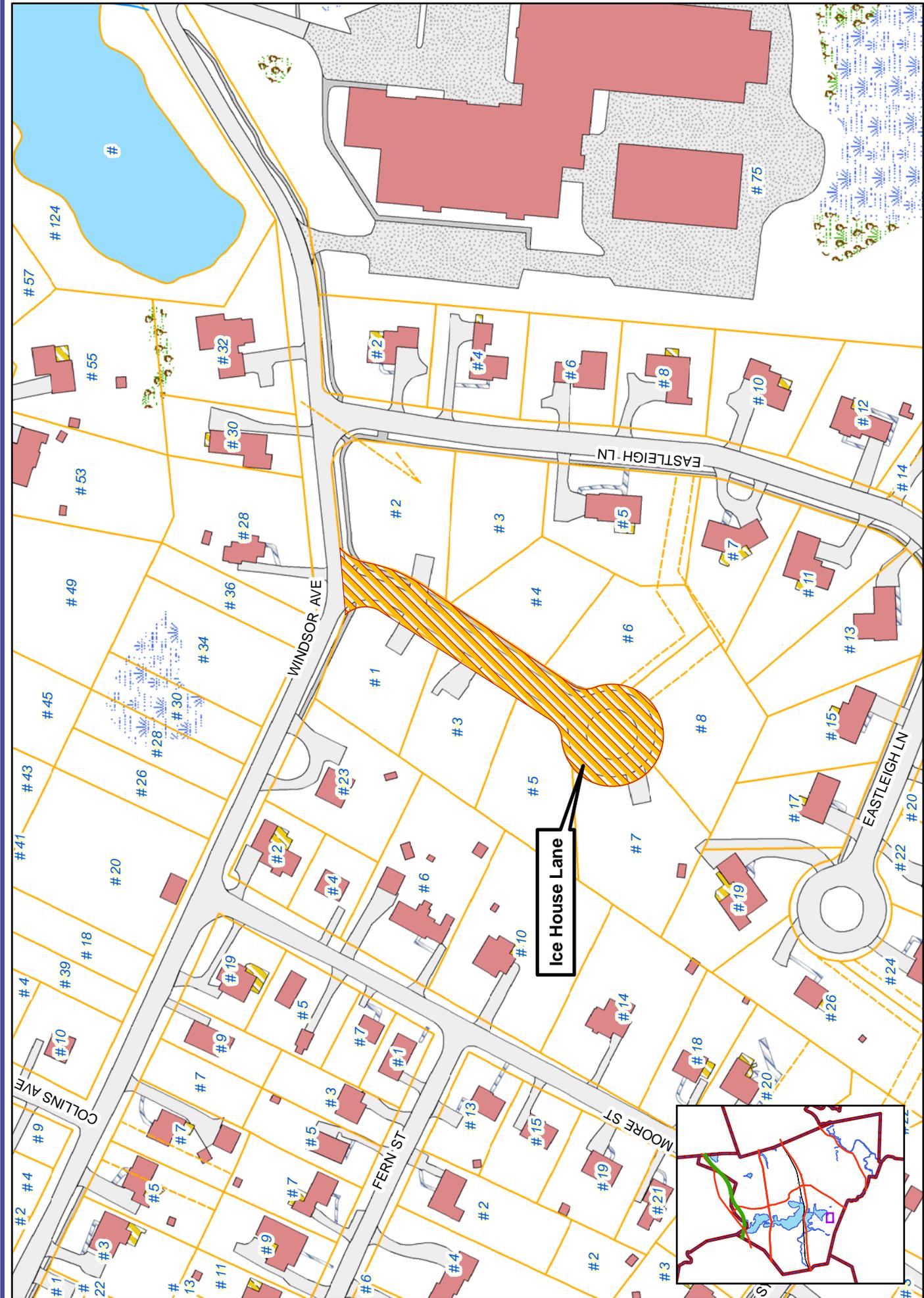
- *Acceptance of a street qualifies the town for additional Chapter 90 money from the state.*
- *The Engineering Dept. provided the layout of the relevant property and stated that all necessary work on this street had been completed and the Engineering Department was recommending acceptance.*
- *The last analysis of estimated Chapter 90 offset funding, approximately 5-6 years ago, was around \$6,800 per mile.*
- *Ice House Lane is approximately 500 feet in total length.*

The Board of Selectmen voted 4-0 to recommend favorable action on the subject matter of Article 21.

The Planning Board voted 6-0 to support the Town Engineer's request for the street acceptance of Ice House Lane.

MOTION: (Requires majority vote)

Move that the Town vote to accept the following street and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Ice House Lane and 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 Ice House Lane, and any appurtenant drainage, utility or other easements related to said Ice House Lane, and/or to accept grants thereof; and 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.

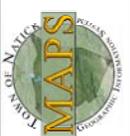


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Map Produced: September 8, 2009

Article 21
Street Acceptance: Ice House Lane



ARTICLE 22

Street Acceptance: Main Street

(Board of Selectmen)

To see if the Town will vote to accept Main Street 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 Main Street, and any appurtenant drainage, utility or other easements related to said Main Street, 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 September 10, 2009, The Finance Committee recommends REFERRAL with regard to the subject matter of Article 22 to the Board of Selectmen.

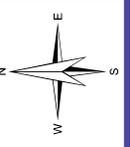
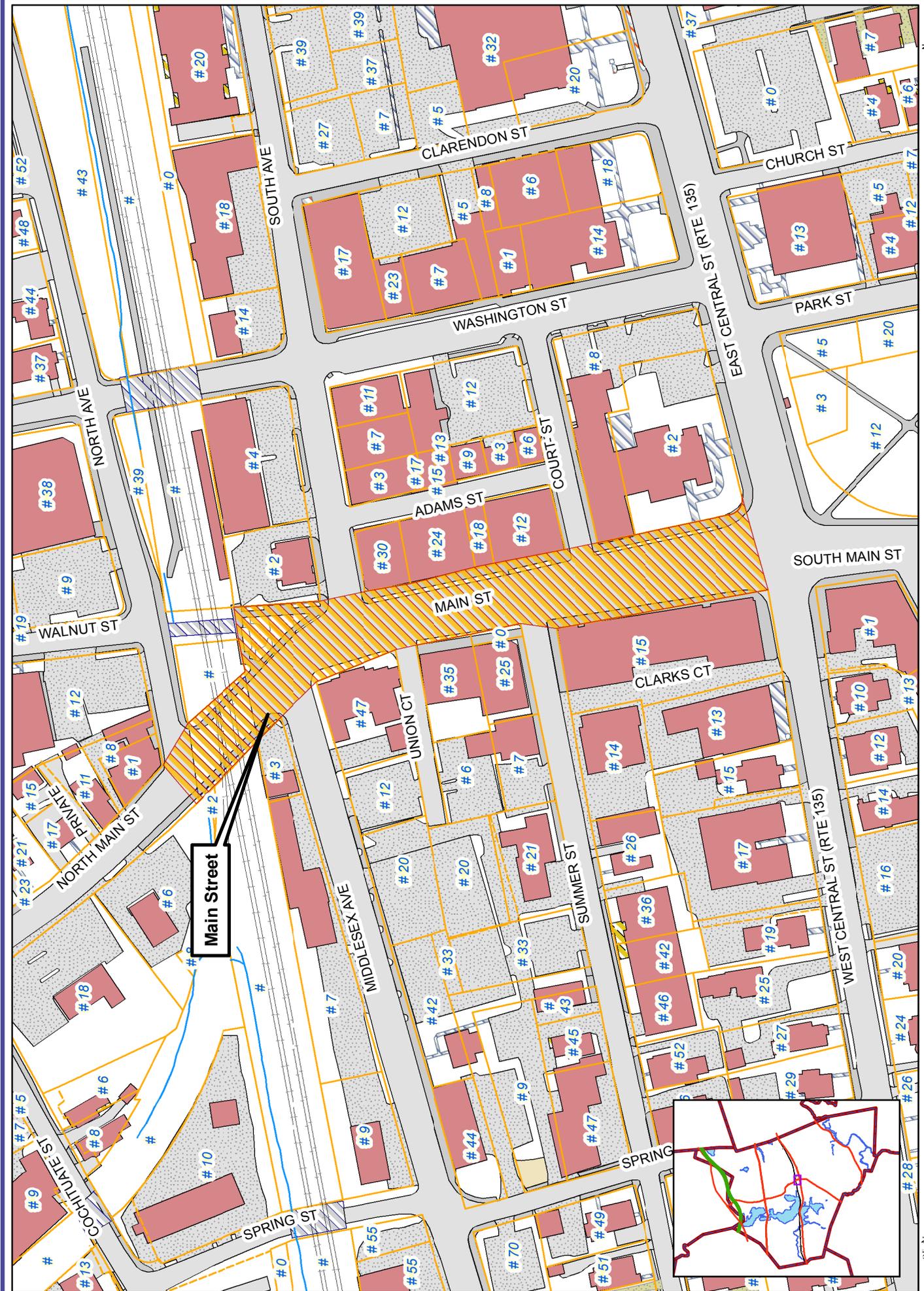
At the 2009 Spring Town Meeting funds were appropriated for the required work to survey and prepare a Street Acceptance plan for Main Street. The survey and plan preparation work started this summer with the goal to have a layout plan ready for acceptance at the Fall Town Meeting. During the survey work it was discovered that portions of the existing sidewalks and sections of the traveled way are actually on private property.

- *There is not sufficient time prior to this Town Meeting to resolve the issues with the abutting property owners.*
- *The Natick Center Associates have been kept informed about the issues.*
- *The design process is only 25% complete, but the Route 27 project also can't go forward until the State hearing scheduled for November.*
- *Cost impact will be included when this is brought back before the Finance Committee.*
- *Easements and possibly land taking will likely be needed. Since this is supported by the business community, major problems are not expected with obtaining easements; land takings may be more uncertain.*
- *Although the State previously had some problems with angle parking, this seems to no longer be an issue, so this is not expected to have to be changed.*
- *The timeframe for completion of this project, factoring in the State's competitive TIF process, could extend to five years.*

The Board of Selectmen voted 4-0 to recommend referral action on the subject matter of Article 22 to the Board of Selectmen.

MOTION: (Requires majority vote)

Move that the Town vote to refer the subject matter of Article 22 to the Board of Selectmen.



DISCLAIMER: The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation or conveying purposes.



Map Produced: September 8, 2009

Article 22
Street Acceptance: Main Street



ARTICLE 23

Street Acceptance: Yorkshire Drive

(Board of Selectmen)

To see if the Town will vote to accept Yorkshire Drive (the extension of) 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 Yorkshire Drive (the extension of), and any appurtenant drainage, utility or other easements related to said Yorkshire Drive (the extension of), 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 September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 23.

This article seeks Town Meeting approval to accept the street, "Yorkshire Drive".

- *Acceptance of a street qualifies the town for additional Chapter 90 money from the state.*
- *The process defined in MGL is that when a street is developed and built according to the Town's specifications, it is eligible to be accepted by the Town as a public roadway.*
- *Part of the Planning Board's review of subdivision plans submitted is to lay out the standards for construction of roads intended to become part of the Town's roads, and that is an expectation when individuals purchase these properties.*

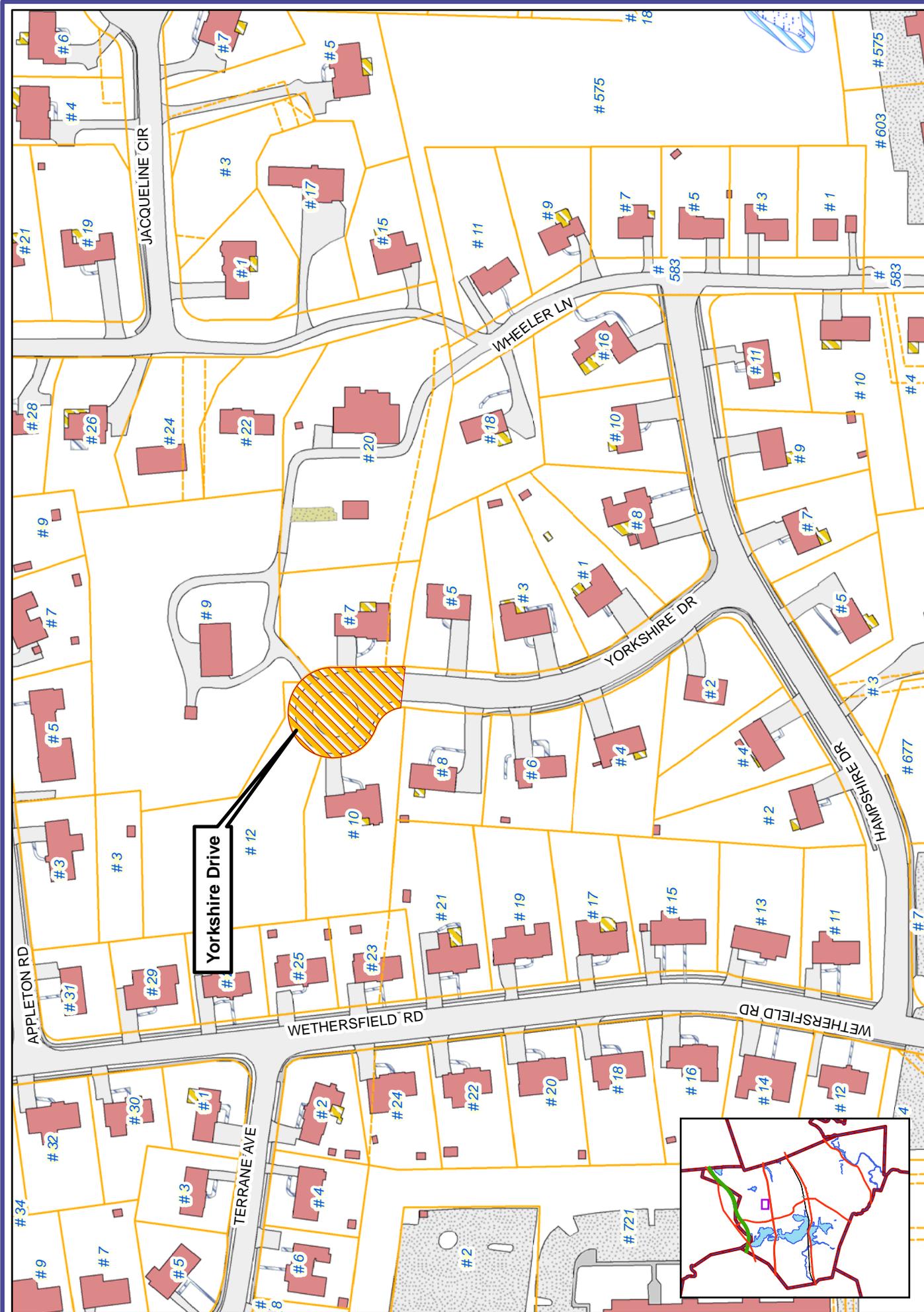
The Board of Selectmen voted 4-0 to recommend favorable action on the subject matter of Article 23.

The Planning Board voted 6-0 to support the Town Engineer's request for the street acceptance of Yorkshire Drive.

MOTION: (Requires majority vote)

Move that the Town vote to accept the following street and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Yorkshire Drive

and 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 Yorkshire Drive, and any appurtenant drainage, utility or other easements related to said Yorkshire Drive, and/or to accept grants thereof; and 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.



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Map Produced: September 8, 2009

Article 23
Street Acceptance: Yorkshire Drive



ARTICLE 24

Amend Charter Article 2: Legislative Branch (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 2 of the Natick Home Rule Charter as follows:

1. In Section 2-3, in the second paragraph, first sentence, third line, delete the word “and” which appears between the words “meeting” and “c” and insert in its place the word “or”, so that said first sentence reads “The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by a vote of the town meeting, or (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by five per cent or more from the total number of inhabitants of the town divided by the number of precincts.”; and

2. In Section 2-6(d), in the last sentence, delete the comma which appears between the words “event” and “there” and insert in its place the word “that” so that said last sentence reads “In the event that there are no persons eligible, the vacancy shall remain unfilled until the next town election”;

3. In Section 2-11 (d):

a) in the first sentence, insert the word “preliminary” between the words “cause” and “copies” and between the words “said” and “warrant”;

b) in the second sentence, insert the word “preliminary” before the word “warrant”; and

c) insert a new third sentence which reads “When the attested warrant has been completed copies shall be distributed in the same manner and in such additional manner as may be provided by by-law”; so that said section 2-11 (d) reads:

“Publication – Within five days following the date the warrant for any town meeting shall close the board of selectmen shall cause preliminary copies of the warrant articles for such meeting to be posted in each precinct of the town and copies of said preliminary warrant articles to be mailed to the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Additional copies of the preliminary warrant articles shall be made available for general distribution in the office of the town clerk. When the attested warrant has been completed copies shall be distributed in the same manner and in such additional manner as may be provided by by-law.

4. In Section 2-13 (c) in the second sentence, delete the words “fourteen” and “twenty-one” and insert in their place the words “thirty” and “sixty” so that said second sentence reads “The board of selectmen shall, within ten days following the filing of such petition, call a special election to be held on a date fixed by it not less than thirty nor more than sixty days later for submission of such question, or questions, to the voters for a final determination”. or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 24

Article 24 Cont'd

The purpose of this TM Article is to “clean up” By-Law Article 20 as noted on the following Redlined page(s).

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 24.

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend Article 2 of the Natick Home Rule Charter as follows:

1. In Section 2-3, in the second paragraph, first sentence, third line, delete the word “and” which appears between the words “meeting” and “c” and insert in its place the word “or”, so that said first sentence reads “The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by a vote of the town meeting, or (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by five per cent or more from the total number of inhabitants of the town divided by the number of precincts.”; and

2. In Section 2-6(d), in the last sentence, delete the comma which appears between the words “event” and “there” and insert in its place the word “that” so that said last sentence reads “In the event that there are no persons eligible, the vacancy shall remain unfilled until the next town election”;

3. In Section 2-11 (d):
a) in the first sentence, insert the word “preliminary” between the words “cause” and “copies” and between the words “said” and “warrant”;
b) in the second sentence, insert the word “preliminary” before the word “warrant”; and
c) insert a new third sentence which reads “When the attested warrant has been completed copies shall be distributed in the same manner and in such additional manner as may be provided by by-law”; so that said section 2-11 (d) reads:

“Publication – Within five days following the date the warrant for any town meeting shall close the board of selectmen shall cause preliminary copies of the warrant articles for such meeting to be posted in each precinct of the town and copies of said preliminary warrant articles to be mailed to the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Additional copies of the preliminary warrant articles shall be made available for general distribution in the office of the town clerk. When the attested warrant has been completed copies shall be distributed in the same manner and in such additional manner as may be provided by by-law.

4. In Section 2-13 (c) in the second sentence, delete the words “fourteen” and “twenty-one” and insert in their place the words “thirty” and “sixty” so that said second sentence reads “The board of selectmen shall, within ten days following the filing of such petition, call a special election to be held on a date fixed by it not less than thirty nor more than sixty days later for submission of such question, or questions, to the voters for a final determination”.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

The board of selectmen shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws.

The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by a vote of the town meeting, ~~and~~ or (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by five per cent or more from the total number of inhabitants of the town divided by the number of precincts. Any such revision shall be carried out in accordance with the timeline described in said Section 6 of Chapter 54 of the General Laws.

Section 2-4 Candidates

(a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.

(b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for two years; and the remaining third in such order shall serve for one year from the date of the annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms any vacancies then existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

(a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.

(b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.

(c) **List of Persons Eligible to Fill Vacancies** - 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. Each list shall include names of such persons for elections in the present and previous two calendar years, provided, however, that elections in years prior to the last revision of precincts shall not be considered. Persons shall be listed at most once, with the highest vote count received. Persons currently serving as elected town meeting members or those no longer eligible to be town meeting members from the precinct shall not be listed. Persons on each list shall be listed in descending order of votes received. If necessary to resolve ties, the town clerk shall determine the ordering on each list by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public. The town clerk shall maintain the lists until the next town election, removing from the lists the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered, or (3) who are no longer eligible to be town meeting members.

(d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The town clerk shall make appointments in accordance with the

ordering of names on the lists. In the event, that there are no persons eligible, the vacancy shall remain unfilled until the next town election.

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** - A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending, he shall designate a deputy to attend in his place. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote.
- (b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.
- (c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to participate in the proceedings, but shall have no right to vote.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **Initiation of Articles** - The board of selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative

town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten voters, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The board of selectmen shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

(c) **Time Requirements** - The board of selectmen shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the board of selectmen shall determine it to be necessary to call a special town meeting, it shall by publication in a local newspaper give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the board of selectmen prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.

(d) **Publication** - Within five days following the date the warrant for any town meeting shall close the board of selectmen shall cause preliminary copies of the warrant articles for such meeting to be posted in each precinct of the town and copies of said preliminary warrant articles to be mailed to the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Additional copies of the preliminary warrant articles shall be made available for general distribution in the office of the town clerk. When the attested warrant has been completed copies shall be distributed in the same manner and in such additional manner as may be provided by by-law.

(e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

(a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the board of selectmen may, in their sole discretion, for the purpose of acting on the legislative

business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.

(b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.

(c) **Quorum** - Ninety-one town meeting members shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.

(d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.

(e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

(a) **Effective Date of Final Votes** - No final vote of the representative town meeting to approve or reject an affirmative main motion under a warrant article, but not including appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting.

(b) **Subsidiary Motions** - The affirmative main motion subject to referendum shall be the final form of the motion as modified by any amendments adopted. Whenever a subsidiary motion to lay upon the table, to refer or to postpone indefinitely is applied to the affirmative main motion and is voted by the representative town meeting, the affirmative main motion shall be deemed to have been rejected.

(c) **Petition** - If, within said seven days, a petition signed by not less than five per cent of the total number of voters as of the date of the most recent town election, containing their names and addresses, is filed with the board of selectmen requesting that any question as voted by the representative town meeting be referred to the voters for a final determination, then, the operation of such vote shall be further suspended pending its determination by the voters as provided in this section. The board of selectmen shall, within ten days following the filing of such petition, call a special election to be held on a date fixed by it not less than ~~fourteen~~thirty

nor more than ~~twenty-one~~sixty days later for submission of such question, or questions, to the voters for a final determination.

(d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.

(e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.

ARTICLE 25

Amend Charter & By-Laws To Provide That The Town Clerk Shall Be An Appointed Position

(Joan Craig, et al)

To see if the Town will vote to amend the Natick Home Rule Charter as follows:

1. In Article 3, Section 3-1(a), first sentence delete the words “a town clerk” from the list of elective offices.
2. Delete Section 3-5 in its entirety
3. Insert a new Section 6-5 in Article 6, said Section 6-5 to read as follows:
“(a) **Appointment; Qualifications; Term of Office** – There shall be a town clerk appointed by the town administrator for a term of three (3) years. Such appointment shall be based on qualifications and experience including at least five years of progressively responsible administrative work in municipal government with a concentration in the field of records/office management, as well as extensive knowledge of state, local and federal statutes and regulations applicable to the duties and responsibilities of a town clerk’s office and the functions and operations of town government. Minimum qualifications include a Bachelor’s degree in public administration, government, or business management.

(b) **Powers and Duties** – The town clerk shall have all the powers and duties conferred and imposed upon town clerks by the Massachusetts General Laws and the Town of Natick By-Laws.

(c) **Vacancy** – If the town clerk is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the town administrator may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes his duties, or until another town clerk is duly appointed and qualified. Said temporary appointment shall be in writing, signed by the town administrator, and filed with the board of selectmen and the office of the town clerk.”

And, further, to amend the Town of Natick By-Laws as follows.

1. In Article 20, in the table entitled “Appointments Made By The Town Administrator” insert the words “Town Clerk (C) s. 6-5”;
2. Renumber Article 11 as a new Article 33 and revise the Table of Contents accordingly.

Provided that:

1. The foregoing amendments to the Town of Natick By-Laws shall not take effect unless and until the amendments to the Natick Home Rule Charter voted under this

Article 25 Cont'd

article are approved by the voters of the Town of Natick.

2. Any incumbent serving in the office of Natick town clerk at the time of approval by the voters of the Town of Natick of the foregoing amendments to the Natick Home Rule Charter shall continue to hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor town clerk is qualified; and
3. Any individual elected to the office of the Natick Town Clerk, in the circumstance where the office of Natick Town Clerk becomes an appointed position at the same election, shall hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor town clerk is qualified;

or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 25 to the Town Administrator.

This citizen petition proposes to make the position of Natick Town Clerk an appointed position; presently this is an elected position. Changes to the Natick Home Rule Charter and the Natick By-Laws are proposed to effectuate this change.

During the review of this article it was noted:

- *The Article proposes to move this position from an elected office to one appointed by the Town Administrator (3 Year Term) subject, as are all of the Town Administrator's appointments, to the right of refusal within 15 days by the Board of Selectmen.*
- *Qualifications and experience for such an appointee are stipulated in the proposal. In addition, specific experience and educational qualifications would be added to the eligibility criteria for appointment to the position.*
- *Should Town Meeting vote favorably on this Article, as a Charter change it would not take effect unless approved by the voters at a Town Election.*
- *To avoid conflict between the By-Laws and the Charter, the proposal provides that the By-Law changes will not take effect until and unless the voters approve the Charter changes.*
- *Given that the position of Town Clerk is, at present, an elected position there may be candidates for the elected office on the same ballot (election) as this proposed amendment to the Home Rule Charter.*
- *If the amendment to the Charter is not approved by the voters of the Town, the candidate for the elected office receiving the most votes will be considered to be elected to the office.*
- *If the amendment to the Charter is approved, none of the candidates will be deemed to be elected as Town Clerk, although they could subsequently apply for the appointed position.*
- *If the question is voted favorably on the ballot in the Spring, whomever is elected would serve until such time as the process for recruiting, screening and selecting an appointed Clerk could be completed. The individual elected would be eligible to apply for the appointment.*

Article 25 Cont'd

- *Whereas previous initiatives to move this forward were sponsored by the Personnel Board, the fact that this is a grass roots effort being put forward by many, including several Town Meeting members who feel strongly about the importance of this is viewed as one difference which may contribute to a positive outcome this time. In addition, the example of the impact already made by the current incumbent is also viewed as a positive factor.*
- *If this change is implemented, only the Town Moderator would remain an elected position in addition to the Selectmen.*
- *A formal employee evaluation process is now in place for all management positions on the Personnel Pay Plan. There is an up-to-date Position Description (See below) for this position.*
- *The interim Town Clerk was invited to attend the articles hearings but declined, preferring not to be involved in this decision and expressing the view that this decision should be made by the voters.*
- *Participation of 20% was reported to be the high range for a typical Town election based on recent experience.*
- *The three-year term of office being proposed is consistent with the terms of other appointed Town offices as defined by By-law.*
- *It is the Article sponsor's intent that the same qualifications would be required for any interim appointment to fill a temporary vacancy in the Town Clerk's position.*
- *The delineation of only three possible subject areas in which a candidate's bachelor's degree would qualify for this position was identified to be overly restrictive.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action of the subject matter of Article 25.

NOTE >> THERE ARE TWO MOTIONS TO BE VOTED FOR THIS ARTICLE

MOTION A: To vote on the Charter change

MOTION B: To vote on the By-Law change

MOTION 25 A: (Requires 2/3 vote)

Move that the Town vote to amend the Natick Home Rule Charter as follows:

- 1. In Article 3, Section 3-1(a), first sentence delete the words "a town clerk" from the list of elective offices.**
- 2. Delete Section 3-5 in its entirety**
- 3. Insert a new Section 6-5 in Article 6, said Section 6-5 to read as follows:
"(a) Appointment; Qualifications; Term of Office – There shall be a town clerk appointed by the town administrator for a term of three (3) years. Such appointment shall be based on qualifications and experience including at least five years of progressively responsible administrative work in municipal government with a concentration in the field of records/office management, as well as extensive knowledge of state, local and federal statutes and regulations applicable to the duties and responsibilities of a town clerk's office and the**

Article 25 Cont'd

functions and operations of town government. Minimum qualifications include a Bachelor's degree in public administration, government, or business management **or the equivalent combination of experience and education.**

(b) Powers and Duties – The town clerk shall have all the powers and duties conferred and imposed upon town clerks by the Massachusetts General Laws and the Town of Natick By-Laws.

(c) Vacancy – If the town clerk is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the town administrator may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes his duties, or until another town clerk is duly appointed and qualified. Said temporary appointment shall be in writing, signed by the town administrator, and filed with the board of selectmen and the office of the town clerk.”

4. In Article 6, Section 3-1(a), first sentence delete the words “a town clerk” from the list of elective offices.

MOTION 25 B: (Requires majority vote)

And, further, to amend the Town of Natick By-Laws as follows.

1. In Article 20, in the table entitled “Appointments Made By The Town Administrator” insert the words “Town Clerk (C) s. 6-5”;
2. Renumber Article 11 as a new Article 33 and revise the Table of Contents accordingly.

Provided that:

1. The foregoing amendments to the Town of Natick By-Laws shall not take effect unless and until the amendments to the Natick Home Rule Charter voted under this article are approved by the voters of the Town of Natick.
2. Any incumbent serving in the office of Natick Town clerk at the time of approval by the voters of the Town of Natick of the foregoing amendments to the Natick Home Rule Charter shall continue to hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor town clerk is qualified; and
3. Any individual elected to the office of the Natick Town Clerk, in the circumstance where the office of Natick Town Clerk becomes an appointed position at the same election, shall hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor town clerk is qualified.

ARTICLE 26

Amend Charter Article 4: Town Administrator (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 4 of the Natick Home Rule Charter as follows:

1. In Section 4-2, in the first paragraph, insert the words “and by-laws” at the end of the first sentence so that said first sentence reads “The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed under his charge by or under the charter and by-laws.”

2. In Section 4-2 13), in the second line, insert the words “consistent with Generally Accepted Accounting Principles” between the words “kept” and “including” so that said subsection 13) reads “He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers on multiple member bodies”;

3. In Section 4-2 15), in the second sentence, delete the word “material” and insert in its place the word “materials”; in the third sentence, delete the word “material” and insert in its place the word “materials”; and insert in the third sentence the words “for all departments and activities of the town” between the words “equipment” and “except” so that Section 4-2 15) reads “He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town except for the school department.”; and

4. Renumber Section 4-2 17) as 4-2 18) and renumber Section 4-2 18) as Section 4-2 19).

5. Insert a new Section 4-2 17) which reads “He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.”

6. In Section 4-3 b), in the first sentence, third line, insert the words “or other qualified individual” between the words “employee” and “to”, so that said first sentence reads “Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to perform the duties of town administrator on an acting basis.”; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 26.

Article 26 Cont'd

The purpose of this TM Article is to “clean up” By-Law Article 4 as noted on the following Redlined page(s).

During the review of this article it was noted:

- Generally Accepted Accounting Principles (GAAP) allows “materiality” which means it’s not necessary to count every small item to meet the inventory management requirement.

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 26.

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend Article 4 of the Natick Home Rule Charter as follows:

1. In Section 4-2, in the first paragraph, insert the words “and by-laws” at the end of the first sentence so that said first sentence reads “The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed under his charge by or under the charter and by-laws.”

2. In Section 4-2 13), in the second line, insert the words “consistent with Generally Accepted Accounting Principles” between the words “kept” and “including” so that said subsection 13) reads “He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers on multiple member bodies”;

3. In Section 4-2 15), in the second sentence, delete the word “material” and insert in its place the word “materials”; in the third sentence, delete the word “material” and insert in its place the word “materials”; and insert in the third sentence the words “for all departments and activities of the town” between the words “equipment” and “except” so that Section 4-2 15) reads “He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town except for the school department.”; and

4. Renumber Section 4-2 17) as 4-2 18) and renumber Section 4-2 18) as Section 4-2 19).

5. Insert a new Section 4-2 17) which reads “He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.”

6. In Section 4-3 b), in the first sentence, third line, insert the words “or other qualified individual” between the words “employee” and “to”, so that said first sentence reads “Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to perform the duties of town administrator on an acting basis.”

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1 Appointment, Review, Other Activities

(a) **Appointment, Term of Office** - The board of selectmen shall appoint a town administrator to serve for a term of not less than three nor more than five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The board of selectmen shall make the appointment of a town administrator from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town administrator.

(b) **Review of Performance** - The board of selectmen shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.

(c) **Restriction on Other Activities** - The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the board of selectmen.

Section 4-2 Powers and Duties

The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed under his charge by or under the charter and by-laws. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments

of the town administrator shall be posted forthwith on the town bulletin board. Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless the board of selectmen shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and all collective bargaining agreements entered into on behalf of the town. He shall, in conjunction with the personnel board prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the board of selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the board of selectmen and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit, in the manner provided in Article 5 a proposed annual operating budget and a proposed capital outlay program for the town.
- 9) He shall keep the board of selectmen fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the board of selectmen and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the board of selectmen at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.

- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.
- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.
- 14) He shall be responsible for the negotiation of all contracts with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, ~~material~~materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, ~~material~~materials and equipment for all departments of the town, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- ~~17)~~ He may authorize any subordinate officer or employee to exercise any power of duty
- 18) which he is authorized to perform, however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- ~~18)~~ He shall perform such other duties as may be required by the charter, by by-law, by
- 19) town meeting vote, by vote of the board of selectmen, or otherwise.

Section 4-3 Acting Town Administrator

(a) **Temporary Absence** - The town administrator shall, by letter filed with the board of selectmen and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of his office during his temporary absence. During the temporary absence of the town administrator, the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another

qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.

(b) **Vacancy** - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.

(c) **Powers and Duties** - The powers of a temporary or acting town administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town administrator, only an acting appointment or designation may be made.

Section 4-4 Removal and Suspension

The board of selectmen, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the board of selectmen with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the board of selectmen which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

ARTICLE 27
Amend Charter Article 5: Fiscal Procedures
(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 5 of the Natick Home Rule Charter as follows:

1. In the title to Section 5-2 delete the word “Committee” and insert in its place the word “Department” so that the title reads “School Department Budget”;

2. In Section 5-2 (a), in the first phrase, insert the words “superintendent of schools’ proposed” before the word “budget” and delete the words “as adopted by the school committee” so that the first phrase reads “The superintendent of schools’ proposed budget”;

3. In Section 5-2 (b): a) delete the second sentence which reads “The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes”; and b) in the present third sentence, delete the first word “They” and insert in its place the words “This notice”, and delete the words “their complete draft” and insert in their place the words “the proposed” so that said sentence reads “This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time, place, not less than seven days follows such publication, when a public hearing will be held by the school committee on the proposed budget.”;

4. In Section 5-3; a) in the title delete the word “Proposed” and insert in its place the word “Preliminary”; b) delete the third sentence, which reads “The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes”; c) in the three remaining sentences change the words “proposed budget” to read “preliminary budget”; and d) in the last sentence delete the first word “The” and insert in its place the word “This”;

5. Delete the present text of Section 5-4, which reads “The budget message submitted by the town administrator shall explain the preliminary budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the town’s debt positions; and it shall include such additional information as the town administrator deems desirable or the board of selectmen may reasonably require” and insert in its place the following text: “ The budget message submitted by the town administrator shall at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the town’s fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves;
- Outline proposed financial policies of the town for the ensuing fiscal year;
- Indicate any major variations from the current financial policies together with the reasons for such changes;
- Identify changed priorities and the reasons for such changes;
- Summarize the town’s debt position;
- Provide an analysis of significant trends and fiscal challenges and the administration’s proposed responses thereto;
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes;

Article 27 Cont'd

- Include such additional information as the town administrator deems desirable or the board of selectmen may require”;

6. In Section 5-5: a) delete the word “Proposed” in the title and insert in its place the word “Preliminary” so the title reads “The Preliminary Budget”; b) delete the first sentence and insert in its place the following two sentences: “The preliminary budget, in conjunction with the town administrator’s budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools’ proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrators’ recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and the means for addressing such variances”; c) in the present second sentence delete the word “it” in the second clause and insert in its place the words “the financial plan”; d) in the present third sentence, first phrase, change “proposed budget” to read ‘preliminary budget’; and e) in the present fourth sentence, first clause, delete the word “income” and insert in its place the word “revenues”;

7. In Section 5-6: a) in the title, delete the word “Proposed” and insert in its place the words “Town Administrator’s Preliminary” so that the title reads “Town Administrator’s Preliminary Budget”; and b) in Section 5-6 (a) and 5-6 (b), change “proposed budget” to read “preliminary budget” wherever they appear;

or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 27.

The purpose of this TM Article is to “clean up” By-Law Article 5 as noted on the following Redlined page(s).

During the review of this article it was noted:

- *The use of the term “proposed” in reference to the School Department budget in Section 5-2 is intentional since the expectation is that this would be the amount being requested by the Superintendent, although this may not be the final amount approved by the School Committee following that body’s further deliberations.*
- *Use of the term “proposed” in the first bullet point in Section 5-4 was identified to be an error; this should be changed to “preliminary.”*
- *Use of the term “proposed” in Section 5-6 (c) is intended, since this refers to the final, balanced budget to be put forward to Town Meeting.*
- *The CBRC discussed adding reference to posting the full budget information on the Town’s website in addition to the requirement for publication in the newspaper, but decided against this at this time.*

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 27.

Article 27 Cont'd

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend Article 5 of the Natick Home Rule Charter as follows:

1. In the title to Section 5-2 delete the word "Committee" and insert in its place the word "Department" so that the title reads "School Department Budget";

2. In Section 5-2 (a), in the first phrase, insert the words "superintendent of schools' proposed" before the word "budget" and delete the words "as adopted by the school committee" so that the first phrase reads "The superintendent of schools' proposed budget";

3. In Section 5-2 (b): a) delete the second sentence which reads "The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes"; and b) in the present third sentence, delete the first word "They" and insert in its place the words "This notice", and delete the words "their complete draft" and insert in their place the words "the proposed" so that said sentence reads "This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time, place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.";

4. In Section 5-3; a) in the title delete the word "Proposed" and insert in its place the word "Preliminary"; b) delete the third sentence, which reads "The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes"; c) in the three remaining sentences change the words "proposed budget" to read "preliminary budget"; and d) in the last sentence delete the first word "The" and insert in its place the word "This";

5. Delete the present text of Section 5-4, which reads "The budget message submitted by the town administrator shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the town's debt positions; and it shall include such additional information as the town administrator deems desirable or the board of selectmen may reasonably require" and insert in its place the following text: " The budget message submitted by the town administrator shall at a minimum:

- Provide a comprehensive overview of **the preliminary budget**
- Explain the town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves;
- Outline proposed financial policies of the town for the ensuing fiscal year;
- Indicate any major variations from the current financial policies together with the reasons for such changes;
- Identify changed priorities and the reasons for such changes;
- Summarize the town's debt position;
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto;

Article 27 Cont'd

- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes;
 - Include such additional information as the town administrator deems desirable or the board of selectmen may require”;
6. In Section 5-5: a) delete the word “Proposed” in the title and insert in its place the word “Preliminary” so the title reads “The Preliminary Budget”; b) delete the first sentence and insert in its place the following two sentences: “The preliminary budget, in conjunction with the town administrator’s budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools’ proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrators’ recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and the means for addressing such variances”; c) in the present second sentence delete the word “it” in the second clause and insert in its place the words “the financial plan”; d) in the present third sentence, first phrase, change “proposed budget” to read “preliminary budget”; and e) in the present fourth sentence, first clause, delete the word “income” and insert in its place the word “revenues”;
7. In Section 5-6: a) in the title, delete the word “Proposed” and insert in its place the words “Town Administrator’s Preliminary” so that the title reads “Town Administrator’s Preliminary Budget”; and b) in Section 5-6 (a) and 5-6 (b), change “proposed budget” to read “preliminary budget” wherever they appear.

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 School ~~Committee~~Department Budget

(a) **Submission to Town Administrator** - The superintendent of schools' proposed budget ~~as adopted by the school committee~~ shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.

(b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of ~~its~~the proposed budget. ~~The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. They~~ This notice shall also indicate the times and places at which copies of ~~their complete draft~~the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 Submission of ~~Proposed~~Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town administrator shall submit to the finance committee a ~~proposed preliminary~~ budget for the ensuing year, with an accompanying budget message and supporting documents. He shall, simultaneously, provide for the publication in a local newspaper ~~of~~ a general summary of the ~~proposed preliminary~~ budget. ~~The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes. The~~ This notice shall also indicate the times and places at which complete copies of the ~~proposed preliminary~~ budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town administrator shall ~~explain~~, at a minimum:

- Provide a comprehensive overview of the ~~proposed preliminary~~ budget ~~for all town agencies, both in~~
- Explain the Town's fiscal ~~terms~~condition including noteworthy changes in various revenue and ~~in terms of work programs. It shall outline~~expense categories as well as reserves

- Outline proposed financial policies of the town for the ensuing fiscal year; ~~describe important features of the proposed budget; indicate~~
- Indicate any major variations from the current ~~budget in~~ financial policies, ~~expenditures and revenues~~, together with the reasons for such changes; ~~summarize~~
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position;
- Provide an analysis of significant trends and ~~it shall include~~ fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town administrator deems desirable or the board of selectmen may reasonably require.

Section 5-5 The ~~Proposed~~Preliminary Budget

The ~~proposed budget~~preliminary budget, in conjunction with the town administrator's budget message, shall provide a complete financial plan of all town funds ~~and activities~~, including the superintendent of schools' proposed budget as ~~requested by~~submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrator's recommended appropriation for the school committee department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and the means for addressing such variances. Except as may otherwise be required by general law, or by the charter, ~~the financial plan~~ shall be in the form the town administrator deems desirable, or as the board of selectmen may require. In his presentation of the ~~proposed~~preliminary budget, the town administrator shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show the actual and estimated ~~income~~revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the ~~Proposed~~Town Administrator's Preliminary Budget

(a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the ~~proposed~~preliminary budget, provide for the publication in a local newspaper of a notice stating the date, time and place, not less than seven nor more than fourteen days following such

publication, when a public hearing will be held by the finance committee on the ~~proposed~~preliminary budget.

(b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of the ~~proposed~~preliminary budget.

(c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Capital Improvement Program

The town administrator shall submit a capital improvement program to the board of selectmen and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

ARTICLE 28

Amend Charter Article 6: Administrative Organization (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 6 of the Natick Home Rule Charter as follows:

1. Delete Section 6-3 (b)(5), which reads: “He shall, under the general supervision of the town administrator, be in charge of all of the accounting and business machines owned by the town other than machines used for educational and classroom purposes, and shall allocate the use thereof among the several town agencies”.
2. In Section 6-4, following the heading “Collector”:
 - (a) Delete the text of subsections (1) and (2), which read:
 - (1) “The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80 provide the manner through which the collector derives the authority to proceed to collect and enforce the collection of taxes committed to him. The collector is to compel payment of the taxes as levied or assessed by the proper authority. Regardless from whom the taxes are due they are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.
 - (2) A collector who is acting in “good faith” cannot sit passively and merely receive such taxes as may be paid voluntarily, but must make an honest effort to enforce the collection under the powers conferred upon him or provided under the statutes.”

and insert in their place the following text:

- (1) “The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.
- (2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.”

Article 28 Cont'd

(b) Insert a new subsection (4), which reads “Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety authorized to transact business for this purpose in the Commonwealth of Massachusetts. The premium must be paid by the Town.”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 9-0-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 28.

The purpose of this TM Article is to “clean up” By-Law Article 6 as noted on the following Redlined page(s).

During the review of this article it was noted:

- *It was suggested the reference to the fidelity bond needed to be more specific to be consistent with the Treasurer section.*
- *The relevant section of the Massachusetts General Laws was noted to be Chapter 41, Section 38A.*

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 28.

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend Article 6 of the Natick Home Rule Charter as follows:

- 1. Delete Section 6-3 (b)(5), which reads: “He shall, under the general supervision of the town administrator, be in charge of all of the accounting and business machines owned by the town other than machines used for educational and classroom purposes, and shall allocate the use thereof among the several town agencies”.**
- 2. In Section 6-4, following the heading “Collector”:**
 - (a) Delete the text of subsections (1) and (2), which read:**
 - (1) “The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80 provide the manner through which the collector derives the authority to proceed to collect and enforce the collection of taxes committed to him. The collector is to compel payment of the taxes as levied or assessed by the proper authority.**

Article 28 Cont'd

Regardless from whom the taxes are due they are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.

- (2) A collector who is acting in “good faith” cannot sit passively and merely receive such taxes as may be paid voluntarily, but must make an honest effort to enforce the collection under the powers conferred upon him or provided under the statutes.”**

and insert in their place the following text:

- (1) “The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.**

- (2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.”**

(b) Insert a new subsection (4), which reads “Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety authorized to transact business for this purpose in the Commonwealth of Massachusetts. The premium must be paid by the Town.”

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency.
- (b) **Administrative Code** - The town administrator, after consultation with the board of selectmen, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town administrator prepares such a plan he shall, in conjunction with the board of selectmen, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town administrator shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan.

Section 6-2 Table of Organization

The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the school committee.

Section 6-3 Office of the Comptroller

- (a) **Appointment; Qualifications; Term of Office** - There shall be a comptroller, appointed by the board of selectmen. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by-law, from time to time,

establish such additional qualifications for the office as seem necessary or desirable; provided, however, no change in such by-law shall apply to the incumbent of the office at the time such by-law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three-year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the board of selectmen for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.

(b) **Powers and Duties** - The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:

- (1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, board of selectmen and the town agencies affected.
- (2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that, when approved by the board of selectmen, shall be binding upon all town agencies and employees.
- (3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.
- (4) Prior to submitting any warrant to the board of selectmen he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the board of selectmen and town treasurer a written report of the reasons for his findings.
- (5) ~~He shall, under the general supervision of the town administrator, be in charge of all of the accounting and business machines owned by the town other than machines used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.~~deleted
- (6) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(c) **Vacancy** - If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the board of selectmen may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the board of selectmen and filed in the office of the town clerk.

(d) **Assistant Comptroller** - The comptroller with the approval of a majority of the board of selectmen, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.

Section 6-4 Town Treasurer - Collector

(a) **Appointment; Qualifications; Term of Office** - There shall be a town treasurer-collector appointed by the Town Administrator subject to confirmation of the Board of Selectmen for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.

(b) **Powers and Duties**

Treasurer:

- (1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.
- (2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.
- (3) The treasurer is responsible to make provisions for adequate funds to cover current obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.
- (4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.
- (5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.
- (6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Board of Selectmen.

- (7) The treasurer must give a bond annually for the faithful performance of required duties.
- (8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.

Collector:

- (1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80 ~~provide, authorize~~ the ~~manner through means by~~ which the collector ~~derives the authority to proceed to~~ is to collect and enforce the collection of taxes ~~committed to him.~~ The collector ~~is~~ shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due ~~they, the taxes~~ are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.
- (2) A collector ~~who is acting in "good faith" cannot sit passively and merely receive such taxes as may be paid voluntarily, but~~ must ~~make an honest effort to~~ enforce the collection under the powers conferred upon him or provided under the statutes.
- (3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.
- (4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.

(c) **Vacancy** - If the treasurer-collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer-collector to hold such office and exercise the powers and perform the duties of the treasurer-collector until the treasurer-collector who is disabled or absent resumes his duties, or until another treasurer-collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Board of Selectmen and the office of the Town Clerk.

(d) **Assistant Treasurer-Collector** - The treasurer-collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer-collector is appointed, the assistant may, in the absence of the treasurer-collector, perform the duties of the treasurer-collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer-collector.

ARTICLE 29

Amend By-Laws Article 1: Town Meetings

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 1, Section 5 of the Town of Natick By-Laws by deleting the word “and”, which appears between the words “meeting” and “which”, and inserting in its place the word “or”, and by inserting at the end of the section the words “or the Superintendent of Schools”, so that Section 5 reads “In accordance with Article 2, Section 2-11 of the Charter the Board of Selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting or which are filed by the Town Administrator or the Superintendent of Schools.”,

Or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 29.

The purpose of this TM Article is to “clean up” By-Law Article 6 as noted on the following Redlined page(s).

During the review of this article it was noted:

- *This change would enable the Superintendent of Schools to file a Warrant Article without having to go through the School Committee, which is analogous to the Town Administrator’s authority to take similar action without going through the Board of Selectmen.*

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 29.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 1, Section 5 of the Town of Natick By-Laws by deleting the word “and”, which appears between the words “meeting” and “which”, and inserting in its place the word “or”, and by inserting at the end of the section the words “or the Superintendent of Schools”, so that Section 5 reads “In accordance with Article 2, Section 2-11 of the Charter the Board of Selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting or which are filed by the Town Administrator or the Superintendent of Schools.”

ARTICLE 1

TOWN MEETINGS

Section 1 Annual Town Meetings

In accordance with Section 3-1 (c) and Section 2-12 (a) of the Charter, the following dates are established. The town election, officially known as the Annual Town Meeting for the election of Town officers and for the determination of all questions as are by law to be decided by ballot of the voters, shall be held on the last Tuesday in March of each year. The spring session of the representative town meeting, known as the Spring Annual Town Meeting, shall be called for 7:30 P.M. on the second Tuesday following the town election. The fall session of the representative town meeting, known as the Fall Annual Town Meeting, shall be called for 7:30 P.M. on the third Tuesday in October of each year.

Section 2 Special Town Meetings

The Board of Selectmen shall call a Special Town Meeting, in accordance with Section 2-11 (c) of the Charter, by giving public notice in a local newspaper at least twenty-eight (28) days prior to the date of such Special Town Meeting, except where compliance with this provision would defeat the purpose of said Special Town Meeting. Special Town Meetings shall be held on a Tuesday at 7:30 P.M.

Section 3 Adjourned Town Meetings

Adjourned sessions of every Town Meeting, when required, shall be held on the following Thursday at 7:30 P.M., and on consecutive Tuesdays and Thursdays thereafter at 7:30 P.M. Such sequence shall not include any Tuesday or Thursday that occurs on or during (a) a holiday for town employees designated by the Town of Natick or (b) a holiday or vacation for students (other than summer vacation) designated by the Natick Public Schools. Notwithstanding the previous provisions of this section, Town Meeting may, by a two-thirds (2/3) vote of the Town Meeting Members present and voting, adjourn to any date and time.

Section 4 Publication of Warrant

The warrant for the town election or preliminary election shall be posted at least fourteen days before the date of the election. The warrant for any other Town Meeting shall be posted in accordance with Section 2-11(d) of the Charter. Service of the Warrant for every Town Meeting, unless a different time or method is prescribed by law, shall be made by posting an attested copy thereof in each of the Post Offices, on the Town Website, all public libraries and in not less than one public place in each precinct in said Town, and by publishing in a newspaper of general circulation in said Town a notice of availability of an attested copy of said warrant and the titles of the articles on the Warrant.

Section 5 Initiation of Articles

In accordance with Article 2, Section 2-11 of the Charter the Board of Selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting ~~and~~or which are filed by the Town Administrator; or the Superintendent of Schools.

ARTICLE 30

Amend By-Laws Article 3: Procedure at Town Meetings

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 3 of the Town of Natick By-Laws as follows:

1. In Section 4:
 - a. In the first sentence delete the words “unless otherwise voted” and insert between the words “hands” and “as” the words “or other means as authorized by the Moderator and approved by vote of two-thirds (2/3) of the Town Meeting Members present and voting, or” so that the first sentence reads:

“Voting by Town Meeting Members shall be by a show of hands or other means as authorized by the Town Moderator and approved by vote of two-thirds (2/3) of the Town Meeting Members present and voting or as hereinafter provided”;
 - b. In the third sentence:
 - 1.) insert the words “by any other means” between the words “hands” and “is”;
- and
- 2.) insert at the end of the sentence the words “by a show of hands” so that the third sentence reads “If the result of a vote by show of hands or any other means is in doubt, or if the result is questioned by seven (7) Town Meeting Members, the Moderator shall appoint tellers who shall count the vote by a show of hands”; and
- c. Change the third sentence to read “Upon motion affirmatively voted by two-thirds (2/3) of the Town Meeting Members present and voting, a vote shall be taken by secret ballot”.
3. In section 10, first sentence, delete the words “at the meeting”, so that the first sentence reads: “All committees shall be appointed by the Moderator, unless otherwise ordered by a vote of two thirds (2/3) of the Town Meeting Members present and voting; and
4. In the table entitled “Precedence of Motions”,
 - a. insert “++++” after the phrase “Adjourn to a fixed time or recess”; and
 - b. insert between the text for the Motions “Postpone indefinitely” and “Main Motion” the following text: “Take no action Yes Yes No Majority”; and
 - c. insert on a new line below the third (last) footnote “++++ See By-Law Article 1, Section 3.”

Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 30.

The purpose of this TM Article is to “clean up” By-Law Article 3 as noted on the following Redlined page(s).

During the review of this article it was noted:

- *A show of hands is the “default” method of voting at Town Meeting.*

Article 30 Cont'd

- *Two-thirds of the members present when there is a bare quorum are able to conduct all business. There is no instance of a requirement to have a majority of all elected members for any action.*

The Board of Selectmen voted 5-0 to recommend favorable action of the subject matter of Article 30.

MOTION: (Requires majority vote)

Move that the Town vote Town will vote to amend Article 3 of the Town of Natick By-Laws as follows:

- 1. In Section 4:**
 - a. In the first sentence delete the words “unless otherwise voted” and insert between the words “hands” and “as” the words “or other means as authorized by the Moderator and approved by vote of two-thirds (2/3) of the Town Meeting Members present and voting, or” so that the first sentence reads:**

“Voting by Town Meeting Members shall be by a show of hands or other means as authorized by the Town Moderator and approved by vote of two-thirds (2/3) of the Town Meeting Members present and voting or as hereinafter provided”;
 - b. In the third sentence:**
 - 1.) insert the words “by any other means” between the words “hands” and “is”; and**
 - 2.) insert at the end of the sentence the words “by a show of hands” so that the third sentence reads “If the result of a vote by show of hands or any other means is in doubt, or if the result is questioned by seven (7) Town Meeting Members, the Moderator shall appoint tellers who shall count the vote by a show of hands”; and**
 - c. Change the third sentence to read “Upon motion affirmatively voted by two-thirds (2/3) of the Town Meeting Members present and voting, a vote shall be taken by secret ballot”.**
- 2. In section 10, first sentence, delete the words “at the meeting”, so that the first sentence reads: “All committees shall be appointed by the Moderator, unless otherwise ordered by a vote of two thirds (2/3) of the Town Meeting Members present and voting; and**
- 3. In the table entitled “Precedence of Motions”,**
 - a. insert “++++” after the phrase “Adjourn to a fixed time or recess”; and**
 - b. insert between the text for the Motions “Postpone indefinitely” and “Main Motion” the following text: “Take no action Yes Yes No Majority”; and**
 - c. insert on a new line below the third (last) footnote “++++ See By-Law Article**
 - 1, Section 3.”**
- 4. Renumber Paragraphs:**
 - a. Paragraph 3 – Renumbers as Paragraph 2**
 - b. Paragraph 4 – Renumbers as Paragraph 3**

ARTICLE 3

PROCEDURE AT TOWN MEETINGS

Section 1 Rules of Procedure

The proceedings of Town Meetings shall be governed by such rules of practice as are clearly set out in the most recent edition of "Town Meeting Time" by Johnson, Trustman, and Wadsworth, except as modified by law or by the following sections. In the event that "Town Meeting Time" does not clearly indicate a single course of action, the ruling of the Moderator shall prevail.

Section 2 Motions in Writing

All motions offered for the consideration of the Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member.

Section 3 Speaking

No person shall speak upon a question more than once when any other person desires to be heard, nor more than twice on the same question without permission of the Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of the Town Meeting.

With reference to motions to lay on the table, take from the table, or postpone to a time certain, no person shall speak more than once or for more than two (2) minutes.

Section 4 Voting

Voting by Town Meeting Members shall be by a show of hands ~~unless otherwise voted or~~ other means as authorized by the Moderator and approved by vote of two-thirds (2/3) of the Town Meeting members present and voting or as hereinafter provided. On matters requiring a two-thirds vote by statute, as authorized under Section 15 of Chapter 39 of the General Laws, a count need not be taken. If the result of a vote by show of hands or any other means is in doubt, or if the result is questioned by seven (7) Town Meeting Members, the Moderator shall appoint tellers who shall count the vote by a show of hands. Upon motion affirmatively voted by two-thirds (2/3) of the Town Meeting Members present and voting, a vote shall be taken by secret ballot.

Section 5 Reconsideration

The subject matter of any article once voted upon in any manner may be reconsidered only once, but at any time during the same Town Meeting, provided compelling circumstances are stated which indicate that reconsideration is warranted.

Section 6 Precedence of Motions

When a question is before the Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," which is incorporated into this section by reference.

Section 7 Quantum of Vote

All votes shall be by a majority except where otherwise provided in these by-laws or where otherwise required by law; and all references to the size of the vote required shall mean of those present and voting.

Section 8 Financial Interest

Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his interest or employment before speaking thereon.

Section 9 Specifying Site of Work

Any vote of the Town Meeting appropriating money for the construction, reconstruction, installation or improvement of a public way, or a sewerage or water facility, shall specify where the work is to be done.

Section 10 Appointing Committees

All committees shall be appointed by the Moderator ~~at the meeting~~, unless otherwise ordered by a vote of two-thirds (2/3) of the Town Meeting Members present and voting.

All committees shall be appointed within thirty (30) days from the dissolution of a Town Meeting.

Section 11 Motion for the Previous Question

The motion for the previous question shall not be entertained by the Moderator if three or more persons are seeking recognition who have not previously spoken to the question.

PRECEDENCE OF MOTIONS

Motion	Second Required Debate		Amend	Vote Required
Adjourn or dissolve	Yes	No	No	Majority
Adjourn to a fixed time or recess++++	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes ⁺	No	2/3 Majority
For the previous question ⁺⁺⁺	Yes	No	No	2/3 Majority
For secret ballot	Yes	No	No	2/3 Majority
Roll call vote	Yes	Yes	No	1/3 Majority
Postpone to a time certain	Yes	Yes ⁺	Yes	Majority
Commit, recommit, or refer	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority
<u>Take no action</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Majority</u> ⁺⁺
Main Motion	Yes	Yes	Yes	Majority ⁺⁺
Reconsideration	Yes	Yes	No	2/3 Majority
Take from the table	Yes	Yes ⁺	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 Majority

+ See Section 3.

++ Some main motions are required by the general laws to be passed by greater than a majority vote; for example, bond issues, zoning changes, the taking of land require a 2/3 vote. For other examples, refer to the appendix in *Town Meeting Time* entitled "Quantum of Vote."

+++ See Section 11

++++ See By-Law Article 1, Section 3.

ARTICLE 31

Amend By-Laws Article 10: Board of Selectmen (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 10 of the Town of Natick By-Laws as follows:

1. In Section 1: a) insert the words “Board of” before the word “Selectmen”; and b) insert the words “be responsible for” between the words “shall” and “the”;
 2. In Section 3, reword the second sentence to read “The Board of Selectmen may compromise any claim against the Town whenever there are sufficient funds available in an account for that purpose or whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from the Reserve Fund”;
 3. In the table entitled “Appointments made by the Board of Selectmen”: a) delete “Emergency Operations Planning Committee, Joint Regional Transportation Committee, Keefe Tech Vocational School, and Middlesex County Advisory Board”; b) insert “(1 member)” after the words “Contributory Retirement Board”; and c) insert in the appropriate alphabetical order the following text: “Affordable Housing Trust Fund, Audit Committee, Bicycle & Pedestrian Advisory Committee, Cochituate Rail Trail Advisory Committee, Community Development Advisory Committee, Economic Development Committee, Fair Housing Officer, Katherine L. & Waldo Kennedy Trust Fund, Lookout Farm Advisory Committee, MathWorks Scholarship Committee, Open Space Advisory Committee, and Walcott Fund Board of Managers, and Youth Advisory Board”; and insert in the appropriate alphabetical order under the heading “Representatives to Regional Boards the following text: “MetroWest Regional Transportation Authority, Regional Transportation Advisory Council, and South Middlesex Regional Vocational School”;
- or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 31 to the Town Administrator.

The purpose of this TM Article is to clean up By-Law Article 10 per the [Redlined](#) pages. During the review of this article it was noted:

- *That several of these provisions had been suggested by the Town Moderator, and addressed the possibility of electronic, or some other type of voting at some point in the future; provided further clarification regarding Town Meeting voting procedures; and added an explicit “no action” vote for such occurrences at Town Meeting.*

The Board of Selectmen voted 5-0-0 to recommend referral of the subject matter of Article 31 to the Town Administrator.

Article 31 Cont'd

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 10 of the Town of Natick By-Laws as follows:

1. In Section 1: a) insert the words “Board of” before the word “Selectmen”; and b) insert the words “be responsible for” between the words “shall” and “the”;
2. In Section 3, reword the second sentence to read “The Board of Selectmen may compromise any claim against the Town whenever there are sufficient funds available in an account for that purpose or whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from the Reserve Fund”;
3. In Section 3 Paragraph 2 (last line) change the words “reserve fund” to the words “General Fund Reserve Fund”.
4. In the table entitled “Appointments made by the Board of Selectmen”:
 - a) delete “Emergency Operations Planning Committee, Joint Regional Transportation Committee, Keefe Tech Vocational School, and Middlesex County Advisory Board”;
 - b) insert “(1 member)” after the words “Contributory Retirement Board”; and
 - c) insert in the appropriate alphabetical order the following text: “Affordable Housing Trust Fund, Audit Committee, Bicycle & Pedestrian Advisory Committee, Cochituate Rail Trail Advisory Committee, Community Development Advisory Committee, Economic Development Committee, Fair Housing Officer, Katherine L. & Waldo Kennedy Trust Fund, Lookout Farm Advisory Committee, MathWorks Scholarship Committee, Open Space Advisory Committee, Walcott Fund Board of Managers, and Youth Advisory Board”; and insert in the appropriate alphabetical order under the heading “Representatives to Regional Boards the following text: “MetroWest Regional Transportation Authority, Regional Transportation Advisory Council, and South Middlesex Regional Vocational School”;
 - d) next to South Middlesex Regional Vocational School - add citation "(A) s1"

ARTICLE 10

BOARD OF SELECTMEN

Section 1 Scope of Powers and Duties

In accordance with Section 3-2 of the Charter, the Board of Selectmen shall ~~have~~ be responsible for the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these by-laws.

Section 2 Appointments

The Board of Selectmen shall appoint the officials and multiple member bodies listed in the table entitled "Appointments Made by the Board of Selectmen," which is incorporated into this section by reference. The Board of Selectmen shall also make such other appointments as may be provided by Town Meeting vote or by their own vote.

Section 3 Litigation Authority

The Board of Selectmen shall have the authority to prosecute, defend and compromise, through the Town Counsel as provided under Sections 6 and 7 of Article 22 of the By-Laws, all litigations to which the Town is a party. The Board of Selectmen may compromise any claim against the Town whenever there are sufficient funds available in an account for that purpose or whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from ~~its~~ the reserve fund General Fund Reserve Fund.

Section 4 Parking Meters

The Board of Selectmen is empowered to cause parking meters to be placed on any public way of the Town, at such places, other than residential districts, and in such manner and at such rates as it may determine.

The revenue collected from parking meters shall be turned over to the Town Treasurer. The Board of Selectmen is empowered to use said revenue for the installation, replacement, or maintenance of said parking meters when necessary or for the acquisition, maintenance and improvement of off-street parking areas and facilities.

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

Name Citation	+	Additional References ⁺⁺
Town Officials / Committees		
<u>Affordable Housing Trust Fund</u>		
<u>Audit Committee</u>	(B) Art 23A [FCI]	
Bacon Free Library Maintenance Committee		
<u>Bicycle & Pedestrian Advisory Committee</u>		
Board of Appeals	(C) s. 3-2(c)	(B) Art. 29
Cable Advisory Board		
Chief of Police		C.S. laws and rules
<u>Cochituate Rail Trail Advisory Committee</u>		
<u>Community Development Advisory Committee</u>		
Comptroller	(C) s. 3-2(c)	(C) s. 6-3(a)
Conservation Commission	(C) s. 3-2(c)	(B) Art. 30
Contributory Retirement Board (<u>1 member</u>)		
Council on Aging	(B) Art. 25	
Director of Veterans Services	(C) s. 3-2(c)	
<u>Economic Development Committee</u>		
Elderly and Disabled Taxation Fund Committee		
Emergency Management Director		
Asst. Emergency Management Director		
Emergency Operations Planning Committee <u>Fair</u>		
<u>Housing Officer</u>		
Fire Chief		C.S. laws and rules
Historic District Commission	(B) Art. 26	
Historical Commission		
Information Systems Advisory Board	(B) Art. 27	
<u>Katherine L & Waldo Kennedy Trust Fund</u>		
Labor Relations Consultant		
Lock-Up Keeper		
<u>Lookout Farm Advisory Committee</u>		
<u>Mathworks Scholarship Committee</u>		
Natick Cultural Council		
<u>Open Space Advisory Committee</u>		
Parking Clerk		
Recreation and Parks Commission (four appointed members)	(C) s. 3-12(a)	
Recycling Study and Advisory Committee		
Registrars of Voters	(C) s. 3-2(c)	(B) Art. 28
Town Administrator	(C) s. 3-2(c)	(C) s. 4-1; (B) Art. 20

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN (cont.)

<u>Name</u>	<u>Citation</u> ⁺	<u>Additional References</u> ⁺⁺
Town Counsel	(C) s. 3-2(c)	(B) Art. 22, s. 3
Town Forest Committee _[FC2]		
Veterans Burial Officer		
<u>Walcott Fund Board of Managers</u>		
<u>Youth Advisory Board</u>		
Representatives to Regional Boards		
Joint Regional Transportation Committee		
Keefe Tech Vocational School	(A) s. 1	
MBTA Advisory Board		
Metropolitan Area Planning Council		
MetroWest Growth Management Committee (one member of the Board of Selectmen)		
Middlesex County Advisory Board <u>MetroWest</u>		
<u>Regional Transportation Authority</u>		
MWRA Advisory Board		
<u>Regional Transportation Advisory Council</u>		
South Middlesex Opportunity Council	(A) s. 1	
<u>+South Middlesex Regional Vocational School</u>	(A) s. 1	

+ The citation indicates the section in the Charter or By-Laws or other document where the Board of Selectmen is designated as the appointing authority. If no citation is given, this by-law should be cited.

++ Further provisions regarding terms of appointment or composition of multiple member bodies are provided as additional references.

Key: (A) - Agreement Between the Towns of Ashland, Framingham, Holliston, Hopkinton, and Natick, Massachusetts, dated December 5, 1966, as amended; (B) - By-Laws; (C) - Charter; C.S. - Civil Service; Art. - Article; c. - chapter; s. - section.

ARTICLE 32
Amend By-Laws Article 12: Collector of Taxes
(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 12 of the Town of Natick By-Laws as follows:

1. Renumber the Article from 12 to Article 21A;
2. In Section 3: a) in the first sentence insert the words “and Town Collector” after the words “Town Comptroller”; b) delete the second sentence, which reads “Upon receipt of such statements of account the Town Comptroller shall submit such statements of account to the Town Collector for Collection.”; and c) insert a new last sentence which reads: “The Town Collector shall deliver to the Town Comptroller a statement of any accounts not otherwise covered by this section.”;
3. In Section 4: a) in the first sentence: 1) delete the words “Committed by the Town Comptroller”; 2) delete the word “may” and insert in its place the word “shall”; 3) delete the words “or Town Counsel for instructions as to procedure”; b) in the second sentence delete the word “abated” and insert in its place the word “adjusted”; c) in the third sentence delete the word “abatement” and insert in its place the word “adjustment”;
4. In Section 5, a) in the first sentence delete the word “oftener” and insert in its place “more often”, and b) in the second sentence, delete the words “Corporations and Taxation” and insert in their place the words “the Department of Revenue or successor position”;
5. Delete the text of Section 7 and insert in its place the following text: “Within 180 days of the end of the fiscal year, the Town Collector shall publish, in a newspaper of general circulation in the Town of Natick, the name of any entity (person, corporation, or business enterprise), that has not entered into a payment plan with the Tax Collector’s office and that owes, from the previous fiscal year or before, an aggregate of \$1,000 or more in local property taxes, assessments, or betterments.”

Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 32.

The purpose of this TM Article is to “clean up” By-Law Article 12 per the Redlined pages. During the review of this article it was noted:

- *The use of the term “adjustment” is more accurate in the bylaw, as the Collector doesn’t have the authority to abate.*

Article 32 Cont'd

- *The Administration does not believe the authority to make adjustments to accounts should be widespread among department heads. Consultation with the Collector is proposed to tighten this up.*
- *In practice, there are relatively few accounts due which would need to be delivered to the Collector because most services are not delivered until payment is received.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 32.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 12 of the Town of Natick By-Laws as follows:

- 1. Renumber the Article from 12 to Article 21A;**
- 2. In Section 3: a) in the first sentence insert the words “and Town Collector” after the words “Town Comptroller”; b) delete the second sentence, which reads “Upon receipt of such statements of account the Town Comptroller shall submit such statements of account to the Town Collector for Collection.”; and c) insert a new last sentence which reads: “The Town Collector shall deliver to the Town Comptroller a statement of any accounts not otherwise covered by this section.”;**
- 3. In Section 4: a) in the first sentence: 1) delete the words “Committed by the Town Comptroller”; 2) delete the word “may” and insert in its place the word “shall”; 3) delete the words “or Town Counsel for instructions as to procedure”; b) in the second sentence delete the word “abated” and insert in its place the word “adjusted”; c) in the third sentence delete the word “abatement” and insert in its place the word “adjustment”;**
- 4. In Section 5, a) in the first sentence delete the word “oftener” and insert in its place “more often”, and b) in the second sentence, delete the words “Corporations and Taxation” and insert in their place the words “the Department of Revenue or successor position”;**

Delete the text of Section 7 and insert in its place the following text: “Within 180 days of the end of the fiscal year, the Town Collector shall publish, in a newspaper of general circulation in the Town of Natick, the name of any entity (person, corporation, or business enterprise), that has not entered into a payment plan with the Tax Collector’s office and that owes, from the previous fiscal year or before, an aggregate of \$1,000 or more in local property taxes, assessments, or betterments.”

ARTICLE ~~12~~21A

COLLECTOR OF TAXES

Section 1

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town which are committed to him.

Section 2

The aggregate annual compensation of the Collector of Taxes shall be limited to the amount of the appropriation therefor.

Section 3

Every department of the Town shall deliver to the Town Comptroller and Town Collector at least once in every month a separate statement of each account due the Town arising through any transaction with such department. ~~Upon receipt of such statements of account the Town Comptroller shall commit such accounts to the Town Collector for collection.~~ This section shall not apply to taxes and special assessments, licenses and permits issued or granted by the various departments of the Town, nor to costs and fees charged by said departments, nor to interest on investments of sinking or Trust funds. The Town Collector shall deliver to the Town Comptroller a statement of any accounts not otherwise covered by this section.

Section 4

Any account ~~committed by the Town Comptroller~~ which the Town Collector is unable to collect by ordinary efforts may shall be referred by the Town Collector to the Town Comptroller ~~or Town Counsel for instructions as to procedure.~~ So far as permitted by law, any account or portion thereof may be ~~abated~~adjusted by the department in which such account originated. The Town Comptroller shall be notified in writing of the ~~abatement~~adjustment of any such committed account or portion thereof.

Section 5

The Town Collector shall, once in each week or ~~oftener~~more often, pay over to the Treasurer all money received by him during the preceding week or lesser period on every such account, including any sums received as interest on moneys received by him on such accounts and deposited in any bank. He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of ~~Corporations and Taxation~~the Department of Revenue or successor position and in such sum, not less than the amount that may be established by said Commissioner, as shall be fixed by the Selectmen and that the effective date thereof, after approval by the Attorney General, be determined by the Board of Selectmen.

Section 6

Except as otherwise provided by law or by by-law all charges and bills issued by the Town of Natick shall be due and payable within thirty (30) days from the date of issue. Interest on delinquent charges and bills shall accrue from the date of issue of such charge or bill at a rate of interest which equals the rate of interest set forth in Chapter 59, Section 57 of the Massachusetts General Laws, as amended.

Section 7

~~The Town Collector shall, within~~Within 180 days of the end of the fiscal year, ~~the Town Collector shall~~ publish, in ~~the~~ newspaper of general circulation in the Town of Natick, ~~a list~~the name of any entity (person, corporation, or business enterprise, ~~hereinafter referred to as the party,~~) that has ~~neglected or refused to pay any local property taxes, assessments, or betterments in the aggregate of \$1,000 or more for not less than a six month period and that such party has not entered into a payment plan with the Tax Collector's office. and that owes, from the previous fiscal year or before, an aggregate of \$1,000 or more in local property taxes, assessments, or betterments.~~

ARTICLE 33

Amend By-Laws Article 20: Town Administrator (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 20 of the Town of Natick By-Laws as follows:

1. In Section 1, delete the entire first paragraph, which reads:

“The Town Administrator shall appoint the officials and multiple member bodies listed in the table entitled “Appointments Made by the Town Administrator,” which is incorporated into this section by reference.”

and in its place insert the following text:

“The Town Administrator shall appoint the multiple member bodies listed in the table entitled “Multiple Member Body Appointments Made by the Town Administrator,” which table is incorporated into this section by reference, as well as department heads, officers, subordinates and employees as provided in Article 4, Section 4-2 of the Charter.”

2. In Section 2, delete the word “proposed”, and in its place insert the word “preliminary”;
3. In the Table entitled “**APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR**”:
 - a. insert the words “**MULTIPLE MEMBER BODY**” before the word “**APPOINTMENTS**” in the title of said Table, so that the title reads “**MULTIPLE MEMBER BODY APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR**”;
 - b. delete the entire text in the body of said Table, which reads:

Name	Citation	+	Additional References++
			C.S. laws and rules
<hr/>			
Building Inspector			
Central Equipment Purchasing Committee			
Director of Public Works			
Animal Control Officer			
Insurance Advisory Committee			

Article 33 Cont'd

Parking Meter Maintenance		
Personnel Board	(B) Art. 24, s. 1	
Planning Director	(B) Art. 21, s. 3	
Safety Committee		
Sealer of Weights and Measures		C.S. laws and rules
Superintendent of Insect and Pest Control		
Director of Recreation and Human Services	(C) s. 3-12(b)	
Systems Manager		
Town Report Committee		
Tree Warden		

and in its place insert the following text:

Name	Citation	+	Additional References++
Commission on Disability			
Golf Course Advisory Committee			
Insurance Advisory Committee			
Personnel Board	(B) Art. 24, s. 1		
Safety Committee			
Town Report Committee			

and

c. in the footnotes to said Table, delete the words “C.S. – Civil Service;”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 33.

The purpose of this TM Article is to “clean up” By-Law Article 20 as noted on the following [Redlined](#) pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action of the subject matter of Article 33.

Article 33 Cont'd

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 20 of the Town of Natick By-Laws as follows:

1. In Section 1, delete the entire first paragraph, which reads:

“The Town Administrator shall appoint the officials and multiple member bodies listed in the table entitled “Appointments Made by the Town Administrator,” which is incorporated into this section by reference.”

and in its place insert the following text:

“The Town Administrator shall appoint the multiple member bodies listed in the table entitled “Multiple Member Body Appointments Made by the Town Administrator,” which table is incorporated into this section by reference, as well as department heads, officers, subordinates and employees as provided in Article 4, Section 4-2 of the Charter.”

2. In Section 2, delete the word “proposed”, and in its place insert the word “preliminary”;
3. In the Table entitled “APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR”:
 - a. insert the words “MULTIPLE MEMBER BODY” before the word “APPOINTMENTS” in the title of said Table, so that the title reads “MULTIPLE MEMBER BODY APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR”;
 - b. delete the entire text in the body of said Table, which reads:

Name Citation+
References++

Additional

Building Inspector C.S.
Central Equipment Purchasing Committee
Director of Public Works
Animal Control Officer
Insurance Advisory Committee
Parking Meter Maintenance
Personnel Board
Planning Director

laws and rules

(B) Art. 24, s. 1
(B) Art. 21, s. 3

Article 33 Cont'd

Safety Committee
Sealer of Weights and Measures C.S. laws and rules
Superintendent of Insect and Pest Control
Director of Recreation and Human Services (C) s. 3-12(b)
Systems Manager
Town Report Committee
Tree Warden

and in its place insert the following text:

Name	Citation+	Additional
------	-----------	------------

References++

Commission on Disability		
Golf Course Advisory Committee		
Insurance Advisory Committee		
Personnel Board (B)		Art. 24, s. 1
Safety Committee		
Town Report Committee		

and

in the footnotes to said Table, delete the words:

- a. "C.S. – Civil Service;"
- b. "(C) - Charter"
- c. "c. - chapter"

ARTICLE 20

TOWN ADMINISTRATOR

Section 1 Appointments

The Town Administrator shall appoint the ~~officials and~~ multiple member bodies listed in the table entitled "Multiple Member Body Appointments Made by the Town Administrator,"" which table is incorporated into this section by reference, as well as department heads, officers, subordinates and employees as provided in Article 4, Section 4-2 of the Charter.

Section 2 Dates of Submission of Fiscal Documents

As required by Section 5-3 of the Charter, the Town Administrator shall submit the ~~proposed preliminary~~ budget for the next fiscal year on or before the first business day in January.

As required by Section 5-7 of the Charter, the Town Administrator shall submit updates of the capital plan on or before the first business day in March and September.

Section 3 Qualifications for New Town Administrator

A candidate for Town Administrator shall have a masters degree from an accredited college or university plus five years of experience or a bachelor's degree plus ten years of experience. All relevant experience shall demonstrate the skills needed to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter. Preferably, a candidate shall have served as chief administrative officer of a city or town for five years.

Section 4 Procedure for Appointment of Town Administrator

Within one year of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen may initiate the selection process. Whenever the position of Town Administrator becomes vacant or within six months of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen shall initiate the selection process if the Board of Selectmen has not already done so. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applicants for the position of Town Administrator and shall send a copy of the notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice.

The screening committee shall consist of nine members. The Planning Board, the School Committee, the Finance Committee, the Personnel Board, and the Town Moderator may each designate one person to serve on the screening committee. Persons chosen by the said agencies may, but need not, be members of the agency by which they are chosen, and, in the case of the Town Moderator, the person may, but need not, be a member of Town Meeting. The Board of Selectmen shall appoint to the screening committee all such persons designated, provided that

their names have been received in writing by the day before the screening committee is to be appointed. The Board of Selectmen shall appoint any other members to the screening committee so that the total membership is nine.

Not more than thirty days following the appointment of the screening committee, the persons chosen shall meet to organize and to plan a process for the solicitation by advertisement and by other means to receive applications for the position of Town Administrator. The screening committee shall review all applications received and provide for interviews to be conducted with such number of candidates for the position as it may decide.

Not more than one hundred and eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than two nor more than five candidates whom it believes to be best suited to perform the duties of Town Administrator. If the screening committee determines that there are not at least two candidates qualified to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.

Within thirty days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one of the said nominees to be appointed to the office of Town Administrator. If the Board of Selectmen decides not to appoint one of the nominees, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.

Upon the appointment of the Town Administrator, the screening committee established hereunder shall be considered discharged.

Section 5 Town Administration Organization Chart

The Town Administrator shall include a top-level organization chart in the Annual Town Report.

~~APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR~~
MULTIPLE MEMBER BODY APPOINTMENTS
MADE BY THE TOWN ADMINISTRATOR

Name Citation	+	Additional References ⁺⁺
Commission on Disability		
Golf Course Advisory Committee		
Insurance Advisory Committee		
Personnel Board	(B) Art. 24, s. 1	
Safety Committee		
Town Report Committee		
Building Inspector		C.S. laws and rules
Central Equipment Purchasing Committee		
Director of Public Works		
Animal Control Officer		
Insurance Advisory Committee		
Parking Meter Maintenance		
Personnel Board	(B) Art. 24, s. 1	
Planning Director	(B) Art. 21, s. 3	
Safety Committee		
Sealer of Weights and Measures		C.S. laws and rules
Superintendent of Insect and Pest Control		
Director of Recreation and Human Services	(C) s. 3-12(b)	
Systems Manager		
Town Report Committee		
Tree Warden		

- + The citation indicates the section in the Charter or By-Laws where the Town Administrator is designated as the appointing authority. If no citation is given, this by-law should be cited.
- ++ Further provisions regarding terms of appointment or composition of multiple member bodies are provided as additional references.

Key: (B) - By-Laws; ~~(C) - Charter; C.S. - Civil Service;~~ Art. - Article; ~~e. - chapter;~~
s. - section.

ARTICLE 34
Amend By-Laws Article 21: Planning Director
(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 21 of the Town of Natick By-Laws as follows:

1. Change the title from “Planning Director” to “Community Development Director”;
2. Delete the text of Section 1 and insert in its place the following text:
“There shall be a Community Development Director who shall be competent by virtue of applicable professional training in municipal planning, or equivalent experience or education. The Community Development Director shall be responsible to the Town Administrator.”
3. Delete the text of Section 2 and insert in its place the following text:
“The duties of the Community Development Director shall include, but not be limited to, those described in this section. At the direction of the Town Administrator, the Community Development Director shall supervise the Community Development Department and its staff, assist various Town Boards and Commissions, undertake professional, administrative and technical work related to applicable town, state and federal laws, and perform planning related tasks to advance the interests of the Town.”
4. Replace the first occurrence of the word “Planning” in the first sentence of Section 3 and replace it with “Community Development”;
Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 34.

The purpose of this TM Article is to “clean up” By-Law Article 21 as noted on the following Redlined pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 34.

The Planning Board has submitted alternative changes to this By-Law that will be considered by the Charter & By-Law Review Committee prior to Town Meeting’s discussion of this article.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 21 of the Town of Natick By-Laws as follows:

- 1. Change the title from “Planning Director” to “Community Development Director”;**
- 2. Delete the text of Section 1 and insert in its place the following text:**

Article 34 Cont'd

“There shall be a Community Development Director who shall be competent by virtue of applicable professional training in municipal planning, or equivalent experience or education. The Community Development Director shall be responsible to the Town Administrator.”

3. Delete the text of Section 2 and insert in its place the following text:

“The duties of the Community Development Director shall include, but not be limited to, those described in this section. At the direction of the Town Administrator, the Community Development Director shall supervise the Community Development Department and its staff, assist various Town Boards and Commissions, undertake professional, administrative and technical work related to applicable town, state and federal laws, and perform planning related tasks to advance the interests of the Town.”

4. Replace the first occurrence of the word “Planning” in the first sentence of Section 3: and replace it with “Community Development.”

ARTICLE 21

PLANNING COMMUNITY DEVELOPMENT DIRECTOR

Section 1 Responsibilities

There shall be a Planning Community Development Director, ~~responsible to the Town Administrator,~~ who shall be competent by virtue of applicable professional training in ~~civil engineering or~~ municipal planning, or equivalent experience or education. The Community Development Director shall be responsible to the Town Administrator.

Section 2 Duties

The duties of the Planning Community Development Director shall include, but not be limited to, those described in this section. ~~Upon~~At the ~~request~~direction of the ~~Planning Board, Town Administrator~~ the Planning Community Development Director shall ~~be assigned~~supervise the Community Development Department and its staff, assist various Town Boards and Commissions, undertake professional, administrative and technical work ~~relating~~related to ~~the application of the zoning by-law, subdivision control law, applicable town, state and federal laws, and perform~~ planning studies and design, review of proposals and like work of a professional nature related tasks to advance the interests of the Town.

Section 3 Appointment, Term of Office

The Town Administrator shall appoint the Planning Community Development Director after hearing the recommendation of the majority of the members of the Planning Board. The term of office shall be at least one year but not more than three years, as determined by the Town Administrator, and the compensation for the position shall be established under Article 24 of the By-Laws.

ARTICLE 35

Amend By-Laws Article 22: Town Counsel (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 22 of the Town of Natick By-Laws as follows:

1. In Section 5a, fourth line, insert the words “or by the Town Administrator” after the words “Board of Selectmen” so said Section 5a reads “Town Counsel shall serve as the legal advisor to the Town. In addition to those duties and responsibilities as set forth in the General Laws of the Commonwealth and these By-Laws, all as may be amended from time to time, the Town Counsel shall render all legal services as may be reasonably required of him by the vote of the Town or majority of the Board of Selectmen or by the Town Administrator.”;

2. In Section 5c: first line, delete the words “That the” and insert in their place the word “The”; third line, delete the word “Inspector” which appears after the word “Building” and insert in its place the word “Commissioner” so that Section 5c refers to the Building Commissioner; third and fourth lines, delete the words “Public Works Commission and Recreation Commission”; fifth line, delete the words “Tree Warden,”; fifth line, delete the word “Superintendent” which appears before the words “of Recreation” and in its place insert the word “Director”, and insert the words “and Parks, Chief of Police, Fire Chief, Community Development Director,” between the words “Recreation” and “and Chairman”, so that Section 5c refers to the “Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members”; and eighth line, delete the word “and” appearing between the words “Board,” and “Personnel Board”, and insert the words “and Recreation Commission” after the words “Personnel Board”;

3. In Section 6, delete the punctuation “;” appearing after the word “Meeting” and insert the word “or” between the words “Meeting” and “by”; and

4. In Section 7, insert the words “the Charter or” between the words “Commonwealth or” and “By-laws” so that said Section 7 reads “The Town Counsel shall, if requested by the Selectmen, prosecute in the appropriate court, any cases of violation of the Commonwealth or the Charter or By-Laws of the Town.”; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 35.

The purpose of this TM Article is to “clean up” By-Law Article 22 as noted on the following Redlined pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 35.

Article 35 Cont'd

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 22 of the Town of Natick By-Laws as follows:

1. In Section 5a, fourth line, insert the words “or by the Town Administrator” after the words “Board of Selectmen” so said Section 5a reads “Town Counsel shall serve as the legal advisor to the Town. In addition to those duties and responsibilities as set forth in the General Laws of the Commonwealth and these By-Laws, all as may be amended from time to time, the Town Counsel shall render all legal services as may be reasonably required of him by the vote of the Town or majority of the Board of Selectmen or by the Town Administrator.”;
2. In Section 5c: first line, delete the words “That the” and insert in their place the word “The”; third line, delete the word “Inspector” which appears after the word “Building” and insert in its place the word “Commissioner” so that Section 5c refers to the Building Commissioner; third and fourth lines, delete the words “Public Works Commission and Recreation Commission”; fifth line, delete the words “Tree Warden,”; fifth line, delete the word “Superintendent” which appears before the words “of Recreation” and in its place insert the word “Director”, and insert the words “and Parks, Chief of Police, Fire Chief, Community Development Director,” between the words “Recreation” and “and Chairman”, so that Section 5 c refers to the “Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members”; and eighth line, delete the word “and” appearing between the words “Board,” and “Personnel Board”, and insert the words “and Recreation Commission” after the words “Personnel Board”;
3. In Section 6, delete the punctuation “,” appearing after the word “Meeting” and insert the word “or” between the words “Meeting” and “by”; and
4. In Section 7, insert the words “the Charter or” between the words “Commonwealth or” and “By-laws” so that said Section 7 reads “The Town Counsel shall, if requested by the Selectmen, prosecute in the appropriate court, any cases of violation of the Commonwealth or the Charter or By-Laws of the Town.”

ARTICLE 22

TOWN COUNSEL

Section 1 Office and Qualifications

The Town shall have a Town Counsel who shall be an individual attorney or group, association, firm, partnership or professional corporation of attorneys admitted to practice in the Commonwealth. Town Counsel need not be a resident of the Town or maintain a law office in the Town.

Section 2 Relationship

Town Counsel shall be an independent contractor and shall not be an employee of the Town.

Section 3 Appointment and Term

Town Counsel shall be appointed by a majority of the Board of Selectmen for a term not to exceed one year expiring in each case, on June 30th. Town Counsel shall, in any case, serve at the pleasure of the Board of Selectmen and all contracts shall so state.

Section 4 Screening Committee

In the event of a vacancy in the Office of Town Counsel, the Selectmen shall, from time to time, establish a Town Counsel Screening Committee consisting of five members, who are residents of the Town, with at least three being members of the Massachusetts Bar and preferably senior attorneys who hire or supervise other attorneys' work. Said Committee will be responsible for nominating candidates who are members in good standing of the Massachusetts Bar for the position of Town Counsel. The Selectmen shall, on or before the first day of July, or whenever a vacancy shall exist, appoint a candidate from among those recommended as qualified by said Committee to serve as Town Counsel. The Selectmen shall have the right to request additional candidates from said Committee.

Section 5 Duties and Request for Services

a. Town Counsel shall serve as the legal advisor to the Town. In addition to those duties and responsibilities as set forth in the General Laws of the Commonwealth and these By-Laws, all as may be amended from time to time, the Town Counsel shall render all legal services as may be reasonably required of him by the vote of the Town or majority of the Board of Selectmen or by the Town Administrator.

b. All other requests for the services of Town Counsel shall, whenever time permits, be submitted to Town Counsel through the Office of the Town Administrator.

c. ~~That the~~The following shall have the right to request of Town Counsel advice concerning their duties: members of the Board of Selectmen, Town Clerk, Superintendent of Schools, Building ~~Inspector~~Commissioner, Director of Public Works, ~~Public Works Commission and Recreation Commission~~, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, ~~Tree Warden, Superintendent~~Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, ~~and~~ Personnel Board and Recreation and Parks Commission.

d. That all other Boards or Committees and other Town Officials desiring to obtain legal advice must first obtain the prior consent of the Town Administrator or Board of Selectmen.

All requests for advice under Section b and c of this Article shall be made in good faith and be of sufficient legal implication to the Town.

Section 6 Authority to Settle

The Town Counsel shall not make final settlement of any claim to which the Town or any Town Agency is a party unless he has been duly authorized by vote of the Town Meeting, or by the majority vote of the Selectmen, unless otherwise provided by law.

Section 7 Authority to Prosecute

The Town Counsel shall, if requested by the Selectmen, prosecute in the appropriate court, any cases of violation of the Statutes of the Commonwealth or the Charter or By-Laws of the Town.

Section 8 Special and Interim Counsel

Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no Board, Officer or Official of the Town shall engage, for remuneration to be paid by the Town, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the Departments thereof. The Selectmen may, whenever they deem necessary, employ special and/or interim counsel to assist or act in place of Town Counsel. Said special counsel need not be a resident of the Town.

ARTICLE 36

Amend By-Laws Article 23: Finance Committee (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 23 of the Town of Natick By-Laws as follows:

1. In Section 1.2, third sentence, delete the words “four (4) terms or” so that said third sentence reads “No Finance Committee member shall serve for more than a total of twelve (12) years.”;
2. In Section 2, delete the word “Executive” from the title and the text, so that said Section 2 reads “ Section 2 Secretary The Finance Committee may employ, subject to an appropriation therefor, a Secretary.”;
3. In Section 4, second sentence, first clause, delete the words “ten (10)” and insert in their place the words “seven (7)” so that said sentence reads “The Finance Committee shall distribute its report to each of the Town Meeting members at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting.”; and
4. In Section 4, fourth sentence, delete the words “and the appropriate tax rate based on such recommendations” so that said sentence reads “The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant.”; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 36.

The purpose of this TM Article is to “clean up” By-Law Article 12 as noted on the following Redlined pages.

During the review of this article it was noted:

- *The revision of the advance mailing deadline will resolve a discrepancy between the Charter & By-Laws regarding this requirement. Although it was not deemed to be essential that the two documents agree, Town Counsel advised that that would be preferable.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 36.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 23 of the Town of Natick By-Laws as follows:

1. In Section 1.2, third sentence, delete the words “four (4) terms or” so that said third sentence reads “No Finance Committee member shall serve for more than a total of twelve (12) years.”;

Article 36 Cont'd

- 2. In Section 2, delete the word “Executive” from the title and the text, so that said Section 2 reads “ Section 2 Secretary The Finance Committee may employ, subject to an appropriation therefor, a Secretary.”;**
- 3. In Section 4, second sentence, first clause, delete the words “ten (10)” and insert in their place the words “seven (7)” so that said sentence reads “The Finance Committee shall distribute its report to each of the Town Meeting members at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting.”; and**
- 4. In Section 4, fourth sentence, delete the words “and the appropriate tax rate based on such recommendations” so that said sentence reads “The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant.”**

ARTICLE 23

THE FINANCE COMMITTEE

Section 1 **Composition, Term of Office; Eligibility; Removal, Resignation**

1.1 **Composition, Term of Office** - There shall be a Finance Committee, consisting of fifteen (15) citizens of the Town appointed by the Town Moderator for terms of three (3) years beginning July 1, so arranged that five (5) members are appointed each year.

1.2 **Eligibility** - Persons holding an elective Town office, except Town Meeting member or constable, and those serving on appointed committees or boards that have responsibility for issuing permits, approving expenditure of funds, or exercising final authority over any matter are not eligible to be Finance Committee members. Finance Committee members may serve on committees that advise decision-making Town agencies or Town Meeting. No Finance Committee member shall serve for more than ~~four (4) terms or~~ a total of twelve (12) years.

1.3 **Removal or Resignation from Office** - Any member of the Finance Committee who files for any Town elective office except that of Town Meeting member or constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Finance Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Finance Committee members.

Section 2 ~~Executive~~ Secretary

The Finance Committee may employ, subject to an appropriation therefor, ~~an Executive~~ Secretary.

Section 3 reserved.

Section 4 **Report, Recommendations**

The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. The Finance Committee shall distribute its said report to each of the Town Meeting Members at least ~~ten (10)~~ seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant ~~and the approximate tax rate based on such recommendations.~~ Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town.

Section 5 Audits

The Finance Committee shall have the authority at any time to investigate the books, accounts and management of any department of the Town, and to employ such expert and other assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for the purpose. The Committee may appoint subcommittees and delegate to them such of its power as it deems expedient.

| *Sections 6, 7, 8 deleted by Article 38 ATM 10/3/91*

ARTICLE 37
Audit Committee
(Board of Selectmen)

To see if the Town will vote to amend the Town of Natick By-Laws by inserting therein a new Section 23A, said section to read as follows:

ARTICLE 23A
AUDIT COMMITTEE

Section 1. Establishment of Audit Committee

There is hereby established an Audit Committee consisting of five members. Such members shall include: one (1) current member from each of the Board of Selectmen, Finance Committee and School Committee, appointed as determined by the Chair of the respective board or committee; plus two (2) at-large members appointed by the Board of Selectmen. The at-large members shall not be a member of another board or committee, or an officer, official or paid employee of the Town. All members of the Audit Committee shall have, at a minimum, a working familiarity with basic finance and accounting practices; appointments should be made to provide that at least two members of the Audit Committee be Certified Public Accountants or otherwise have accounting or related financial management expertise; ideally that expertise shall be in municipal or not-for-profit finance.

Audit Committee members appointed by the Board of Selectmen shall serve for a term of two (2) years, except that one (1) of the initial appointees shall serve for a term of three (3) years, thereby providing that one such member's term will expire on an annual basis. All other members shall serve a term of one (1) year. Any vacancy occurring in the Audit Committee shall be filled by the appropriate appointing authority for the balance of the unexpired term. Terms shall coincide with the fiscal year, i.e. effective July 1 and expiring June 30, to correspond with the period of time for which the town's audits are conducted.

At the first meeting after the start of each new fiscal year, the Audit Committee shall conduct an organizational meeting to elect from its members a chair, a vice-chair and a secretary.

Section 2. Role of Audit Committee

The Audit Committee shall serve as advisor to the Board of Selectmen with respect to the town's internal auditing, financial systems and independent annual audit. Specific duties shall include, but are not limited to, the following:

- (1) Make recommendations to the Board of Selectmen on the selection of, and scope of services for, an independent auditor.
- (2) Review the annual financial statements and management reports and make recommendations with respect thereto.

Article 37 Cont'd

(3) Make recommendations for areas of operations where expanded scope audits or review of the internal controls may be appropriate. Note that this provision is not intended to conflict with or supersede similar authority of the Finance Committee under Article 23, section 5 of the Town By-Laws.

(4) Review and make recommendations with respect to the Town's internal auditing and financial controls; through the Town Administrator, review with appropriate boards and departments' opportunities to improve such controls.

(5) Report to the Board of Selectmen on the status of recommendations the Committee, town financial staff and/or independent auditor has made during the preceding twelve months.

(6) Submit a summary of their work for the preceding calendar year for inclusion in the Town's Annual Report.

or otherwise act thereon

RECOMMENDATION: By a vote of 12-0-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION as amended by the FinCom with regard to the subject of Article 37.

The purpose of this article is to have the position of Police Chief removed from the Civil Service appointment process.

During discussion of this Article it was noted:

- *The specified terms of the Committee appointments was intended to have one position rotate each year. There is an expectation that there would ideally be long term continuity among the members of the Committee.*
- *This Committee is envisioned to serve in an advisory capacity to the Finance Director, the Comptroller and the Town Administrator in developing their response to annual audits.*
- *The creation of an audit committee was one of the strongest recommendations in the Spring 2009 DOR bulletin.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 37.

MOTION: (Requires majority vote)

Move that the Town vote to amend the Town of Natick By-Laws by inserting therein a new Section 23A, said section to read as follows:

**ARTICLE 23A
AUDIT COMMITTEE**

Section 1. Establishment of Audit Committee

Article 37 Cont'd

There is hereby established an Audit Committee consisting of five members. Such members shall include: one (1) current member from each of the Board of Selectmen, Finance Committee and School Committee, appointed as determined by the Chair of the respective board or committee; plus two (2) at-large members appointed by the Board of Selectmen. The at-large members shall not be a member of another board or committee, or an officer, official or paid employee of the Town. All members of the Audit Committee shall have, at a minimum, a working familiarity with basic finance and accounting practices; appointments should be made to provide that at least two members of the Audit Committee be Certified Public Accountants or otherwise have accounting or related financial management expertise; ideally that expertise shall be in municipal or not-for-profit finance.

Audit Committee members appointed by the Board of Selectmen shall serve for a term of two (2) years, except that one (1) of the initial appointees shall serve for a term of three (3) years, thereby providing that one such member's term will expire on an annual basis. All other members shall serve a term of one (1) year. Any vacancy occurring in the Audit Committee shall be filled by the appropriate appointing authority for the balance of the unexpired term. Terms shall coincide with the fiscal year, i.e. effective July 1 and expiring June 30, to correspond with the period of time for which the town's audits are conducted.

At the first meeting after the start of each new fiscal year, the Audit Committee shall conduct an organizational meeting to elect from its members a chair, a vice-chair and a secretary.

Section 2. Role of Audit Committee

The Audit Committee shall serve as advisor to the Board of Selectmen with respect to the town's internal auditing, financial systems and independent annual audit. Specific duties shall include, but are not limited to, the following:

- (1) Make recommendations to the Board of Selectmen on the selection of, and scope of services for, an independent auditor.
- (2) Review the annual financial statements and management reports and make recommendations with respect thereto.
- (3) Make recommendations for areas of operations where expanded scope audits or review of the internal controls may be appropriate. Note that this provision is not intended to conflict with or supersede similar authority of the Finance Committee under Article 23, section 5 of the Town By-Laws.
- (4) Review and make recommendations with respect to the Town's internal auditing and financial controls; through the Town Administrator, review with appropriate boards and departments' opportunities to improve such controls.
- (5) Report to the Board of Selectmen on the status of recommendations the Committee, town financial staff and/or independent auditor has made during the preceding twelve months.
- (6) Submit a summary of their work for the preceding calendar year for inclusion in the Town's Annual Report.

ARTICLE 38

Home Rule Petition: Removal of Police Chief Position from Civil Service (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF NATICK FROM THE PROVISIONS OF 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. Chapter 8 of the Acts and Resolves of 1931 is hereby repealed.
- SECTION 2. The position of chief of police in the town of Natick shall be exempt from the provisions of chapter thirty-one of the General Laws.
- SECTION 3. The provisions of Section 1 and Section 2 of this act shall not impair the civil service status of the person holding the position of interim chief of police in the town of Natick on the effective date of this act.
- SECTION 4. This act shall take effect upon its passage.

or otherwise act thereon

RECOMMENDATION: By a vote of 11-1-0 on September 29, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 38 to the Board of Selectmen and the Town Administrator.

PLEASE NOTE THAT THE FOLLOWING DISCUSSION POINTS ARE FOR BOTH ARTICLES 38 & 39 AS THEY WERE REVIEWED AT THE SAME TIME.

The purpose of this article is to have the position of Police Chief removed from the Civil Service appointment process.

During discussion of Articles 38 & 39 it was noted:

- *There was a request for data regarding numbers and percentages of cities and towns across the Commonwealth both with and without civil service Police Chiefs, and whether this correlated with differences in salary and benefit packages.*
- *Police Department personnel feel this could have an impact on department morale because they want the right person leading the department.*
- *One concern regarding the civil service system is that extra layers of protection for an incumbent could make it difficult to remove a non-performing individual, since performance*

Article 38 Cont'd

evaluations may not be used for disciplinary purposes or removal without the approval of the Civil Service Human Resources Division (HRD).

- *Potential costs (approximately \$8,000 to \$10,000 when used in selection of the Fire Chief) associated with an Assessment Center and consultants to run that could be covered from funds currently in the Police Department budget. An Assessment Center may still be used if these Articles don't pass.*
- *The proponent's reasons for bringing this up at this time include the fact of the present need to appoint a new Police Chief and the fact that although candidate interviews are permitted, the results of these as well as individual educational achievements of candidates may not be applied to the selection decision.*
- *The Police Department representatives believe the civil service system provides for greater stability and longer tenures because politics don't get involved in the department, and there are fewer people with "hands in the pie" in the event that the Selectmen don't like an individual.*
- *In the view of the Police Department representatives, the exam score does reflect prior experience and advanced degrees in relevant areas. Specific educational accomplishments are listed on the application and degrees in criminal justice, or similar police-related areas are given additional weight. Residents of the Town are also given extra weight to move them above non-residents on the list of potential candidates.*
- *The Police Department representatives believe that selection of someone to lead the department needs to reflect the realities of leading a para-military organization comprised of "Type A" personalities.*
- *The civil service system does include a process for addressing unsatisfactory performance, however, documentation progressing from a verbal warning, proceeding to a written warning and subsequent suspension must be in place prior to going to the HRD for further action. It was stated that 80% of the HRD decisions in such cases support the municipalities in dismissing individuals.*
- *The consultant, hired by the Town through an RFP process, ultimately determines the composition and components of the Assessment Center based on the details of the contractual agreement.*
- *The Commonwealth's Executive Office for Administration and Finance HRD is conducting a pilot program offering Regional Assessment Centers at no cost to cities and towns. This Center would be for in-department promotions only, and would not apply to an open competitive process which would extend beyond internal candidates. Individuals would be charged a fee to participate.*
- *Based on reports of Natick's previous Director of Human Resources, the by-pass procedure was vaguely defined, thus increasing its vulnerability to legal challenge.*
- *Due to fiscal constraints, the Commonwealth's HRD is delegating more of this process to the municipalities, however, what is being delegated are largely administrative aspects, and not issues related to the decision-making process.*
- *The Police Department personnel believe that Article 38 would benefit some individuals who don't qualify for the Chief's position.*

Article 38 Cont'd

- *There was a request for clarification of what position would represent the “most senior member of the Police Department in the second-highest non-chief rank” in the composition of the screening committee proposed under Article 39.*
- *Similar Articles were referred back to the Board of Selectmen by Town Meeting when they were previously presented.*

The Board of Selectmen voted 4-1-0 to recommend Referral of the subject matter of Article 38 to the Board of Selectmen and the Town Administrator.

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 38 to the Board of Selectmen and the Town Administrator.

ARTICLE 39
Selection Process for Police Chief
(Board of Selectmen)

To see if the Town will vote to insert in Article 24 of the Town of Natick Bylaws a new Section 14 as **follows**:

14.1 Applicability

This bylaw shall apply to the selection of a candidate to fill the position of Police Chief when such position is not subject to the provisions of Chapter 31 of the Massachusetts General laws. Pursuant to Article 24, Section 3.6 of the Town of Natick Bylaws, a current job description shall be maintained for this position. A Police Chief appointed by the Board of Selectmen pursuant to this Bylaw will meet the minimum entrance requirements set forth in said job description.

14.2 Procedure for Appointment of Police Chief

a. Within one year of the time when it is known that the position of Police Chief shall become vacant, the Board of Selectmen may initiate the selection process. Within six months of the time the position of Police Chief is to become vacated, the Board of Selectmen shall initiate the selection process if it has not already done so. In the event that less than six months notice is provided to the Selectmen that the position of Police Chief shall become vacant, the selection process shall begin forthwith after receipt by the Board of Selectmen of such notice.

b. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applications for the position of Police Chief and shall send a copy of such notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint to the screening committee all such persons designated pursuant to the provisions of section 14.2 c. and 14.2 d. herein, provided that their names have been received in writing the day before the screening committee is to be appointed. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice is sent.

c. For the position of Police Chief, a screening committee shall consist of nine voting members and one non-voting member. The School Committee, Finance Committee and Personnel Board may each designate one person to serve on the screening committee. Persons chosen by said agencies may, but need not, be members of the agency by which they are chosen. The Town Administrator and Fire Chief shall serve as members of the screening committee. The Board of Selectmen shall designate one resident of Natick to the screening committee. This designee may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The most senior member of the Police Department in the second-highest non-chief rank who is able to serve and is not a candidate for the position of Police Chief shall serve on the screening committee. In the event that no member of that rank is able to serve, the most senior member of the next lowest rank who is able to serve and is not a candidate for the position of Police Chief shall serve on the screening committee. This individual may not be a member of the Board of

Article 39 Cont'd

Selectmen, School Committee, Finance Committee or Personnel Board. The Town Moderator shall designate one member of Town Meeting. This designee may not be a member of the Board of Selectmen, School Committee, Finance Committee or Personnel Board. The Town Administrator shall designate to the screening committee one police chief from another community. The Personnel Director shall serve as the non-voting member of the committee. Designees of the Board of Selectmen, School Committee, Finance Committee, Personnel Board and Town Moderator shall be residents of Natick. No member of the screening committee – other than the Town Administrator, Fire Chief, Personnel Director and the specified member of the Police Department – may be a paid employee of the Town.

d. Not more than thirty days following the appointment of the screening committee by the Board of Selectmen, the persons chosen shall meet to organize and plan a process for solicitation by advertisement, including, without limitation, in appropriate professional journals, and by other means, to receive applications for the position of Police Chief. The screening committee shall conduct its work in an expeditious manner; employees of the Town shall provide all reasonable assistance to the committee in the conduct of its work.

e. The screening committee shall review all applications received and shall provide for interviews to be conducted with such number of candidates for the position as it may decide.

f. Candidates selected for interview shall be evaluated using an assessment center specifically designed to examine their knowledge, skills and abilities, including, without limitation, their technical, tactical, professional, managerial and strategic skills. The assessment center shall be designed and conducted by a consultant specifically hired for this purpose by the Town. Said consultant shall be selected by the Town through competitive procurement in accordance with applicable law and procedures and shall have significant experience conducting assessment centers in the relevant public safety department.

g. The results of the assessment center conducted pursuant to paragraph (f) shall be made available to the screening committee prior to its interview of candidates for the position of Police Chief.

h. Not more than one hundred eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than three but not more than five candidates whom it believes to be best suited to perform the duties of Police Chief.

i. If the screening committee determines that there are not at least three candidates qualified to perform the duties of the Police Chief, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.

j. Within sixty days following the date that a list of nominees is submitted to it, the Board of Selectmen shall:

1. interview candidates referred to it by the screening committee, and
2. determine if it will select one of the candidates to serve as Police Chief, and
3. choose a nominee to be appointed as Police Chief; or

Article 39 Cont'd

4. if the Board of Selectmen decides not to appoint any of the nominees as Police Chief, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.

k. Upon the appointment of the Police Chief, the screening committee established pursuant to this Article shall be considered discharged.

14.3 Appointment, Review, Other Activities

a. Appointment, Term - The Board of Selectmen shall appoint the Police Chief to serve for a term of up to five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Police Chief shall be appointed solely on the basis of his or her technical, tactical, professional, managerial and executive qualifications and shall be especially fitted by previous experience, training and education to perform the duties of the position.

b. Review of Performance - The Town Administrator shall annually provide to the Board of Selectmen a review of the job performance of the Police Chief which shall, at least in summary form, be a public record.

c. Restriction on Other Activities – The Police Chief shall devote his or her full time to the duties of the position of Police Chief and shall not hold any other public office, elective or appointive, nor shall he or she engage in other business, occupation or profession during his or her term, unless such action or appointment is approved, in advance, in writing, by the Board of Selectmen. Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 29, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 39 to the Board of Selectmen and the Town Administrator.

PLEASE NOTE THAT THE DISCUSSION POINTS FOR BOTH ARTICLES 38 & 39 WERE DISCUSSED AT THE SAME TIME AND ARE LOCATED AT ARTICLE 38.

The purpose of this article is to establish a new appointment process for Police Chief if Article 38 is passed by Town Meeting.

Please see the Article 38 discussion points for additional information concerning this article.

The Board of Selectmen voted 4-1-0 to recommend Referral of the subject matter of Article 39 to the Board of Selectmen and the Town Administrator.

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 39 to the Board of Selectmen and the Town Administrator.

ARTICLE 40

Amend By-Laws Article 32: Open Space Advisory Committee (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 32 of the Town of Natick By-Laws by deleting the word “lease” from the second sentence of Section 2 and inserting in its place the word “least” so that said second sentence reads “At least once during each calendar year the Open Space Advisory Committee shall report to the Board of Selectmen regarding its activities.”;

Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 40.

The purpose of this TM Article is to “clean up” By-Law Article 32 as noted on the following [Redlined](#) pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 40.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 32 of the Town of Natick By-Laws by deleting the word “lease” from the second sentence of Section 2 and inserting in its place the word “least” so that said second sentence reads “At least once during each calendar year the Open Space Advisory Committee shall report to the Board of Selectmen regarding its activities.”

ARTICLE 32

OPEN SPACE ADVISORY COMMITTEE

Section 1 Composition, Term of Office

There shall be an Open Space Advisory Committee consisting of seven members appointed by the Board of Selectmen. The Open Space Advisory Committee shall include one member of the Conservation Commission, one member of the Planning Board, one member of the Recreation and Parks Commission, and four at large members. Each person appointed to the Open Space Advisory Committee shall be a resident of the Town of Natick.

At the initial formation of the Open Space Advisory Committee the Board of Selectmen shall appoint three members to a three year term each, beginning July 1, 2003, two members to a two year term each, beginning July 1, 2003, and two members to a one year term each, beginning July 1, 2003. Thereafter each successor shall be appointed for a three year term.

Section 2 Powers and Duties

The Open Space Advisory Committee shall be an advisory body and a resource to the Board of Selectmen in carrying out the major goals outlined in the Natick Open Space and Recreation Plan and in revising the Natick Open Space and Recreation Plan as needed to comply with federal and Commonwealth of Massachusetts requirements and guidelines.

| At ~~least~~least once during each calendar year the Open Space Advisory Committee shall report to the Board of Selectmen regarding its activities.

ARTICLE 41

Amend By-Laws Article 40: Town Reports and Records

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 40 of the Town of Natick By-Laws as follows:

1. In the first paragraph in Section 3:
 - a. in the first line, remove the tab space before the word “In”;
 - b. in the third line, delete the punctuation and words “, they” appearing after the word “time”, and in their place insert the punctuation and words “. The minutes”; delete the word “its” as appearing between the words “therein” and “official”, and in its place insert the words “the body’s”; and delete the word “its” appearing between the words “of” and “opening”;
 - c. in the fourth line, delete the punctuation “;” appearing after the word “approved”;
 - d. in the fifth line, delete the punctuation “;” appearing after the word “denied”, and in its place insert the punctuation and word “, and”;
 - e. in the fifth and sixth lines, delete the words “its Clerk or Secretary, as required by law, with the Town Clerk; and attested by its Clerk or Secretary.” appearing after the word “by”, and in their place insert the words “the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee. The minutes shall be attested by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee.”

so that the first paragraph reads as follows: “In carrying out the provisions of Section 7-9 (b) of the Charter, each Town Board, Commission, Committee and Sub-Committee shall record the minutes of its proceedings within a reasonable time. The minutes shall contain therein the body’s official name, date, time of opening and adjournment, members present, minutes of previous meeting corrected or approved, motions voted thereon as approved or denied, and that the meeting was duly posted by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee. The minutes shall be attested by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee.”

2. In Section 3, delete the existing second paragraph in its entirety, which reads:

“Each Town Board, Commission, Committee and Sub-Committee shall notify the Town Clerk of its current mailing address and the location of its minutes which, by law, shall be available as public records.”

Article 41 Cont'd

and replace it with the following text:

“Henceforth, each Town Board, Commission, Committee, and Sub-Committee shall file its minutes with the Town Clerk, who will make the minutes available as public records.”

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 41.

The purpose of this TM Article is to “clean up” By-Law Article 40 as noted on the following Redlined pages.

During discussion of this Article it was noted:

- *The Town Clerk has recommended that a hard copy of all meeting minutes should be sent to the Town Clerk’s office as required by Mass General Law.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 41.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 40 of the Town of Natick By-Laws as follows:

- 1. In the first paragraph in Section 3:**
 - a. in the first line, remove the tab space before the word “In”;**
 - b. in the third line, delete the punctuation and words “, they” appearing after the word “time”, and in their place insert the punctuation and words “. The minutes”; delete the word “its” as appearing between the words “therein” and “official”, and in its place insert the words “the body’s”; and delete the word “its” appearing between the words “of” and “opening”;**
 - c. in the fourth line, delete the punctuation “;” appearing after the word “approved”;**
 - d. in the fifth line, delete the punctuation “;” appearing after the word “denied”, and in its place insert the punctuation and word “, and”;**
 - e. in the fifth and sixth lines, delete the words “its Clerk or Secretary, as required by law, with the Town Clerk; and attested by its Clerk or Secretary.” appearing after the word “by”, and in their place insert the**

Article 41 Cont'd

words “the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee. The minutes shall be attested by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee.”

so that the first paragraph reads as follows: “In carrying out the provisions of Section 7-9 (b) of the Charter, each Town Board, Commission, Committee and Sub-Committee shall record the minutes of its proceedings within a reasonable time. The minutes shall contain therein the body’s official name, date, time of opening and adjournment, members present, minutes of previous meeting corrected or approved, motions voted thereon as approved or denied, and that the meeting was duly posted by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee. The minutes shall be attested by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair’s designee.”

- 2. In Section 3, delete the existing second paragraph in its entirety, which reads:**

“Each Town Board, Commission, Committee and Sub-Committee shall notify the Town Clerk of its current mailing address and the location of its minutes which, by law, shall be available as public records.”

and replace it with the following text:

“Henceforth, each Town Board, Commission, Committee, and Sub-Committee shall file its minutes with the Town Clerk, who will make the minutes available as public records.”

ARTICLE 40

TOWN REPORTS AND RECORDS

Section 1 Annual Reports

All Town Officers, Boards, and Committees shall file an annual report of their doings with the Board of Selectmen on or before January 15 of each year, and the Board of Selectmen shall cause such reports to be included in the Annual Town Report.

Any Committee failing to report as required to the Town Meeting shall be discharged unless the Town Meeting shall vote to continue the Committee notwithstanding.

Section 2 Distribution of Annual Town Report

The Selectmen shall have the printed Annual Town Report ready for distribution not later than March 25 of each year.

Section 3 Minutes of Proceedings

~~_____~~ In carrying out the provisions of Section 7-9 (b) of the Charter, each Town Board, Commission, Committee and Sub-Committee shall record the minutes of its proceedings within a reasonable time, ~~they~~. The minutes shall contain therein ~~itsthe body's~~ official name, date, time of ~~its~~ opening and adjournment, members present, minutes of previous meeting corrected or approved; ~~2~~ motions voted thereon as approved or denied; ~~2~~, and that the meeting was duly posted by ~~itsthe~~ Clerk or Secretary, ~~as required by law, with the Town Clerk; and attested by its or, in the absence of the~~ Clerk or Secretary, by the Chair or the Chair's designee. The minutes shall be attested by the Clerk or Secretary or, in the absence of the Clerk or Secretary, by the Chair or the Chair's designee.

~~_____~~ ~~Each~~ Henceforth, each Town Board, Commission, Committee, ~~2~~ and Sub-Committee shall ~~notify~~ file its minutes with the Town Clerk ~~of its current mailing address and, who will make the location of its minutes which, by law, shall be~~ available as public records.

~~_____~~ In the event that any of these bodies are dissolved, these records shall be placed in the Town Clerk's Office for seven years.

Section 4 Real Estate Valuation Lists

In carrying out the provisions of Section 3-4 (b) of the Charter, the Assessors shall make available for public inspection their valuation lists for real estate for each year. The valuation lists shall be accessible in their office via computer; they shall be available online via the Town web site; and they shall be printed as documents for reference at the Morse Institute Library.

Section 5 Records of Tax Abatements

In carrying out the provisions of Section 3-4 (b) of the Charter, the Assessors shall make available for public inspection their lists of approved tax abatements as defined in Section 60 of Chapter 59 of the General Laws, including abatements for statutory exemptions as defined in Section 5 of said Chapter 59. The Assessors shall publish in the Annual Town Report for the just completed fiscal year the total amount of tax abatements, with subtotals by type, and the total amount of possible tax abatements for cases pending before the appellate tax board.

Section 6 Planning Board Report to Town Meeting

The Planning Board shall distribute its report on warrant article recommendations, as specified in Section 3-11 (b) of the Charter, to each Town Meeting Member at least ten (10) days in advance of a Town Meeting. The said recommendations shall be those of a majority of the Board, but this shall not be construed to prevent recommendations by a minority as such.

Section 7 Copies of Reports in Library

Two copies of all studies and reports prepared for the Town of Natick which have been authorized by a vote of Town Meeting shall be placed in the Town Library (the Morse Institute) within seven (7) days of the receipt of the completed document by any Town Department or office and retained for public examination.

ARTICLE 42

Amend By-Laws Article 42: Licenses (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 42 of the Town of Natick By-Laws as follows:

1. In the title of Section 1, insert the punctuation and words “ – Fuel Oils” after the number “1”;
2. In Section 1:
 - a. delete the entire text in the first paragraph, which reads:

“License and Registration fees for storage of gasoline, petroleum products, or inflammable fluids, including fuel oils, for sale and for other than the applicant's own use, shall be as follows:”

and replace it with the following text:

“The storage of gasoline, petroleum products, or inflammable fluids, including fuel oils over 10,000 gallons, requires an Initial (one-time) License and Annual Registration with the Board of Selectmen. Storage of such fluids for sale shall be subject to the following fee schedule:”
 - b. delete the word “Licenses” in the first heading and in its place insert the words “Initial (one-time) License”;
 - c. insert the symbol “\$” before the amount “5.00” in (2) of the Licenses Fees subsection;
 - d. insert the symbol “\$” before the amount “150.00” in (2) of the Licenses Fees subsection;
 - e. insert the word “Annual” before the word “Registration”, and change the word “fees” to “Fees” in the second heading;
 - f. change the word “one-“ to “One”, insert the word “Initial” before the word “license”, change the word “license” to “License”, and change the word “fees” to “Fees” underneath the second heading;
3. In the title of Section 2, insert the punctuation and words “ – Transient Vendors” after the number “2”;

or otherwise act thereon.

Article 42 Cont'd

RECOMMENDATION: The Finance Committee has NO RECOMMENDATION as of the date of publication. The Administration is still working with Town Counsel to clarify the wording of this By-Law at the request of the Finance Committee.

The purpose of this TM Article is to “clean up” By-Law Article 42 as noted on the following [Redlined](#) pages.

The Finance Committee had concerns about the clarity of the wording concerning the storage sizes and the Administration will review this further. This vote was postponed until the Finance Committee meeting on October 20th to be held before the start of Town Meeting.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 42.

MOTION: (Requires majority vote)

A Motion will possibly be provided at Town Meeting after the October 20th Finance Committee Meeting held before Town Meeting.

ARTICLE 42

LICENSES

Section 1 – Fuel Oils

~~License and Registration fees for~~

~~The storage of gasoline, petroleum products, or inflammable fluids, including fuel oils; over 10,000 gallons, requires an Initial (one-time) License and Annual Registration with the Board of Selectmen. Storage of such fluids for sale and for other than the applicant's own use, shall be as follows:~~subject to the following fee schedule:

~~Licenses~~Initial (one-time) License Fees

- | | |
|---------------------------------------------------|------------------|
| (1) Not over 2,000 gallons | \$ 35.00 |
| (2) Each additional 1,000 gallons or part thereof | <u>\$ 5.00</u> |
| (3) Maximum license fees | <u>\$ 150.00</u> |

Annual Registration fees~~Fees~~

~~one~~One-half (1/2) of the ~~license fees~~Initial License Fees

Section 2 – Transient Vendors

Every person before commencing business in the Town as a transient vendor, whether as principal or agent, shall make written application under oath, for a Town license to the Board of Selectmen and upon payment of a license fee fixed by it in compliance with Chapter 101 of the Massachusetts General Laws, shall be issued a license, provided, however, that said transient vendor comply with the regulations of the Board of Selectmen.

ARTICLE 43

Amend By-Laws Article 43: Licenses/Permits of Delinquent Taxpayers (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 43 of the Town of Natick By-Laws as follows:

In the second paragraph of Section 2, delete the word “Inspector” appearing between the words “Building” and “or”, and in its place insert the word “Commissioner”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 43.

The purpose of this TM Article is to “clean up” By-Law Article 43 as noted on the following [Redlined](#) pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 43.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 43 of the Town of Natick By-Laws as follows:

In the second paragraph of Section 2, delete the word “Inspector” appearing between the words “Building” and “or”, and in its place insert the word “Commissioner”

ARTICLE 43

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

Section 1 Report of Delinquent Taxpayers and Subject Property

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board, and a list of properties for which such taxes, fees, assessments, betterments or other municipal charges have not been paid.

Section 2 Denial, Revocation, or Suspension of Licenses and Permits

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.

The Building ~~Inspector~~Commissioner or Community Development Department may deny an application for a permit regarding property which appears on said -list of properties for which a tax, fee,, assessment or other municipal charge has not been paid. Said list shall be prima facie evidence for denial of said license or permit application of any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license or permit.

Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate, or that all local taxes, fees, assessments, betterments or other municipal charges have been paid to the municipality as of the date of issuance of said certificate, as applicable.

Section 3 Payment Agreements

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 4 Waiving of Penalty by Board of Selectmen

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

Section 5 Exclusions

This by-law shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage license, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven; and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

ARTICLE 44

Amend By-Laws Article 50: Police Regulations (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 50 of the Town of Natick By-Laws as follows:

1. In the second sentence of Section 3, delete the words “keep a” and in their place insert the word “provide”, and delete the words “number of lighted lanterns” and in their place insert the word “illumination”;
2. In the third line of Section 5:
 - a. delete the words “or Selectman”; and
 - b. delete the words “move it” and in their place insert the words “remove the obstruction”;
3. In the first line of Section 9, delete the word “and” and in its place insert the word “or”;
4. In the third line of Section 14, delete the words “of a house”;
5. Insert the following new section between Sections 14 a and 15:

“Section 14 b **Public Consumption or Use of Marihuana or
Tetrahydrocannabinol**

1. No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Natick, or any place to which the public has a right of access as invitees or licensees.
2. Any marihuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47A.
3. Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.

Article 44 Cont'd

4. This By-Law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Administrator, or any duly authorized agent of the Board of Selectmen or the Town Administrator, or any police officer.
5. The fine for a violation of this By-Law shall be one hundred fifty dollars (\$150.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.
6. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”
6. In the title of Section 15, delete the word “**on**” and insert in its place the word “**or**”;
7. In Section 16.7:
 - a. in the schedule, insert the following row between “Dog unlicensed” and “Dog unvaccinated for rabies”:

“Kennel unlicensed	\$300.00”
--------------------	-----------
 - b. Delete the last sentence of Section 16.7, which reads:

“In addition to the foregoing fines, failure to renew a license for a dog within thirty days of the required time shall be punishable by a fine of twenty-five dollars. Failure to renew a license for a dog within sixty days of the required time shall be punishable by an additional fine of twenty-five dollars.”

and insert in its place two new paragraph, which read:

“In addition to the foregoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a dog owner shall license his or her dogs in the Town of Natick annually by March 1, and shall pay the required license fee. Any dog owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars per dog in addition to the annual license fee.

In addition to the foregoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a kennel owner shall license his or her kennel in the Town of Natick annually by March 1, and shall pay the required license fee. Any kennel owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars in addition to the annual license fee.”

Article 44 Cont'd

8. In the second line of Section 16.8, delete the word “his” and in its place insert the words “the investigating officer’s”;
9. In the third line of Section 16.9, delete the punctuation and number “.4”;
10. Delete the text of Section 16.15, which reads:

“16.15 Dog License and Kennel License Fees

Male – Female	\$15.00
Spayed – Neutered	\$10.00
Kennels	
4 Dogs	\$25.00
10 Dogs	\$50.00
25 Dogs	\$75.00”

and insert in its place the following text:

“16.15 Dog License and Kennel License Fees

Un-Neutered Male and Un-Spayed Female	\$15.00 per dog
Neutered Male and Spayed Female	\$10.00 per dog
Kennels	
4-9 Dogs	\$50.00
10-24 Dogs	\$75.00
25 or more Dogs	\$100.00

11. In Section 19:
 - a. in the title, delete the word “**Morse’s**” and add a letter “s” to the word “**Pond**” so that it reads “**Ponds**”; and
 - b. in the second line of the paragraph, delete the word “Morse’s Pond” and in its place insert the words “any pond”;
12. In Section 22.2, delete the second paragraph, which reads as follows:

“If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand,

Article 44 Cont'd

one and one half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one half of one percent of such spaces but not less than thirty.”

and in its place insert the following table:

Total Parking Spaces	Handicapped Spaces	
	Minimum %	Minimum Number
15-25	--	1
26-40	5.0%	2
41-100	4.0%	3
101-200	3.0%	4
201-500	2.0%	6
501-1000	1.5%	10
1001-5000	1.0%	15
2001-5000	.75%	20
5001-	.5%	30

All percentages to be rounded up to nearest whole number.

13. In Section 22.3:

- a. in the sixth line, delete the word “twelve” and insert in its place the word “thirteen”; and
- b. in the seventh line, delete the word “four” and insert in its place the word “five”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 29, 2009, The Finance Committee recommends FAVORABLE ACTION as AMENDED by the Finance Committee with regard to the subject of Article 44.

The purpose of this TM Article is to “clean up” By-Law Article 50 as noted on the following Redlined pages

During discussion of this Article it was noted:

- *The new section relating to public consumption or use of marihuana or tetrahydrocannabinol is the result of the recent decriminalization of this substance.*
- *Town Counsel drafted the language of the proposed changes, and the Acting Police Chief has reviewed them.*

Article 44 Cont'd

- *The additional paragraphs relating to dog and kennel licensing and fees were added at the request of the Interim Town Clerk to provide greater clarification of requirements and penalties.*
- *The current prohibition against use and operation of internal combustion engines applicable to Morse's Pond is proposed to be extended to all ponds in the Town. The rationale for the original provision was uncertain, although it was suggested this might relate to the potential for this pond to be a source of drinking water. A similar by-law in the Town of Wellesley, in which a large portion of the pond is located, and the proximity of several Wellesley wells, reinforced this hypothesis.*
- *The Conservation Commission has not reviewed these proposed changes.*
- *Proposed changes relating to parking spaces designated for the handicapped are being made to ensure that the Town's requirements meet those of the State.*

The Board of Selectmen voted 4-1-0 to recommend Favorable Action on the subject matter of Article 44.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 50 of the Town of Natick By-Laws as follows:

- 1. In the second sentence of Section 3, delete the words "keep a" and in their place insert the word "provide", and delete the words "number of lighted lanterns" and in their place insert the word "illumination";**
- 2. In the third line of Section 5:**
 - a. delete the words "or Selectman"; and**
 - b. delete the words "move it" and in their place insert the words "remove the obstruction";**
- 3. In the first line of Section 9, delete the word "and" and in its place insert the word "or";**
- 4. In the third line of Section 14, delete the words "of a house";**
- 5. Insert the following new section between Sections 14 a and 15:**

"Section 14 b Public Consumption or Use of Marihuana or Tetrahydrocannabinol

- 1. No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or**

Article 44 Cont'd

upon any area owned by or under the control of the Town of Natick, or any place to which the public has a right of access as invitees or licensees.

2. Any marihuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47A.

3. Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.

4. This By-Law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Administrator, or any duly authorized agent of the Board of Selectmen or the Town Administrator, or any police officer.

5. The fine for a violation of this By-Law shall be one hundred fifty dollars (\$150.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

6. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”

6. In the title of Section 15, delete the word “on” and insert in its place the word “or”;

7. In Section 16.7:

a. in the schedule, insert the following row between “Dog unlicensed” and “Dog unvaccinated for rabies”:

“Kennel unlicensed \$300.00”

b. Delete the last sentence of Section 16.7, which reads:

“In addition to the foregoing fines, failure to renew a license for a dog within thirty days of the required time shall be punishable by a fine of twenty-five dollars. Failure to renew a license for a dog within sixty days of the required time shall be punishable by an additional fine of twenty-five dollars.”

and insert in its place two new paragraph, which read:

“In addition to the foregoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a dog owner shall license his or her dogs in the Town of Natick annually by March 1, and shall pay the required license fee. Any dog owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars per dog in addition to the annual license fee.

Article 44 Cont'd

In addition to the foregoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a kennel owner shall license his or her kennel in the Town of Natick annually by March 1, and shall pay the required license fee. Any kennel owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars in addition to the annual license fee.”

8. In the second line of Section 16.8, delete the word “his” and in its place insert the words “the investigating officer’s”;
9. In the third line of Section 16.9, delete the punctuation and number “.4”;
10. Delete the text of Section 16.15, which reads:

“16.15 Dog License and Kennel License Fees

Male	– Female	\$15.00
Spayed	– Neutered	\$10.00
Kennels		
4	Dogs	\$25.00
10	Dogs	\$50.00
25	Dogs	\$75.00”

and insert in its place the following text:

“16.15 Dog License and Kennel License Fees

	Un-Neutered Male and Un-Spayed Female	\$15.00 per dog
	Neutered Male and Spayed Female	\$10.00 per dog
Kennels		
4-9	Dogs	\$50.00
10-24	Dogs	\$75.00
	25 or more Dogs	\$100.00

11. In Section 19:
 - a. in the title, delete the word “Morse’s” and add a letter “s” to the word “Pond” so that it reads “Ponds”; and
 - b. in the second line of the paragraph, delete the word “Morse’s Pond” and in its place insert the words “any pond”;
12. In Section 22.1, - After the word “plates” add the words “and placard”
13. In Section 22.2,
 - a. After the word “plate” add the words “and placard”
 - b. delete the second paragraph, which reads as follows:

“If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent

Article 44 Cont'd

of such spaces, but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one half of one percent of such spaces but not less than thirty.”

and in its place insert the following table:

Total Parking Spaces	Handicapped Spaces	
	Minimum %	Minimum Number
15-25 --		1
26-40 5.0%		2
41-100 4.0%		3
101-200 3.0%		4
201-500 2.0%		6
501-1000 1.5%		10
1001-5000 1.0%		15
2001-5000 .75%		20
5001- .5%		30
All percentages to be rounded up to nearest whole number.		

14. In Section 22.3:

- a. in the sixth line, delete the word “twelve” and insert in its place the word “thirteen”; and
in the seventh line, delete the word “four” and insert in its place the word “five”

ARTICLE 50

POLICE REGULATIONS

Section 1 Obstruction of Public Ways; License Required

No persons except officers of the Town in the lawful performance of their duties and those acting under their orders, shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same, without first obtaining a written license from the Selectmen therefor.

Section 2 Deposit of Rubbish; Defacement of Public Ways

No person shall place or cause to be placed upon any public sidewalk or street any rubbish, debris, or broken glass, or paint, print, word, figure, or picture, except when authorized by the Director of Public Works and except as provided in Section 3 hereunder.

Section 3 Obstruction Due to Construction; Safety Requirements

Every person intending to erect, repair or take down any building on land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing therein building materials or rubbish, shall give notice thereof to the Selectmen. The Selectmen may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall ~~keep~~ aprovide sufficient ~~number of lighted lanterns~~ illumination at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same, while such obstruction shall continue. If such obstruction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction, and at the completion of the work shall restore the street or way to its former condition.

Section 4 Indemnification of Town

Before obtaining a license as specified in the preceding section the person applying for the same shall execute a written agreement to indemnify and save harmless the Town against and from all damages, by reason of cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

Section 5 Obstruction of Sidewalks

No person shall, without written permit from the Selectmen, place or cause to be placed upon any sidewalk any object so as to obstruct the sidewalk for more than one hour, or for more than ten (10) minutes after being notified by a police officer ~~or Selectman~~ to ~~move it~~ remove the obstruction.

Section 6 Crossing of Sidewalks by Vehicles

No person shall operate or place a motor vehicle, or trailer which is drawn by or used in combination with a motor vehicle, or any object having an over-all weight in excess of one-half (1/2) ton, upon a public sidewalk, except in using an established driveway, without a permit from the Director of Public Works which may, before issuing a permit, require the applicant to execute a written agreement to indemnify and save the Town harmless against and from all cost for the repair of damage to the sidewalk caused by such use, or by reason of any cost or expense it may suffer or be put to by reason of any claims for damages against the Town resulting from such use.

Section 7 deleted.

Section 8 Obstruction of Pedestrians

Three (3) or more persons shall not stand together or near each other in any street, or on any footwalk or sidewalk, or upon any land left open between the curbing and building facing thereon and left open and used as a sidewalk in the Town, so as to obstruct the free passage of foot passengers; and any person or persons so standing shall move on immediately after a request to do so made by any police officer of the Town.

No person shall loaf or loiter upon any public way after having been requested by a police officer to move.

Section 9 Tampering with Lighting on Public Ways

No person shall extinguish any street light, or extinguish ~~and~~ remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights, or of the street or way, so to do.

Section 10 Playing on Public Ways

No person shall throw stones, snowballs, or other dangerous articles within any public way, nor play at baseball or football within any public streets of this Town.

Section 11 Transporting Garbage or Rubbish; License Required

No person shall carry or transport for hire any garbage or refuse in or through any public way or square in the Town of Natick, unless duly licensed by the Board of Selectmen upon such terms and conditions as said Board deems necessary for the health, comfort, and convenience of the Town. The Board of Health shall submit recommendations thereunder when requested by the Board of Selectmen.

Section 12 Damaging Public Shade Trees

No person shall unlawfully remove, mar, deface, or damage any public tree, shrub, flower bed, grassy border, structure, or device and no person shall attach any sign or structure to any public shade tree.

Section 13 Indecent or Profane Language

No person shall use any indecent or profane language in any public place in the Town or near any dwelling house or other building thereon.

Section 14 Trespassing; Invasion of Privacy

No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with the intention of invading the privacy of another by peeping into the windows ~~of a house~~ or spying upon any person or persons resident therein.

Section 14 a Consumption of Alcoholic Beverages

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person of control thereof. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

Section 14 b Public Consumption or Use of Marihuana or Tetrahydrocannabinol

1 No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Natick, or any place to which the public has a right of access as invitees or licensees.

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2 Any marihuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47A.

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3 Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.

4 This By-Law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Administrator, or any duly authorized agent of the Board of Selectmen or the Town Administrator, or any police officer.

5 The fine for a violation of this By-Law shall be one hundred fifty dollars (\$150.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

6 If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

Section 15 Use of Firearms ~~and~~ Other Hunting Equipment

No person shall fire or discharge any firearms of any kind nor shall use bow and arrow where the arrow is equipped with a metal or other dangerous tip nor use, set, place or maintain any type of leghold, steel-jaw, or Conibear trap within the limits of any highway, park, or other public property or on any private property, except with the written consent of the owner or legal occupant or person having the right of control thereof, provided, however, that this By-Law shall not apply to the lawful defense of life or property or to any military exercises or funeral.

Section 16 Animal Control

16.1 Disturbing the Peace - No person shall own or keep in the Town any pet which, by barking, howling or in any other manner, disturbs the peace of another by reason of excessive noise for a prolonged period.

16.2 Threat to Health and Safety - No person shall own or keep in the Town any pet which, by biting, maiming, killing, chasing, or vicious disposition, threatens the health or safety of persons or property.

16.3 Removal of Feces - The person owning a pet shall be responsible for the prompt removal of any feces deposited on public or private property, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.

16.4 Restraint of Pets - No person shall allow a pet, other than a cat, to run at large anywhere in the Town, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.

16.5 Leashing of Dogs - No dog shall be permitted in any street or public way in the Town unless effectively restrained by a leash or chain not exceeding seven (7) feet in length.

16.6 Complaint of Nuisance - If any person shall make a complaint to the animal control officer or, in the case of after-hours complaints, to the police, concerning a violation of this Section 16, the investigating officer shall investigate such complaint and may prescribe fines, confinement, muzzlement, or removal or recommend disposal in accordance with this section.

16.7 Fines - If the investigating officer determines that a violation of this section has occurred, fines may be levied according to the following schedule:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$75.00
Fourth and subsequent offenses	\$100.00
Unrestrained dog found on school or park property	\$100.00
Dog unlicensed	\$100.00
<u>Kennel unlicensed</u>	<u>\$300.00</u>
Dog unvaccinated for rabies	\$300.00

~~In addition to the foregoing fines, failure to renew a license for a dog within thirty days of the required time shall be punishable by a fine of twenty-five dollars. Failure to renew a license for a dog within sixty days of the required time shall be punishable by an additional fine of twenty-five dollars.~~

In addition to the forgoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a dog owner shall license his or her dogs in the Town of Natick annually by March 1, and shall pay the required license fee. Any dog owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars per dog in addition to the annual license fee.

In addition to the foregoing fines, pursuant to Chapter 140, Sections 147A and 173 of the Massachusetts General Laws, a kennel owner shall license his or her kennel in the Town of Natick annually by March 1, and shall pay the required license fee. Any kennel owner who fails to do so shall pay to the Town of Natick a fine in the amount of twenty-five dollars in addition to the annual license fee.

16.8 Confinement - The investigating officer may order an animal to be muzzled or confined to the owner's premises when, in ~~his~~the investigating officer's judgment, it is required for any of the following reasons:

- (1) If found at large or unmuzzled, as the case may be, while an order of the Board of Selectmen for the muzzling or confinement is in effect.
- (2) If found in a school, school yard or public recreational area.
- (3) For having bitten any person.
- (4) For having killed, maimed or damaged any other domesticated animal or livestock.

(5) For chasing any vehicle upon any public way or way open to public travel in the Town.

(6) For any violation of Sections 16.1 through 16.5.

16.9 Recommendation for Disposal - The investigating officer may recommend disposal of an animal to the Board of Selectmen when in the investigating officer's judgment it is required for any violation of Section 16.4.

16.10 Other Fees and Charges - The owner shall be responsible for any fines, kennel fees, court and legal costs, as well as the cost of publishing and sending notices. These fees must be paid before any pet is released from confinement.

16.11 Definition - For the purpose of this section, pet shall be defined as follows:

Pet: any domesticated animal, not including livestock or fowl, which is commonly housed within or upon the owner's or keeper's premises.

16.12 Board of Selectmen Review - If any person shall make a complaint of the Board of Selectmen, in writing, that a person is aggrieved by the ruling of an investigating officer, the Board of Selectmen shall investigate said complaint. The Selectmen may examine the complainant under oath. The Selectmen may make an order concerning the restraint or disposal of said animal as may be deemed necessary.

16.13 Judicial Review - Any person aggrieved by any order of the Board of Selectmen may seek judicial review in the manner provided in MGL, Chapter 140, Section 157.

16.14 Applicability of General Laws - This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in MGL, Chapter 140, but is in addition thereto.

16.15 Dog License and Kennel License Fees

Male—Female	\$15.00
Spayed—Neutered	\$10.00
Kennels	
4 Dogs	\$25.00
10 Dogs	\$50.00
25 Dogs	\$75.00

Un-Neutered Male and Un-Spayed Female	\$15.00 per dog
Neutered Male and Spayed Female	\$10.00 per dog
Kennels	
4-9 Dogs	\$50.00
10-24 Dogs	\$75.00

25 or more Dogs

\$100.00

Section 17 Storage of Unregistered Motor Vehicles and Trailers

17.1 **Unregistered Motor Vehicles** - Unless authorized by the Board of Selectmen, no person shall in a residential district store any unregistered motor vehicle or component part or parts thereof in a front yard, front driveway, or on a vacant lot; nor shall any person, without such authorization keep ungaraged on any lot in such a district more than one such unregistered motor vehicle or component parts thereof.

17.2 **Unregistered Trailers** - No person shall in a residential district store any unregistered trailer, or component part or parts thereof, in a front yard, front driveway, or on a vacant lot.

Section 18 Snow Removal

a. Any person leaving a vehicle so as to obstruct snow removal operations shall be subject to a fine of \$50.00.

b. No person shall plow snow into any public way after it has been plowed.

Section 19 Prohibitions on ~~Morse's Pond~~Ponds

The use and operation of any internal combustion engine in or upon that portion of ~~Morse's Pond~~any pond located in the Town of Natick is prohibited. The provision of this section shall not apply to the Commonwealth of Massachusetts or any political subdivision thereof.

Section 20 Disposal of Rubbish

Disposal of refuse, bottles, cans, or rubbish on private land or public property is prohibited.

Section 21 Use of Off-Road Vehicles

Motorized recreational vehicles, including trail bikes, snowmobiles, and other off-road vehicles, may not be used on public property unless the agency in charge thereof shall have opened the land for the use of such vehicles and shall have erected signs stating that such uses are permitted. Said vehicles may not be used on private property without the permission of the owner or tenant; permission may be given in advance and may be given to an individual or club, or by the posting of appropriate permission signs by the owner or a person authorized by him. No person shall operate said vehicles within three hundred (300) feet of an occupied residence without the permission of the owner or tenant, except in cases of emergency or except directly to depart from and return to such residence.

Operators of motorized recreational vehicles must conform with other prevailing laws and regulations.

Section 22 Designated Parking Spaces for the Handicapped

22.1 **Authority** - Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates or placard authorized by section two of Chapter 90 of the General Laws shall be provided in public and private off-street parking areas.

22.2 **Provision for** - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping, malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by section two of Chapter 90 of the Massachusetts General Laws, according to the following formula:

~~If the number of parking spaces in any such area is more than fifteen but not more than twenty five, one parking space; more than twenty five but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three fourths of one percent of such spaces but not less than twenty; and more than five thousand, one half of one percent of such spaces but not less than thirty.~~

<u>Total Parking Spaces</u>	<u>Handicapped Spaces</u>	
	<u>Mininum %</u>	<u>Minimum Number</u>
<u>15-25</u>	<u>--</u>	<u>1</u>
<u>26-40</u>	<u>5.0%</u>	<u>2</u>
<u>41-100</u>	<u>4.0%</u>	<u>3</u>
<u>101-200</u>	<u>3.0%</u>	<u>4</u>
<u>201-500</u>	<u>2.0%</u>	<u>6</u>
<u>501-1000</u>	<u>1.5%</u>	<u>10</u>
<u>1001-5000</u>	<u>1.0%</u>	<u>15</u>
<u>2001-5000</u>	<u>.75%</u>	<u>20</u>
<u>5001-</u>	<u>.5%</u>	<u>30</u>
<u>All percentages to be rounded up to nearest whole number.</u>		

22.3 **Identification of** - Parking spaces designated as reserve under the provisions of Paragraph 22.2 shall be identified by the use of above grade signs with white lettering against a

blue background and shall bear the words "Handicapped Parking; Special Plates Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be ~~twelve~~thirteen feet wide or two eight-foot wide areas with ~~four~~five feet of cross hatch between them. Such spaces shall be identified by a sign at each space. This sign shall be located at a height of not less than five (5) feet, not more than eight (8) feet to the top of the sign.

22.4 Prohibited Parking - The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or within a cross hatch area which is adjacent to a parking space designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

22.5 Penalty for Violation - The penalty for violation of Paragraph 22.4 of this by-law shall be one hundred dollars (\$100.00). The vehicle may be removed according to the provisions of Section 120D of Chapter 266 of the General Laws.

Section 23 Identification of Dwellings

Every building containing dwellings shall be identified by a street number, to be affixed to and displayed on such building, or elsewhere on the property containing such building, in such manner as to be readily visible from the street.

ARTICLE 45

Amend By-Laws Article 51: Alarm Systems

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 51 of the Town of Natick By-Laws as follows:

1. In Section 1 a., delete the words “110 volt AC” and insert in their place the word “power”;
2. In Section 1 f., insert the word “signal” between the words “indicates” and “line”;
3. In Section 1 i.:
 - a. delete the words “voice grade telephone line” in the first line and “telephone line” in the second line and insert in their place the words “communication cable”; and
 - b. delete the words “telephone line” in the third line and insert in their place the words “communication cable”;

so that said Section 1 i. reads “The term “Interconnect” means to connect an alarm system to a communication cable, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the communication cable to transmit an emergency message upon the activation of the alarm system.”;

4. In Section 3 b.:
 - a. in the first sentence, delete the words “Within six (6) months after the effective date of this by-law, all” and insert in their place the word “No”, in the first sentence;
 - b. in the first sentence, insert the words “shall be” between the words “devices” and “interconnected”;
 - c. in the first sentence, delete the words “shall be disconnected therefrom” after the word “department”; and
 - d. delete the second sentence in its entirety

so that said Section 3 b. reads “No automatic dialing devices shall be interconnected to any telephone numbers at the police department.”;

5. In the third sentence of Section 9 b., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may”;

Article 45 Cont'd

6. In the fourth line of Section 9 c., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may”;
7. In Section 9 d., delete the entire second sentence, which previously read as “In the event that the police department records eight (8) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.”; and
8. In the third sentence of Section 9 e., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 11-1-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION as AMENDED by the Finance Committee with regard to the subject of Article 45.

The purpose of this TM Article is to “clean up” By-Law Article 51 as noted on the following Redlined pages.

During discussion of this Article it was noted:

- *The fact that the revisions being proposed to Section 3 b. would make the resulting statement identical to Section 3 a. had been overlooked by the CBRC. Further discussion lead to the Finance Committee amendment of deleting Section 3 a completely and noting the deletion as required.*
- *The proposed changes to terminology related to the technology were not reviewed with an electrician or any other technical expert apart from the Police Chief and Town Counsel.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 45.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 51 of the Town of Natick By-Laws as follows:

1. **In Section 1 a., delete the words “110 volt AC” and insert in their place the word “power”;
delete the words “plugs” and insert in their place the word “connects”;
delete the words “line” and insert in their place the word “source”;**
2. **In Section 1 f., insert the word “signal” between the words “indicates” and “line”;**

Article 45 Cont'd

3. In Section 1 i.:

- a. delete the words “voice grade telephone line” in the first line and “telephone line” in the second line and insert in their place the words “communication cable”; and
- b. delete the words “telephone line” in the third line and insert in their place the words “communication cable”;

so that said Section 1 i. reads “The term “Interconnect” means to connect an alarm system to a communication cable, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the communication cable to transmit an emergency message upon the activation of the alarm system.”;

1. In Section 3 a.:

- a. Delete all language and replace with the word “Deleted”.

2. In Section 3 b.:

- a. in the first sentence, delete the words “Within six (6) months after the effective date of this by-law, all” and insert in their place the word “No”, in the first sentence;
- b. in the first sentence, insert the words “shall be” between the words “devices” and “interconnected”;
- c. in the first sentence, delete the words “shall be disconnected therefrom” after the word “department”; and
- d. delete the second sentence in its entirety

so that said Section 3 b. reads “No automatic dialing devices shall be interconnected to any telephone numbers at the police department.”;

3. In the third sentence of Section 9 b., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may”;
4. In the fourth line of Section 9 c., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may”;
5. In Section 9 d., delete the entire second sentence, which previously read as “In the event that the police department records eight (8) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.”; and

In the third sentence of Section 9 e., delete the word “shall” as appearing between the words “Chief” and “order” and insert in its place the word “may.”

In Section 10:

Paragraph b - after the word “department” – delete all language and add a “.” (period)

Paragraph c - after the word “department” – delete all language and add a “.” (period)

ARTICLE 51

ALARM SYSTEMS

Section 1 Definitions

For the purpose of this by-law the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which ~~plugs-connects~~ directly into a ~~110-volt AC power line source~~, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems, which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law.
- b. The term "Alarm User" or "User" means any person on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.
- c. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- d. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- e. The word "Town" means Town of Natick.
- f. The term "Communications Console" means the instrumentation on alarms console at the receiving terminal of a signal line which, through both visual and audible signals, indicates an activation of an alarm system at a particular location, or which indicates signal line trouble.

- g. The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Natick Police Department Communications Center.
- h. The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department, when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, malfunction of telephone transmission lines and similar conditions.
- i. The term "Interconnect" means to connect an alarm system to a ~~voice grade telephone line~~ communication cable, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the ~~telephone line~~ communication cable to transmit an emergency message upon the activation of the alarm system.
- j. The term "Police Chief" means the Chief of Police of the Town of Natick Police Department, or any authorized agent thereof.
- k. The term "Police" or "Police Department" means the Town of Natick Police Department, or any authorized agent thereof.
- l. The term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.
- m. The term "Selectmen" means the Natick Board of Selectmen.

Section 2 Administrative Rules

The Police Chief may promulgate such rules as may be necessary for implementation of this by-law.

Section 3 Automatic Dialing Devices - Interconnection to Natick Police Department

- a. ~~No automatic dialing device shall be interconnected to any telephone numbers at the police department after the effective date of this by-law.~~ Deleted.
- b. ~~Within six (6) months after the effective date of this by-law, all~~ No automatic dialing devices shall be interconnected to any telephone numbers at the police department ~~shall be~~

~~disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief.~~

Section 4 Automatic Dialing Devices - Intermediary Services

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- a. a central station;
- b. an answering service; or
- c. any privately-owned or privately operated facility or terminal.

Section 5 Direct Connection to Police Department

- a. All alarms must be authorized by the Police Chief prior to being connected to the police department.
- b. In accordance with the normal practices in effect in the town, the Police Chief shall have the authority to request bids or proposals from companies in order to furnish, at no cost to the town, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the police department. Each of the said bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console, except that no fee shall be assessed to the municipality for any alarms or connections to the console from properties owned by the municipality.

Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this paragraph (b) relate solely to the aforementioned communications console, connections to the said console by alarm users, and fees and charges related to the installation and maintenance of the console. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance, and/or servicing of the alarm system to be installed on his premises.

- c. The alarm user, or the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm receiving equipment at the police department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the communications console.
- d. The provisions of this article concerning false alarms shall apply to all alarm users or persons having direct connect systems, except municipal, county and state agencies and religious organizations.

Section 6 Control and Curtailment of Signals Emitted by Alarm Systems

- a. Every alarm user shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.
- b. All alarm systems directly connected to the Police Station shall be equipped with a test device which will give a ten-second delay or longer prior to the alarm system activation in order to warn the alarm user of an open alarm circuit.
- c. Any alarm system that is heard audibly in a residential neighborhood in excess of five (5) times in any seven (7) day period, and any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort, or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such an alarm system, the Police Chief shall endeavor to contact the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to record the names and addresses of all complaints and the time each complaint was received.

In the event that the Police Chief is unable to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

If entry upon the property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property (1) shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while he is upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home or building; and (3) shall leave the property immediately after the audible system has ceased. After an entry upon property has been made in accordance with this section, the Police Chief shall have the property secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Selectmen and may present evidence showing that the signal emitted by this alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or the requirements of this section were not fulfilled. The Selectmen shall hear all interested parties and may, in its discretion, reimburse the

alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.

Section 7 Testing of Equipment

No alarm system designed to transmit emergency messages directly to the police department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department. An unauthorized test constitutes a false alarm.

Section 8 Emergency Notification List

Every business establishment within the Town whether alarmed or not shall provide written notice to the Police Chief listing the names, addresses, and telephone numbers of at least two persons who may be reached at any time, day or night and the two are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.

Section 9 False Alarms

a. When emergency messages are received by the police department that evidence false alarms, the Police Chief shall take action as may be appropriate under paragraphs (b), (c), (d) and (e) of this section and, when required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.

b. After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other reasonable basis requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief ~~shall~~may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the receipt of the Police Chief's order.

c. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief ~~shall~~may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

d. In the event that the police department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected. ~~In the event that the police department records eight (8) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.~~

e. Any user of an alarm system which transmits false alarms shall be assessed a penalty of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment the Police Chief ~~shall~~ may order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

f. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Selectmen. Notice of an appeal shall be filed with the Town Clerk within ten (10) days of the date of the order of discontinuance. Thereafter the Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Selectmen may affirm, vacate or modify the order of discontinuance.

Section 10 Penalties

The following acts and omissions shall constitute violations of this by-law punishable by fines of up to \$100.00:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any telephone numbers at the police department-within six (6) months ~~after effective date of this by-law;~~
- c. interconnection of an automatic dialing device to any telephone numbers at the police department ~~after the effective date of this by-law;~~
- d. failure to pay two (2) or more consecutive fines assessed under this by-law within sixty (60) days from the date of assessment;
- e. failure to comply with the requirements of Section 6;
- f. failure to comply with the requirements of Section 8.

Each day during which the aforesaid violations continue shall constitute a separate offense.

ARTICLE 46
Creation of Child Safe Zones
(Board of Selectmen)

To see what action the Town will take in creation of child safe zones by restricting convicted Level 3 sex offenders from said areas, or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on October 6, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 46 to the Board of Selectmen.

The purpose of this By-Law is to create Child-safe zones within the boundaries of the Town of Natick.

During discussion of this Article it was noted:

- *There are a number of questions concerning the wording of the By-Law as presented.*
- *The need for consultation with Town Counsel and the Police Chief.*
- *The makeup of the designated zones as well as the enforcement of this By-Law and the penalties associated with a violation.*

It was clear during our discussions that the Finance Committee would like to see this reviewed and presented again in the future with more detailed information.

The Board of Selectmen voted 5-0-0 to recommend Referral of the subject matter of Article 46 to the Board of Selectmen.

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 46 to the Board of Selectmen.

ARTICLE 47

Amend By-Laws Article 70: Public Works Regulations

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 70 of the Town of Natick By-Laws as follows:

1. In Section 1, delete the word “Dump” and insert in its place the words “Recycling Center”;
2. In the second sentence of the first paragraph of Section 5, insert the punctuation “,” after the word “keep”; and
3. In the second sentence of the second paragraph of Section 7b., delete the word “by-law” and insert in its place the word “paragraph”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 47.

The purpose of this TM Article is to “clean up” By-Law Article 70 as noted on the following Redlined pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 47.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 70 of the Town of Natick By-Laws as follows:

1. **In Section 1, delete the word “Dump” and insert in its place the words “Recycling Center”;**
2. **In the second sentence of the first paragraph of Section 5, insert the punctuation “,” after the word “keep”; and**

In the second sentence of the second paragraph of Section 7b., delete the word “by-law” and insert in its place the word “paragraph.”

ARTICLE 70

PUBLIC WORKS REGULATIONS

Section 1 Powers and Duties

The Town Administrator shall have the general direction and management of the affairs of the Town concerning public water supply, public sewerage, highways, sidewalks, the removal of public shade trees, sign posts, garbage and refuse collections and Town Gravel Pit, and shall operate and administer the Town ~~Dump~~Recycling Center in accordance with rules and regulations established by the Board of Health.

Section 2 Rental Charges

The Town Administrator may make a charge for use or rental of road machinery used on construction work authorized by Town Meeting vote.

Section 3 Receipts

All receipts from charges for use or rental of road machinery shall be paid over to the Town Treasurer and credited to an account entitled Road Machinery Account, the proceeds to be thereafter appropriated as voted by the Town for road machinery purposes.

Section 4 Restrictions on Use of Equipment

Road machinery and equipment owned by the Town shall not be used for purposes other than Town or civic projects.

Section 5 Removal of Vehicles Impeding Snow Removal

The Director of Public Works or other officer having charge of ways, for the purpose of removing or ploughing snow, or removing ice from any way may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. He shall keep, or cause to be kept, records of the registration number of each vehicle so removed and the place to which it is removed and shall within twelve (12) hours report said information to the Police Department of Natick who shall notify the owner or his agent.

Before the owner or his agent shall be permitted to remove a vehicle which has been removed as aforesaid to a public garage or other convenient place, he shall:

- a. Furnish satisfactory evidence to the owner or person in charge of said public garage or to the Chief of Police of his identity and ownership or right to the possession of said vehicle.
- b. Pay the cost of removing and storing said vehicle, together with the cost of publishing or sending any notices as may be required.

Section 6 Betterments

Whenever betterments are assessed in connection with a public way, the entire cost of the construction of streets on said ways shall be assessed to the abutters and one-half (1/2) of the costs of construction of sidewalks shall be assessed to the abutters, provided, however, that this section shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

The Director of Public Works may make repairs to private ways providing that an Annual or Special Town Meeting determines that the repairs are required by public necessity and convenience and a majority of the abutters petition for such repairs to be made and that the way has been open to public use for a period of six (6) years. Such repairs shall include the installation and construction of drainage if necessary, and the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as or similar to those used for existing surfaces of such ways but may include surfacing the ways with bituminous materials including but not limited to bituminous concrete.

The Town Administrator shall assess betterments upon the owners of estates which derive particular advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter Eighty relating to public improvements and assessments thereof shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than twenty-five dollars (\$25.00) shall be apportioned and no assessment may be apportioned into more than ten (10) portions.

The Town shall not be liable on account of any damage caused by such repairs.

Section 7 Tank and/or Contaminated Soil Betterment

a. Basic Requirements

The Board of Selectmen of the Town of Natick shall assess tank and/or soil contamination abatement net costs to all private properties whose tank and/or contaminated soil was removed and lawfully disposed of at Town expense.

b. Method of Apportionment of Costs

The owners of each dwelling unit shall be charged a betterment equal to the net cost of removing and disposing of such tank and/or soil from that owner's property.

The net cost of removing and disposing of such tank and/or soil from an owner's property is defined as the Town's cost to remove and lawfully dispose of such material, not to exceed five thousand dollars (\$5,000.00), on the condition that any cost over five thousand dollars (\$5,000.00) shall be paid from the Commonwealth of Massachusetts and/or the United States government. If no such grant is provided to the Town, this ~~by-law paragraph~~ shall not take effect and further action of Town Meeting will be required to fund the project.

c. **Terms of the Betterment**

The owners who are assessed betterments for the above purposes will have the option of paying the betterment immediately or paying it over a number of years up to a maximum total of 20 years.

Such property owners shall have the right to pay off the remaining balance of a betterment at any time.

When a property with such a betterment is conveyed to another party, the remaining balance of the betterment may be paid or the obligation of the betterment may be transferred to the new property owner.

The interest paid by a property owner on the betterment will be equal to the rate of interest paid by the Town on any bond or note issued for this improvement.

ARTICLE 48

Amend By-Laws Article 70: Removal of Snow and Ice From Sidewalks and Fire Hydrants

(Cathleen M. Collins, et al)

To see if the Town will vote, pursuant to Chapter 40, Section 21 (3) of the Massachusetts General Laws, or any other applicable law, to amend Article 70 of the Town of Natick By-Laws as necessary to include a provision for the removal of snow and ice from sidewalks and any adjacent fire hydrant by the owner or occupant of land abutting upon such sidewalks within such portions of the town as the town deems expedient. The by-law shall determine the time and manner of removal and shall affix penalties for the violation thereof. The penalties shall apply to the owner of the abutting property or his agent having charge thereof. Or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-1 on October 1, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 48 to the Town Administrator and the Sponsor.

The purpose of this article is to determine the process and penalties concerning the removal of snow and ice by citizens and businesses in Natick.

During discussion of this Article it was noted:

- *The Charter & By-Law Review Committee (CBRC) considered this issue but due to several concerns chose not to proceed. Concerns related to (1) the impact on the elderly and disabled, and those with back problems; (2) the cost for people who were physically unable to clear the snow themselves and might be required to pay someone else to do that; and (3) the potential liability to a homeowner if someone fell on the sidewalk adjacent to their property.*
- *Some towns with similar regulations, maintain a registry of people willing to clear sidewalk snow at little or no cost for the elderly and disabled.*
- *The goal of the Article is for the Town to be able to control what areas the Town plows and to have the additional miles of sidewalks, which are currently not being plowed, cleared without incurring additional cost to the Town.*
- *Liability would not accrue to a homeowner simply because he had cleared the adjacent sidewalk; negligence would have to be proved, which is a much higher bar.*
- *There are currently no regulations in the Town regarding snow removal for either homeowners or the Town, although there are some state regulations relating to assuring access to fire hydrants.*
- *A number of cities and towns have similar requirements including Newton, Worcester, Boston, Brookline, Malden, Burlington, Arlington and Belmont. Framingham is currently also considering this.*
- *Since the DPW would be responsible for monitoring and enforcing this provision, and for issuing fines when appropriate, the department would be expected to take care that street plows did not plow snow back on sidewalks which had been cleared, and to extend the time within which sidewalks would be expected to be cleared during lengthy storms.*

Article 48 Cont'd

The Board of Selectmen voted 4-0-0 to recommend Referral of the subject matter of Article 48 to the Town Administrator and the Sponsor.

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 48 to the Town Administrator and Cathleen M. Collins.

ARTICLE 49

Amend By-Laws Article 72: Building Regulations (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 72 of the Town of Natick By-Laws as follows:

9. In the third sentence of the first paragraph of Section 4, delete the word “an” as appearing between the words “to” and “abutter’s” and insert in its place the word “any”;
10. In the title to Section 6, insert the words “or on Public Property” after the word “Ways”; and
11. In Section 6:
 - a. in the first sentence, insert the words “or on public property” after the word “street”;
 - b. in the second sentence, delete the word “Inspector” as appearing between the words “Building” and “is” and insert in its place the word “Commissioner”; and
 - c. in the third, fourth and fifth sentences, change “Building Inspector” to read “Building Commissioner”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 49.

The purpose of this TM Article is to “clean up” By-Law Article 72 as noted on the following Redlined pages.

During discussion of this Article it was noted:

- *No reference to obtaining abutting property owners’ permission for access to fences for maintenance purposes is included in the article as MGL does not allow permission to be denied for such access.*

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 49.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 72 of the Town of Natick By-Laws as follows:

1. **In the third sentence of the first paragraph of Section 4, delete the word “an” as appearing between the words “to” and “abutter’s” and insert in its place the word “any”;**

Article 49 Cont'd

2. In the title to Section 6, insert the words “or on Public Property” after the word “Ways”; and
3. In Section 6:
 - a. in the first sentence, insert the words “or on public property” after the word “street”;
 - b. in the second sentence, delete the word “Inspector” as appearing between the words “Building” and “is” and insert in its place the word “Commissioner”;

in the third, fourth and fifth sentences, change “Building Inspector” to read “Building Commissioner”.

4. Renumber Paragraph Numbers:

- a. Paragraph 9 – renumbers to Paragraph 1
- b. Paragraph 10 – renumbers to Paragraph 2
- a. Paragraph 11 – renumbers to Paragraph 3

ARTICLE 72

BUILDING REGULATIONS

Section 1 Building Permits, Orders, and Certificates

Each permit, order and certificate issued by the Building Inspector shall bear a serial number and date, identical on all copies, and shall definitely locate the premises referred to by street and number or otherwise.

Section 2 Identification of Structures by Street Number

At the time of issuing a certificate of occupancy for a building or structure, whether same be new, added to or altered, or for a change of occupancy if no street number has been assigned thereto, the Building Inspector shall, wherever it is practicable, assign a number or numbers in accordance with the existing numbering system. The Building Inspector shall also assign and order street numbers in accordance with the said system to be affixed or displayed on any buildings not already so numbered on any street. Such numbers shall be affixed or displayed in such a manner as to be readily visible from the street. Owners shall be allowed ten (10) days after the giving of written notice by the Building Inspector to comply with such order.

The street number of an existing building or structure may be changed only by vote of the Board of Selectmen, after a Public Hearing by the Board of Selectmen for which fourteen (14) days written notice has been given to the owner of each building or structure for which the number is proposed to be changed and after receipt by the Board of Selectmen of a written recommendation from the Safety Committee of the Town.

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectmen and the Building Inspector after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

Section 4 Fences

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to ~~any~~ abutter's side of the fence for maintenance and repairs.

Unless written permission is secured from the abutters to erect fence on property lines, fence must be erected at least one (1) foot in from boundary lines.

Section 5 Height Requirements at Intersection

In any lot which abuts an intersection of two or more streets, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

Section 6 Signs in Public Ways or on Public Property

No person shall place any unauthorized or non-conforming sign within the right-of-way of any street or on public property. The Building ~~Inspector~~Commissioner is authorized to take down and remove such an unauthorized or non-conforming sign. Such sign shall be retained by the Building ~~Inspector~~Commissioner for a period of thirty days after its removal. The owner of such sign may reclaim it within thirty days of its removal by submitting satisfactory proof of ownership to the Building ~~Inspector~~Commissioner. If such sign is not claimed within such thirty day period, the Building ~~Inspector~~Commissioner may cause such sign to be destroyed without incurring any liability to the Town or any of its Agents.

ARTICLE 50

Amend By-Laws Article 72A: Newsracks on Public Property and Public Ways

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 72A, Section 6 of the Town of Natick By-Laws as follows:

1. Delete the words “Inspector of Buildings” which appear in the first line and insert in their place the words “Building Commissioner,” so that said first line reads “This by-law shall be enforced by the Building Commissioner, subject to the following:”; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 50.

The purpose of this TM Article is to “clean up” By-Law Article 72a as noted on the following [Redlined](#) pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 50.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 72A, Section 6 of the Town of Natick By-Laws as follows:

1. Delete the words “Inspector of Buildings” which appear in the first line and insert in their place the words “Building Commissioner,” so that said first line reads “This by-law shall be enforced by the Building Commissioner, subject to the following:”; or otherwise act thereon.

ARTICLE 72. A.
NEWSRACKS ON PUBLIC PROPERTY AND PUBLIC WAYS

Section 1 Purpose and criteria

The purpose of this by-law is to promote the public health, safety and welfare of the inhabitants of Natick through the regulation of placement, type, appearance and servicing of newsracks on public property and in public ways so as to:

- (1) Provide for pedestrian and vehicular safety and convenience;
- (2) Minimize to the greatest extent possible interference with the safe and efficient movement of pedestrians and vehicular traffic, including ingress into or egress from any building situated along a public way, or movement along any public sidewalk or between a public way and a public sidewalk;
- (3) Provide for safe and adequate access to poles, posts, traffic signs and signals, hydrants, mailboxes and areas used for public transportation services;
- (4) Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on public property and public ways, or which unreasonably detract from surrounding aesthetics, including adjacent properties, landscaping and other improvements, as well as to have abandoned or unused newsracks removed;
- (5) To regulate in a fair and equal manner all newsracks and their contents.

Section 2 Definitions

As used in this by-law, the following terms shall have the meanings indicated:

- (1) Newsrack - Any type of unmanned device or enclosure intended for the vending or free distribution of newspapers, periodicals, magazines or other literature.
- (2) Public property - Any municipally owned land or building located in the Town of Natick.
- (3) Public way - Any public street, highway, sidewalk, parkway or alley located in the Town of Natick.

Section 3 General placement of newsracks

Subject to the specifications and prohibitions set forth in this by-law, newsracks may be installed on public property and in public ways, however, such newsracks shall be placed parallel to and no closer than eighteen (18) inches from the curb, or near the wall of a building parallel to and not more than six (6) inches from the wall.

Section 4 Newsrack specifications

- (1) Newsracks shall be maintained in good working order at all times, freshly painted and with unbroken handles. There shall be no sharp or jagged edges or protrusions on any newsrack which could cause injury or damage to persons or vehicles;
- (2) The name, address and telephone number of a responsible person who may be contacted at any time shall be displayed on the newsrack in such manner as to be readily visible and readable.
- (3) Newsracks shall be either freestanding or shall be bolted in place through four (4) standard holes in the newsrack base to pavement or a pad. No newsrack may be chained, wired, cabled, attached or fixed to any pole, post, tree, fence, bench, trash receptacle or any other structure on public property or in a public way unless such anchor has been provided specifically for such purpose. If a bolted newsrack is removed, the bolts shall be likewise removed entirely and the holes shall be filled with suitable material;
- (4) Newsracks shall carry no cardholders or advertising except the name of the newspaper or material being dispensed limited to two (2) square feet per side and six (6) square feet in total, and/or a copy of the latest edition of such material behind a clear panel in the door of the newsrack.
- (5) Except for the clear panel, all surfaces of a newsrack shall be either green, beige, brown, black, yellow, blue or gray in color with a flat finish. Brilliant or fluorescent-type finish is not permitted.

Section 5 Newsrack prohibitions

No newsrack shall be placed, installed, used or maintained:

- (1) Within ten (10) feet of any marked crosswalk;
- (2) Within ten (10) feet of any fire hydrant, fire or police call box, or other emergency facility or device;
- (3) Within ten (10) feet of any driveway;
- (4) Within ten (10) feet ahead of and ten (10) feet to the rear of any sign marking a designated bus stop, as measured along the edge of the pavement or curb line;
- (5) At any location where the clear space for passage of pedestrians would be reduced to less than six (6) feet;

- (6) Within five (5) feet of any display window of any building abutting any sidewalk or in such a manner as to impede or interfere with the use of such window display purpose, or within six (6) feet of any building entrance;
- (7) Facing another newsrack, separated only by the width of a sidewalk or pedestrian walkway;
- (8) Within five (5) feet of any sign, street light pole, traffic signal pole, utility poles or parking meters.
- (9) Within five (5) feet of any stairway, ramp or handicap access device.
- (10) Within twenty (20) feet of any fixed flagpole, commemorative monument, school or school ground, playground or athletic field, cemetery, funeral home or building or site of regular secular or religious ceremony and observance.

Section 6 Enforcement

This by-law shall be enforced by the ~~Inspector of Buildings~~Building Commissioner, subject to the following:

- (1) Nonconforming newsracks. Within one hundred (100) days after the effective date of this by-law, and at any time thereafter, any newsrack in violation or nonconformance with any provision of this by-law shall be subject to remedy as provided by law, including but not limited to the imposition of fines, and removal by the Town;
- (2) Abandonment. In the event that any newsrack installed pursuant to this by-law does not contain the publication specified therefor within a period of forty-eight (48) hours after release of the current issue or when no publication is in the newsrack for a period of more than seven (7) consecutive days, the newsrack shall be considered abandoned and the Town shall thereafter remove such newsrack. In the event that a newspaper publishing company or its distributor desires to voluntarily abandon or discontinue a newsrack location, said newsrack shall be completely removed, and the public property or public way shall be promptly restored to a safe condition, leaving no holes or projections in any surface.

Section 7 Severability.

If any subsection, paragraph, term or provision of this article of this by-law is determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such determination shall have no effect on any other paragraph, term or provision hereof, all of which shall remain in full force and effect.

ARTICLE 51

Amend By-Laws Article 75: Remedy of Public Nuisance

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 75 of the Town of Natick By-Laws as follows:

12. In the first sentence of Section 2(2), delete the word “and” as appearing between the words “Administrator” and “his”, and insert in its place the word “or”; and
13. In the second sentence of Section 3, delete the word “his” as appearing between the words “in” and “judgment”, and insert in its place the words “the Town Administrator’s”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 51.

The purpose of this TM Article is to “clean up” By-Law Article 75 as noted on the following [Redlined](#) pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 51.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 75 of the Town of Natick By-Laws as follows:

4. In the first sentence of Section 2(2), delete the word “and” as appearing between the words “Administrator” and “his”, and insert in its place the word “or”; and
5. In the second sentence of Section 3, delete the word “his” as appearing between the words “in” and “judgment”, and insert in its place the words “the Town Administrator’s”

6. Renumber Paragraph Numbers:

a. Paragraph 12 – renumbers to Paragraph 1

b. Paragraph 13 – renumbers to Paragraph 2

ARTICLE 75

REMEDY OF PUBLIC NUISANCE

Section 1 Authority and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this by-law is adopted to remedy nuisances within the Town.

Section 2 Definitions

In this by-law, the following words shall have the following meanings:

- (1) **Building** : A combination of any materials, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, to form a structure for the shelter of persons, animals, or property. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof".
- (2) **Interested Parties**: In connection with the notification requirements of this by-law, interested parties are the owner(s) of the property which is the subject of the hearing; the Town Administrator ~~and~~ his designee; owners of property directly opposite the subject property on any public or private street or way; abutters of the subject property; and abutters of abutters within three hundred feet of the property line of the subject property. Ownership of land shall be determined by the most recent tax list.
- (3) **Nuisance** : All public nuisances as known at common law or in equity jurisprudence; and furthermore whatever is dangerous to human life or detrimental to health. Specific conditions which may be characterized as nuisances include, without limitation:
 - (a) Burned structures not otherwise lawfully habitable or usable
 - (b) Dilapidated structures
 - (c) Dangerous or unsafe structures
 - (d) Dead, decayed, diseased or hazardous trees, debris or trash
 - (e) Unregistered or abandoned vehicles or discarded vehicle parts which are not reasonably related to a use of the property permitted under current zoning
 - (f) Commercial vehicles in excess of that permitted under current zoning by-laws
 - (g) Construction equipment not being diligently employed in construction activity on-site in a single family (RS) zoning district.
- (4) **Owner**: The recorded title holder to the property, or the authorized agent, assignee or representative of said title holder.

(5) **Occupant** : The person occupying or in control of such property.

(6) **Structure** : A combination of materials assembled at a fixed location to give support or shelter such as a building, framework, retaining wall, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, or mast for an antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Section 3 Investigation

The Town Administrator shall, upon written complaint, have any condition inspected which may constitute a nuisance. The Town Administrator shall assign the investigation to the town official who, in ~~his~~the Town Administrator's judgment, is the most appropriate investigating authority.

Section 4 Report

If, in the opinion of the Town Administrator or his designee, the reported condition does constitute a nuisance, he or his designee shall make a written report to the Selectmen of such condition, together with a petition for remedial action, and shall file a copy of the petition with the Town Clerk.

Section 5 Hearing

Upon receipt of such petition and report, the Board of Selectmen shall set a date for a hearing before said Board, not more than thirty (30) days after the date of filing of the petition with the Town Clerk.

Section 6 Notification

Notice of said hearing shall be posted, published and sent to all interested parties not less than fourteen (14) days before the date of said hearing. Notice of the hearing shall state the subject matter sufficient for proper identification, and the date, time and place of the hearing and shall be made in the following manner:

- (1) Publication of the notice in a newspaper of general circulation in the Town
- (2) Mailings by first class mail to the addresses of interested parties.

Section 7 Order

Within seven (7) days of the hearing, the Selectmen shall determine whether or not the condition constitutes a nuisance, and shall determine what action shall be taken by the owner to remove the nuisance. Such actions may include, but shall not be limited to abatement or removal of the nuisance at the owner's expense within twenty-four hours after service of the order, or such other time as may be determined by the Selectmen.

Section 8 Service of Order

The Town Clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof. Such order shall be in writing and shall be served on the owner in the manner specified by MGL, Ch. 111, s. 124, as amended.

Section 9 Penalty

An owner or occupant shall forfeit twenty dollars (\$20.00) for every day during which he willfully violates such order.

Section 10 Appeal to Superior Court

In accordance with MGL, Ch. 139, s. 2, a person aggrieved by such order may appeal to the Middlesex Superior Court. This civil action must be commenced within three (3) days after the service of the attested copy of the order upon said aggrieved person.

Section 11 Removal of Nuisance by Selectmen

If the owner fails to comply with the order within the time limit given in the order, the Selectmen may cause the nuisance to be removed and all expenses incurred thereby shall constitute a debt due the Town upon completion of the removal and the rendering of an account therefor to the owner, and shall be recoverable from such owner in an action of contract. Any such debt shall constitute a lien on the land upon which the nuisance was located. The Selectmen shall follow the procedures relative to liens provided in MGL, Ch. 139, s. 3A, as amended.

ARTICLE 52

Amend By-Laws Article 76: Regulations for the Demolition, Alteration or Relocation of Historically Significant Buildings or Structures

(Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 76 of the Town of Natick By-Laws as follows:

14. In Section 2E, delete the words “Inspector of Buildings” and insert in their place the words “Building Commissioner”, delete the word “or” where it first appears in the second line and insert in its place the punctuation and word “, alteration”, and delete the word “or” where it next appears in the second line and insert in its place the word “of”, so that said Section 2E reads “The document issued by the Building Commissioner as required by the State Building Code for the demolition, alteration or relocation of a regulated building or structure”;
15. In Section 2G, delete the words “Inspector of Buildings” and insert in their place the words “Building Commissioner”;
16. In Section 3B, in the first sentence, delete the words “the” and “Prehistoric” and insert in place of the word “Prehistoric” the word “Archaeological”, and delete the letter “a” in the word “assets” and replace it with the letter “A”, so that said first sentence reads “Any building or structure included in the Inventory of Historic and Archaeological Assets of the Commonwealth.”;
17. In Section 4, insert the punctuation and word “, alteration” between the words “demolition” and “or”;
18. In Section 5A, in the first sentence:
 - a. insert the punctuation and word “, alter” between the words “demolish” and “or”;
 - b. delete the word “same” and insert in its place the words “said application”;
 - c. delete the word “Planning” and insert in its place the words “Community Development”so that said first sentence reads “Upon receipt of an application to demolish, alter or relocate a building or structure that is regulated by this bylaw the Building Commissioner shall forward a copy of said application to the Commission and the Community Development Director of the Town”;
19. In Section 5 F, insert the punctuation and word “, alteration or” between the words “demolition” and “relocation”; and

Or otherwise act thereon.

Article 52 Cont'd

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 52.

The purpose of this TM Article is to “clean up” By-Law Article 76 as noted on the following Redlined pages.

During discussion of this Article it was noted:

- *Since the term “Inspector” is defined within the Article, it was deemed acceptable to retain it as listed.*
- *Although titles at the state level are subject to change, after discussion with Town Counsel, the CBRC chose not to provide further language to anticipate future such changes.*
- *Mr. Steve Evers, Chairman of the Natick Historical Commission, stated that members of the Commission had discussed the proposed changes with the CBRC and felt all were valid and supported the Article.*

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 52.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 76 of the Town of Natick By-Laws as follows:

1. **In Section 2E, delete the words “Inspector of Buildings” and insert in their place the words “Building Commissioner”, delete the word “or” where it first appears in the second line and insert in its place the punctuation and word “, alteration”, and delete the word “or” where it next appears in the second line and insert in its place the word “of”, so that said Section 2E reads “The document issued by the Building Commissioner as required by the State Building Code for the demolition, alteration or relocation of a regulated building or structure”;**
2. **In Section 2G, delete the words “Inspector of Buildings” and insert in their place the words “Building Commissioner”;**
3. **In Section 3B, in the first sentence, delete the words “the” and “Prehistoric” and insert in place of the word “Prehistoric” the word “Archaeological”, and delete the letter “a” in the word “assets” and replace it with the letter “A”, so that said first sentence reads “Any building or structure included in the Inventory of Historic and Archaeological Assets of the Commonwealth.”;**
4. **In Section 4, insert the punctuation and word “, alteration” between the words “demolition” and “or”;**

Article 52 Cont'd

5. In Section 5A, in the first sentence:
 - a. insert the punctuation and word “, alter” between the words “demolish” and “or”;
 - b. delete the word “same” and insert in its place the words “said application”;
 - c. delete the word “Planning” and insert in its place the words “Community Development”

so that said first sentence reads “Upon receipt of an application to demolish, alter or relocate a building or structure that is regulated by this bylaw the Building Commissioner shall forward a copy of said application to the Commission and the Community Development Director of the Town”;

6. In Section 5 F, insert the punctuation and word “, alteration or” between the words “demolition” and “relocation”

7. Renumber Paragraph Numbers:

- a. Paragraph 14 – renumbers to Paragraph 1
- b. Paragraph 15 – renumbers to Paragraph 2
- c. Paragraph 16 – renumbers to Paragraph 3
- d. Paragraph 17 – renumbers to Paragraph 4
- e. Paragraph 18 – renumbers to Paragraph 5
- f. Paragraph 19 – renumbers to Paragraph 6

ARTICLE 76

REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the ~~Inspector of Buildings~~Building Commissioner as required by the State Building Code for the demolition, alteration or relocation ~~of~~ a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is (1) associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- G. Inspector: The Natick ~~Inspector of Buildings~~Building Commissioner.

- H. Preferably Preserved Historically Significant Building or Structure: Any regulated building or structure which, at a Public Hearing, is determined by the Commission to be worthy of preservation.
- I. Relocation or Removal: To transfer a structure from its existing location.
- J. Structure: Any combination of materials assembled or constructed in or on the ground.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of ~~the~~ Historic and ~~Archaeological~~ ~~Prehistoric~~ ~~a~~ Assets of the Commonwealth. Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition, alteration or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish, alter or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of ~~same~~ said application to the Commission and the ~~Planning~~ Community Development Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.

B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.

D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.

E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section II F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.

F. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:

1. A plan showing the location of the building or structure;
2. Photographs of all street facade elevations;
3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
4. The reasons for the proposed demolition, alteration or relocation and data supporting said reason;
5. A brief description of the proposed reuse of the premises.

G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.

I. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:

1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.

B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

ARTICLE 53

Amend By-Laws Article 79A: Stormwater Management and Erosion Control (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 79A of the Town of Natick By-Laws as follows:

1. In Section 2, insert the following definition between the definitions for “POINT SOURCE” and “PRE-CONSTRUCTION”:

“POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is considered toxic or detrimental to humans or the environment and may be introduced into the municipal storm drain system or into any water, watercourse or waters of the Commonwealth.”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 10, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 53.

The purpose of this TM Article is to “clean up” By-Law Article 79A as noted on the following [Redlined](#) pages.

During discussion of this Article it was noted:

- *Mr. Bob Bois, Natick’s Environmental Compliance Officer, was identified as the source of the proposed definition, which was further noted to be included in several state and federal documents.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 53.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 79A of the Town of Natick By-Laws as follows:

1. **In Section 2, insert the following definition between the definitions for “POINT SOURCE” and “PRE-CONSTRUCTION”:**

“POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is considered toxic or detrimental to humans or the environment and may be introduced into the municipal storm drain system or into any water, watercourse or waters of the Commonwealth.

ARTICLE 79A

STORMWATER MANAGEMENT AND EROSION CONTROL BY-LAW

Section 1 Purpose

A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. erosion of stream channels;
4. alteration or destruction of aquatic and wildlife habitat;
5. flooding; and,
6. overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the water bodies and groundwater resources within the Town of Natick, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

B. The objectives of this By-Law are to:

1. protect water resources;
2. require practices that eliminate soil erosion and sedimentation;
3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
4. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
5. protect groundwater and surface water from degradation;
6. promote infiltration and the recharge of groundwater;

7. maximize recharge of groundwater in the Natick Aquifer Protection District as defined by Section III-A.5 of the Natick Zoning By-Law;
8. prevent pollutants from entering the municipal storm drain system;
9. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
10. ensure adequate long-term operation and maintenance of structural stormwater best management practices;
11. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. comply with state and federal statutes and regulations relating to stormwater discharges; and
13. establish the Town of Natick's legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring and enforcement.

Section 2 Definitions

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

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any "person" as defined below requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: Conservation Commission and its employees or agents designated to enforce this By-Law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity of or improve the quality of stormwater runoff.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR: A Registered Professional Engineer or other trained professional selected by the Conservation Commission and retained by the holder of a Minor Land Disturbance Permit or a Full Land Disturbance Permit to periodically inspect the work and report to the Conservation Commission.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a registered professional engineer (PE) or a registered professional land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging or grinding up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including without limitation: clearing, grubbing, grading, digging, cutting, excavation of soil, placement of fill, and construction that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOT: A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed on a recorded plan.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Natick.

OPERATION AND MAINTENANCE PLAN: A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERMITTEE: The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

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

POINT SOURCE: Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is considered toxic or detrimental to humans or the environment and may be introduced into the municipal storm drain system or into any water, watercourse or waters of the Commonwealth.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a registered professional engineer (PE) or a registered professional land surveyor (PLS), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, and sand suspended in stormwater runoff.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, stream, underground stream, pond or lake.

WETLAND RESOURCE AREA: Area specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the Town of Natick Wetland Protection By-law.

WETLANDS: Freshwater wetland, marsh, bog, wet meadow and swamp are defined in M.G.L. Chapter 131, Section 40, and are collectively known as vegetated wetlands. Credible evidence as to wetland affinities of other vegetation in an area shall be considered in making wetland determinations.

Section 3 Authority

This By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 published in the Federal Register on December 8, 1999, as amended.

Section 4 Applicability

This By-Law shall apply to all land-disturbing activities within the jurisdiction of the Town of Natick. Except as permitted by the Conservation Commission, or as otherwise provided in this By-Law, no person shall perform any activity that results in land disturbance of 40,000 square feet or more.

A. Regulated Activities - Regulated activities shall include, but not be limited to:

1. Land disturbance of greater than 40,000 square feet, associated with construction or reconstruction of structures.

2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
3. Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff,
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
5. Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, OR
6. Construction or reconstruction of structures where more than 40,000 square feet of roof drainage is altered.

B. Erosion and Sedimentation Control Requirement - A project which includes land disturbance of less than 40,000 s.f. shall be considered to be in conformance with this By-Law if soils or other eroded matter have been or will be prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse. The design, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the Regulation to the By-Law.

C. Exempt Activities - The following activities are exempt from the requirements of this By-Law:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetland Protection Act.
2. Repair of septic systems when required by the Board of Health for the protection of public health and compliance with Section 4, Paragraph B.
3. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns.
4. The construction of fencing that will not alter existing terrain or drainage patterns.
5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.
6. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

Section 5 Administration

The Conservation Commission shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Conservation Commission through this By-Law may be delegated in writing by the Conservation Commission to its employees or agents.

Section 6 Regulations

The Conservation Commission may adopt, and periodically amend rules and regulations to effectuate the purposes of this By-Law. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

Section 7 Permits

Permit issuance is required prior to any activity disturbing 40,000 or more square feet of land. The site owner or his agent shall apply for the permit with the Conservation Commission. While application may be made by a representative, the permittee must be the owner of the site.

A. Application s - An application shall be made to the Conservation Commission in a form and containing information as specified in this By-Law and in the Regulations adopted by the Conservation Commission and shall be accompanied by payment of the appropriate application and review fees.

B. Fees - Fees shall be established by Conservation Commission to cover expenses connected with public notice, application review, and monitoring permit compliance. The fee shall be sufficient to also cover professional review. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. The applicant for a Land Disturbance Permit may be required to cover the costs of said consultant through an account established pursuant to GL. c. 44§53G.

C. Information Requests - The Conservation Commission may request such additional information as is necessary to enable the Conservation Commission to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this By-Law.

D. Determination of Completeness - The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.

E. Coordination with Other Boards - On receipt of a complete application for a Land Disturbance Permit the Conservation Commission shall distribute one copy each to the Planning Board, Department of Public Works, Board of Health, and the Building Inspector for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations to the Conservation Commission. The Conservation Commission shall not hold a hearing on the Land Disturbance Permit until it has received reports from said agencies or until said agencies have allowed twenty (20) days to elapse after receipt of the application materials without submission of a report thereon.

F. Entry - Filing an application for a land disturbance permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, to the extent permitted by law.

G. Hearing - Within thirty (30) days of receipt of a complete application for a Land Disturbance Permit, the Conservation Commission shall hold a public hearing and shall take final action within thirty (30) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall, at least seven (7) days prior to said hearing, be given by publication in a local paper of general circulation, and by posting. The Conservation Commission shall be responsible for publishing the notice in the local newspaper and posting the notice at the Town Hall. The Conservation Commission shall make the application available for inspection by the public during business hours at the Town of Natick Conservation Office.

H. Action - The Conservation Commission may:

1. **Approve** the Application and issue a permit if it finds that the proposed plan will protect water resources and complies with the requirements of this By-Law;
2. **Approve the Application and issue a permit with conditions**, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and complies with the requirements of this By-Law; or
3. **Disapprove** the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives of and to comply with the requirements of this By-Law. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.

I. Project Changes - The permittee, or his or her agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in Part II or Part III of the Regulations adopted by the Conservation Commission under this by-law, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Land Disturbance Permit occurs during land disturbing activities, the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

Section 8 Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the

information listed in the Regulations adopted by the Conservation Commission for administration of this By-Law.

Section 9 Stormwater Management Plan

The **Stormwater Management Plan** shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required by the Regulations adopted by the Conservation Commission for the administration of this By-Law.

Section 10 Operation and Maintenance Plans

A. **An Operation and Maintenance Plan** - (O&M Plan) for the permanent storm water management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this By-Law and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance plan shall include any requirements deemed necessary by the Conservation Commission to insure compliance with said plan, including without limitation a covenant. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. Once approved by the Conservation Commission the Operation and Maintenance Plan shall be recorded at the South Middlesex Registry of Deeds by the permittee, shall run with the land, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed in the Regulations adopted by the Conservation Commission for the administration of this By-Law. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.

B. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Conservation Commission or its agent of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-Law by mutual agreement of the Conservation Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s),

persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility. Once the amended Plan is signed the Conservation Commission shall file it at the Registry of Deeds at the expense of the current owner(s).

Section 11 Inspection and Site Supervision

A. **Preconstruction Meeting** - Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Conservation Commission or its designated agent to review the permitted plans and proposed implementation.

B. **Commission Inspection** - The Conservation Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Conservation Commission shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Agent of the Conservation Commission at least three (3) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Rough Grading has been substantially completed;
3. Final Grading has been substantially completed;
4. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
5. Close of the Construction Season; and
6. Final landscaping (permanent stabilization) and project final completion.

C. **Permittee Inspections** - The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Conservation Commission or designated agent in a format approved by the Conservation Commission. The Conservation Commission may require, as a condition of approval, that an Environmental Site Monitor, approved by the Conservation Commission, be retained by the applicant to conduct such inspections and prepare and submit such reports to the Conservation Commission or its designated agent.

D. **Access Permission** - To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees may enter

upon privately owned property for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the permit.

Section 12 Surety

The Conservation Commission may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required by Section 13 and issued a certificate of completion.

Section 13 Final Reports

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Registered Professional Engineer (P.E.) or Registered Professional Land Surveyor certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

Section 14 Enforcement

A. The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this By-Law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. The Conservation Commission or an authorized agent of the Conservation Commission may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include:
 - a. a requirement to cease and desist from the land-disturbing activity until there is compliance with the By-Law and provisions of the land-disturbance permit;
 - b. maintenance, installation or performance of additional erosion and sedimentation control measures;
 - c. monitoring, analyses, and reporting;
 - d. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Natick may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Natick, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. **Criminal Penalty** - Any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 300.00 for each offense. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. **Non-Criminal Disposition** - As an alternative to criminal prosecution or civil action, the Town of Natick may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, §21D in which case the Conservation Commission or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. **Appeals** - All decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.

F. **Remedies Not Exclusive** - The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 15 Certificate of Completion

The Conservation Commission will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this By-Law. The Certificate of Completion shall be recorded at the Registry of Deeds by the Owner(s).

Section 16 Severability

If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment or circumstance shall be held invalid for any reason, all other provisions shall continue in full force and effect to the extent permitted by law.

ARTICLE 54

Amend By-Laws Article 80: Water Supply Protection (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 80 of the Town of Natick By-Laws as follows:

In Section 4, insert the following new paragraph, to appear immediately after the existing third paragraph:

“The Board of Selectmen is hereby authorized to promulgate rules and regulations, and amendments thereto, regarding protection of the Town of Natick’s public water supply system, including without limitation preventing of cross connections, unauthorized use of fire hydrants, and tampering of water meters or any other part of the Town of Natick public water supply system.”;

or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on October 1, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 54.

The purpose of this TM Article is to “clean up” By-Law Article 80 as noted on the following Redlined pages.

During the review of this article there was very little discussion concerning the changes, as they were clearly delineated within the Redlines.

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 54.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 80 of the Town of Natick By-Laws as follows:

In Section 4, insert the following new paragraph, to appear immediately after the existing third paragraph:

“The Board of Selectmen is hereby authorized to promulgate rules and regulations, and amendments thereto, regarding protection of the Town of Natick’s public water supply system, including without limitation preventing of cross connections, unauthorized use of fire hydrants, and tampering of water meters or any other part of the Town of Natick public water supply system.”

ARTICLE 80

WATER SUPPLY PROTECTION

Section 1 Authority

This by-law is adopted by the Town of Natick under its home rule powers, its police powers to protect public health and welfare and its specific authorization under Sections 21 and 21D of Chapter 40 of the General Laws.

Section 2 Purpose

The purpose of this by-law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

Section 3 Definitions

For the purpose of this by-law:

Enforcement authority shall mean the Town's Board of Selectmen or its designee, or other Department or Board having responsibility for the operation and maintenance of the water supply, the Health Department, the Town police, special police, and any other locally designated body having police powers.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to Chapter 21G and Section 160 of Chapter 111 of the General Laws.

Section 4

The following shall apply to all users of water supplies supplied by the Town:

Following notification by the Town of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town are required to comply to abate a situation of water supply emergency shall be sufficient for purposes of this by-law if it is published in a newspaper of general circulation within the Town or by such other notice as is reasonably calculated to reach and inform all users of the Town supply.

The Board of Selectmen is hereby authorized to promulgate rules and regulations, and amendments thereto, regarding protection of the Town of Natick's public water supply system, including without limitation prevention of cross connections, unauthorized use of fire hydrants, and tampering of water meters or any other part of the Town of Natick public water supply system.

Section 5 Penalty

Any person or entity who violates this by-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the Town for such uses as the Board of Selectmen may direct. Fines shall be recovered by complaint before the District Court or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 6 Severability

The invalidity of any portion or provisions of this by-law shall not invalidate any other portion, provision or section hereof.

ARTICLE 55

Amend By-Laws Article 90: Repeal of By-Laws (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 90 of the Town of Natick By-Laws as follows:

1. Insert the words “AND EFFECT” in the title, between the words “REPEAL” and “OF”, so that the title reads “REPEAL AND EFFECT OF BY-LAWS”; and
2. Insert a new Section 3 which reads “If any provision of these By-Laws is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 8, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 55.

The purpose of this TM Article is to “clean up” By-Law Article 90 as noted on the following [Redlined](#) pages.

During discussion of this Article it was noted:

- *This will add a generalized severability clause so that new by-laws going forward would not need to have a severability clause in each by-law. It was explained that a severability clause meant that if a court were to determine that one part of the By-Laws was problematic, the remaining items would continue to be in effect.*

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 55.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 90 of the Town of Natick By-Laws as follows:

1. **Insert the words “AND EFFECT” in the title, between the words “REPEAL” and “OF”, so that the title reads “REPEAL AND EFFECT OF BY-LAWS”; and**
2. **Insert a new Section 3 which reads “If any provision of these By-Laws is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”**

ARTICLE 90

REPEAL AND EFFECT OF BY-LAWS

Section 1

These By-Laws and the repeal of all By-Laws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution, or proceeding pending at the time they take effect.

Section 2

All By-Laws heretofore in force shall be repealed and these By-Laws shall become effective when the latter are approved and published as required by statute.

Section 3

If any provision of these By-Laws is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

ARTICLE 56

Amend By-Laws Article 91: Collective Bargaining (Charter & By-Law Review Committee)

To see if the Town will vote to repeal Article 91 of the Town of Natick By-Laws, which reads:

“Whenever the Natick Town Meeting duly votes to accept, approve and adopt any terms or provisions of a collective bargaining agreement duly negotiated between authorized representatives of the Town and the duly recognized or designated employee representative of any employee group, and when any provision of such collective bargaining agreement is in conflict with any provision of these By-Laws, then the provisions of the collective bargaining agreement shall prevail and shall supersede the conflicting provisions of these By-Laws.” or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 24, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 56 to the Charter & By-Law Review Committee.

The purpose of this TM Article is to “clean up” By-Law Article 91 as noted on the following [Redlined](#) pages.

The Sponsor of this article has requested a Referral of this article to allow further review.

The Board of Selectmen voted 5-0-0 to recommend Referral of the subject matter of Article 56 to the Charter & Bylaw Review Committee.

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 56 to the Charter & By-law Review Committee.

ARTICLE 91

COLLECTIVE BARGAINING

~~Whenever the Natick Town Meeting duly votes to accept, approve and adopt any terms or provisions of a collective bargaining agreement duly negotiated between authorized representatives of the Town and the duly recognized or designated employee representative of any employee group, and when any provision of such collective bargaining agreement is in conflict with any provision of these By-Laws, then the provisions of the collective bargaining agreement shall prevail and shall supersede the conflicting provisions of these By-Laws.~~

ARTICLE 57

Amend By-Laws Article 92: Enforcement of By-Laws (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 92 of the Town of Natick By-Laws as follows:

1. In Section 2.1, insert the punctuation, symbol and number “(\$300.00)” after the word “dollars”;
2. In the Schedule of Fines:
 - a. delete the following text:

Smoking	(B) Art.83	Health Officer, Sanitarian	
First offense			\$25.00
Second offense			\$50.00
Third offense			\$100.00
Fourth offense			\$200.00

- b. under the heading “Littering, illegal dumping”, insert the words “in a calendar year” after the words “First, second, third offenses” and after the words “Fourth offense” under the heading, so that the text reads:

Littering, illegal dumping	(G) c.270, s.16, s.16A	Health Officer, Sanitarian	
First, second, third offenses in a calendar year			\$20.00
Fourth offense in a calendar year			\$100.00

or otherwise act thereon.

RECOMMENDATION: By a vote of 13-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION as AMENDED by the Finance Committee with regard to the subject of Article 57.

The purpose of this TM Article is to “clean up” By-Law Article 92 as noted on the following [Redlined](#) pages.

During discussion of this Article it was noted:

- *The Finance Committee amended the By-law to read “Fourth Offense and subsequent offenses” under Littering.*
- *Littering and illegal dumping are listed together because they appear together in the relevant Massachusetts General Law (MGL).*
- *It was suggested the fines should be higher and it was unclear whether the fines specified were restricted by MGL limits. There was a request for information as to whether these fines were examined in the consulting study of the Town’s fee structure last year.*

Article 57 Cont'd

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 57.

MOTION: (Requires majority vote)

Move that the Town vote to amend Article 92 of the Town of Natick By-Laws as follows:

- 1. In Section 2.1, insert the punctuation, symbol and number “(\$300.00)” after the word “dollars”;**
- 2. In the Schedule of Fines:**
 - a. delete the following text:**

Smoking (B)	Art.83	Health Officer, Sanitarian	
First offense			\$25.00
Second offense			\$50.00
Third offense			\$100.00
Fourth offense			\$200.00

- b. under the heading “Littering, illegal dumping”, insert the words “in a calendar year” after the words “First, second, third offenses” and after the words “Fourth offense” under the heading, so that the text reads:**

Littering, illegal dumping	(G) c.270, s.16, s.16A	Health Officer, Sanitarian	
First, second, third offenses in a calendar year	\$20.00		
Fourth and subsequent offenses in a calendar year	\$100.00		

ARTICLE 92

ENFORCEMENT OF BY-LAWS

Section 1 Fines

The fine for violating any provisions of the By-Laws shall be fifty dollars (\$50.00), except where other penalties are specifically authorized by general laws, by charter, or by by-law.

Section 2 Enforcement

2.1 Criminal Complaint

Whoever violates any provision of these By-Laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars: ~~(\$300.00).~~

2.2 Noncriminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in the Massachusetts General Laws, Chapter 40, Section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, commission, or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is intended that the sections of those laws or by-laws listed in the table entitled "Schedule of Fines," which is incorporated into this subsection by reference, are to be included within the scope of this subsection; that the specific penalties as listed there shall apply to such cases; that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed, if any, shall also be enforcing persons; and that each day on which any violation exists shall be deemed to be a separate offense.

Section 3 Complaints by the Public; Procedures

Any person witnessing the violation of any provision of the Town By-Laws may report such incidents to the appropriate enforcing person. Enforcing persons are hereby designated as (1) police officers, in all cases; (2) those municipal personnel designated in specific by-laws or by Massachusetts law as being responsible for enforcement; or (3) the Town Administrator, who shall refer the complaint to the appropriate municipal personnel for action. The enforcing person shall determine what action to take concerning the complaint, if any.

Whenever a complaint is received in writing from a known person, the official responsible for enforcement shall make a reply to that person within sixty days of receipt. The reply shall note what action, if any, was or will be taken on the complaint. If final action has not been completed by the time the reply is prepared, a follow-up reply shall also be issued after final action is completed.

SCHEDULE OF FINES

Subject Reference		Other Enforcing Authority Fine	
Underground storage tank registration	(B) Art.81, s.5	Health Officer, Sanitarian	\$50.00
Underground storage tank inventory control	(B) Art.81, s.6	Health Officer, Sanitarian	\$50.00
Underground storage tank testing and removal	(B) Art.81, s.9	Health Officer, Sanitarian	\$100.00
Smoking	(B) Art.83	Health Officer, Sanitarian	
First offense			\$25.00
Second offense			\$50.00
Third offense			\$100.00
Fourth offense			\$200.00
Littering, illegal dumping	(G) c.270, s.16, s.16A	Health Officer, Sanitarian	
First, second, third offenses <u>in a calendar year</u>			\$20.00
Fourth <u>and subsequent</u> offenses <u>in a calendar year</u>			\$100.00

Key: (B) - By-Laws; (G) - General Laws; Art. - Article; c. - chapter; s. - section.

ARTICLE 58

Amend Zoning By-Laws: Renewable or Alternative Energy Manufacturing & Research & Development

(Planning Board)

To see if the Town will vote to amend the Zoning Bylaws to define and permit renewable or alternative energy manufacturing and research and development by amending the following:

Section 200 of the Natick Zoning Bylaws by inserting the following:

“Renewable or Alternative Energy: The following renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets; ultra low emissions high efficiency wood pellet boilers and furnaces; low impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy; advanced biofuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.”

“Renewable or Alternative Energy Research and Development Facilities: Facilities used primarily for research, development and/or testing of innovative renewable or alternative energy information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with these uses.”

Section III-A.2, No. 39 of the Natick Zoning Bylaws by inserting the following language after the words “Light manufacturing uses”:

“(including renewable or alternative energy light manufacturing uses)”

Section III-A.2, No. 40, of the Natick Zoning Bylaws by inserting the following language after the word “manufacturing,”:

“renewable or alternative energy manufacturing,”

Section III.A.2 of the Natick Zoning Bylaws by inserting the following after No. 40 of said Section III.A.2:

“40A. Renewable or alternative energy O O O O O O (*) O P P O O
research and development facilities”

Article 58 Cont'd

RECOMMENDATION: By a vote of 8-3-0 on October 1, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 58.

The purpose of this article is to amend the Zoning Bylaws to define and permit renewable or alternative energy manufacturing and research and development.

During discussion of this Article it was noted:

- *The list of renewable or alternative energy generation activities, products, or technologies included in the Article was taken from the language allowed by the Attorney General's office.*
- *Zoning by-laws work in tandem with other Town requirements and restrictions, such as those of the Board of Health, and nothing in the proposed regulation would open up the possibility of activity such as biological testing.*
- *Other communities with similar provisions include Cambridge, Somerville, Malden and Chelsea.*
- *The Community Development Director is aware of no additional needs for investment which would result from this, in terms of capital, staff or training.*

The Board of Selectmen voted 4-0-0 to recommend Favorable Action on the subject matter of Article 58.

The Planning Board had voted 6-0 to support this Article.

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend the Zoning Bylaws to define and permit renewable or alternative energy manufacturing and research and development by amending the following:

Section 200 of the Natick Zoning Bylaws by inserting the following:

“Renewable or Alternative Energy: The following renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets; ultra low emissions high efficiency wood pellet boilers and furnaces; low impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy; advanced biofuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.”

“Renewable or Alternative Energy Research and Development Facilities: Facilities used primarily for research, development and/or testing of innovative renewable or alternative energy information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic,

Article 58 Cont'd

mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with these uses.”

Section III-A.2, No. 39 of the Natick Zoning Bylaws by inserting the following language after the words “Light manufacturing uses”:

“(including renewable or alternative energy light manufacturing uses)”

Section III-A.2, No. 40, of the Natick Zoning Bylaws by inserting the following language after the word “manufacturing,”:

“renewable or alternative energy manufacturing,”

Section III.A.2 of the Natick Zoning Bylaws by inserting the following after No. 40 of said Section III.A.2:

**“40A. Renewable or alternative energy O O O O O O (*) O P P O O
research and development facilities”**

ARTICLE 59

Amend Zoning By-Laws: Natick Center Parking Requirements for Restaurants

(Board of Selectmen)

To see if the Town will amend Section V of the Town of Natick Zoning Bylaws with respect to parking requirements for restaurants in Natick Center, or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-1 on October 1, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 59.

The purpose of this article is to encourage new restaurants in Natick Center by reducing the requirement of restaurant parking spaces within the Downtown Mixed Use District.

During discussion of this Article it was noted:

- *Current parking regulations are difficult for new restaurants to attain. A modest reduction will make Natick Center a more competitive location in which new restaurants can locate and promote a greater vitality for downtown Natick.*
- *The benefit of this article would be a more vibrant downtown Natick with more opportunities for restaurant patrons, with more space leased and used paying taxes to the Town.*
- *The consequence of this article failing is the decreased usage of downtown commercial space with lesser commercial taxes; fewer opportunities for potential restaurant patrons*
- *A comparison of restaurant parking requirements was provided as follows:*

<i>Community</i>	<i>Requiremen</i>	<i>t</i>	<i>Comments</i>
Natick (DM District)	1 space / 4 seats		Proposed in DM only
Natick (except DM)	1 space / 30 sf or 1 space / 3 seats, whichever is greater		Existing townwide
Needham	1 space / 3 seats		+ 10 per take out station
Dedham	2 spaces / 5 seats		
Wellesley	1 space/100 sf		
Cambridge	1 space / 5 seats; 1/10 seats; 1/15 seats		varies based on district
Plymouth	1 space / 3 seats		
Medford	1 space / 350 sf		
Somerville	greater of 1 space / 4 seats or 1 / 110 sf		plus .75 space / employee
Framingham	1 space / 3 seats		plus 1 / per 2 employees

Article 59 Cont'd

The purpose of this article is to encourage new restaurants in Natick Center by reducing the requirement of restaurant parking spaces within the Downtown Mixed Use District.

During discussion of this Article it was noted:

- *Restaurants are seen as a “lynchpin” in that they bring additional traffic to the downtown area, which can provide customers to other businesses in the area.*
- *Due to the configuration of the downtown area, parking is always an issue on the part of those considering locating a restaurant in this area.*
- *A recent home rule petition lowered the parking threshold in the downtown area for both business and residential requirements, and also offers an option of a “buy down” to further reduce the number of parking spaces required.*

The Board of Selectmen voted 5-0-0 to recommend Favorable Action on the subject matter of Article 59.

At its meeting of September 23, 2009, the Planning Board voted to support Article 59 with the motion that replaces the proposed new text with the following:

“Within the DM district, subject to the approval of the SPGA the parking requirement may be reduced to not more than one (1) space for every four (4) seats Vote was 6-0-0

MOTION: (Requires 2/3 vote)

Move that the Town vote to amend Section V-D3 .(g) of the Zoning By Laws by adding a new second sentence which reads “Within the DM District 1 space for every four (4) seats” so that said Section V-D3.(g) reads:

“For restaurants, night clubs, bars and lounges – 1 space for each thirty (30) square feet of public area or 1 space for every three (3) seats whichever is greater. Within the DM District, 1 space for every four (4) seats. Public area shall mean the area reserved for the general public for the actual consumption of food and beverages.”

ARTICLE 60

Report of Community/Senior Center Building Committee (Board of Selectmen)

To hear a report from the Community/Senior Center Building Committee, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 60.

The purpose of this article is to allow the Community/Senior Center Building Committee the opportunity to present an updated report concerning the ongoing project to Town Meeting. Town Meeting has approved previous funding to this committee.

The Board of Selectmen did not vote a recommendation on the subject matter of Article 60.

MOTION: (Requires majority vote)

Move that the Town hear a Report of Community/Senior Center Building Committee

ARTICLE 61

Report of Economic Development Committee

(Economic Development Committee)

To hear a report from the Economic Development Committee, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on October 6, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 61.

The purpose of this article is to allow the Economic Development Committee the opportunity to present a report of this committee.

The EDC was proposed by the Revenue Enhancement Task Force and established by the Board of Selectmen earlier this year, with the following charge:

- 1. Attract business development to Natick that will maximize tax revenue and generate employment opportunities;*
- 2. Promote utilization of existing infrastructure and facilities to the fullest extent possible*
- 3. Recognize neighborhood and community issues, concerns, and character*
- 4. Identify and plan for changing trends and opportunities*
- 5. Market Natick for economic development and strategic partnerships*

The Board of Selectmen did not vote a recommendation on the subject matter of Article 61.

MOTION: (Requires majority vote)

Move that the Town hear a Report of the Economic Development Committee.



Town of Natick

2009 Fall Town Meeting – Town Meeting Information Book

Appendices

A – Glossary

B – Town Information



Town of Natick

2009 Fall Town Meeting – Town Meeting Information Book

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Glossary

ABATEMENT - Abatement is a reduction of a tax liability. The Board of Assessors grants abatements for real estate and personal property taxes in cases where an individual's assessed valuation is determined to be in excess of fair market value.

ACCRUAL BASIS FOR ACCOUNTING – A method of accounting that recognizes revenue when earned, rather than when collected, and recognizes expenses when incurred, rather than when paid.

APPROPRIATIONS - A legal authorization to expend municipal funds. Massachusetts municipal finance laws require that all general-purpose expenditures be authorized by a majority vote of Town Meeting.

There are two basic types of appropriations - operating appropriations, and special article appropriations. Operating appropriations last for one fiscal year only, and any unobligated balance is closed at the end of the fiscal year. Fire Department Salaries is an example of an operating appropriation. Special Article appropriations are generally voted for a specific project, such as the completion of a capital improvement or the purchase of a piece of capital equipment. Special article appropriations are closed upon completion of the project for which the funds were voted. Appropriations for all **Municipal** departments, boards, and committees are voted in two broad categories - salaries and expenses. Funds voted for salaries may not be expended for expenses and funds voted for expenses may not be expended for salaries, without a transfer approved by Town Meeting. There are no restrictions on **School** appropriations.

APPROPRIATED BUDGET – As used in fund summaries and department summaries within the budget document, represents the current year budget as originally adopted by Town Meeting. It does not include prior year encumbrances or re-appropriation.

ARTICLE - An article or item on the Town Warrant.

ASSESSED VALUATION - The valuation of real estate or other property determined by the Town Assessor for tax levying purposes. The Commonwealth certifies the values and methodology in determining those values every three years.

ASSETS – Property, plant and equipment owned by the Town.

AUDIT – A comprehensive examination as to the manner in which the government's resources were actually utilized concluding in a written report of its findings. An accounting audit is intended to ascertain whether financial statements fairly present the financial position and results of operations of the Town. The Town is required to conduct an audit annually.

BOND - A written promise to pay a specified sum of money, called the face value or principal amount, at a specified dates in the future, called the maturity date(s), together with periodic interest at a specified rate. The difference between notes, usually one year or two years in length and a bond is that the latter runs for a longer period of time. State statute and the Board of Selectmen establish the length of a bond repayment.

BOND ANTICIPATION NOTE (BAN) – A temporary note issued for no more than one or two years. This is commonly used to defer the initial pay down of debt or to accommodate reimbursement for borrowed notes from a private source or other governmental entity.

BUDGET - The budget is the Town's financial plan for a given fiscal period. The annual budget includes an estimate of proposed expenditures, as well as a forecast of estimated revenues and other financing sources.

The Natick Town Charter specifies that the Town Administrator is responsible for presenting a recommended annual budget to the Finance Committee. The Finance Committee reviews the Town Administrator's Recommended Budget in detail and forwards its recommendations to Town Meeting. Town Meeting adopts the budget by voting a series of appropriations, which may not; in the absence of an over-ride of Proposition 2 1/2 exceed the estimated total amount of revenues and other financing sources for the fiscal period.

BUDGET MESSAGE (Town Administrator's Transmittal Letter) – The opening section of the budget that provides the Board of Selectmen, Town Meeting Members, and the general public with a general summary of the most important aspects of the budget, changes from the current and previous fiscal years, and the recommendations of the Town Administrator.

CAPITAL EXPENDITURE - A major, non-recurring expenditure involving land acquisition, construction or major rehabilitation of a facility, or purchase of equipment costing \$25,000 or more with a useful life of five years or more.

CAPITAL IMPROVEMENT PROGRAM (CIP) - A financial planning and management tool which: identifies public facility and equipment requirements; places these requirements in order of priority; and schedules them for funding and implementation.

CHAPTER 90 - Massachusetts General Laws Chapter 90, Section 34 authorizes the Commonwealth to allocate funds to municipalities through the Transportation Bond Issue for highway construction, preservation and improvement projects that create or extend the life of capital facilities. Routine maintenance operations such as pothole filling and snow and ice removal are not covered. The formula for determining the Chapter 90 level of funding is based on a municipality's miles of public ways, population and level of employment. Municipalities receive Chapter 90 funds on pre-approved projects on a reimbursement basis.

CHERRY SHEET - The State allocates a portion of generated revenue to municipalities each year for education and general governmental expenditures. The amount of state aid each community will receive is itemized in a financial statement printed on cherry colored paper (thus the name). The amount of reimbursement is a function of the State budget. Towns usually receive notification in late summer, subsequent to the beginning of the fiscal year.

CLASSIFICATION - Massachusetts municipal finance law requires that all real estate and personal property be appraised at "full and fair cash valuation" for purposes of assessing property taxes. Once the Commissioner of the Massachusetts Department of Revenue certifies that properties are appraised at "full and fair cash valuation" (once every three years), the Board of Selectmen may impose a tax classification plan, whereby a portion of the residential tax burden may be shifted to the commercial/industrial class of taxpayers. The law limits the amount of tax burden which can be

shifted to the commercial/industrial class to not more than 150% of the proportionate share of the class. In other words, if the commercial/industrial class of taxpayers is normally responsible for 25% of the total tax burden, their maximum burden under the classification law is 37.5% (25 x 1.50).

COMPETITIVE BIDDING PROCESS – the process following State law requiring that for purchases of \$25,000 or more a Town must advertise, solicit and publicly open sealed bids from prospective vendors. After a review period, the Town Manager then awards a contract to the successful bidder.

DEBT EXCLUSION - The amount of taxes assessed in excess of the Proposition 2-1/2 levy limit for the payment of debt service costs attributable to a vote of the electorate. Two-thirds of the Selectmen and a majority of citizens voting must approve the exclusion. These funds are raised to retire the debt service for the project. They are not added to the tax levy limit for the following fiscal year.

DEBT SERVICE - Payment of interest and principal on an obligation resulting from the issuance of bonds.

DEPARTMENT – A division of the Town that has overall management responsibility for an operation or group of related operations within a functional area.

DEPRECIATION – 1) Expiration in the service life of capital assets attributable to wear and tear, deterioration, and inadequacy of obsolescence. 2) That portion of the cost of a capital asset that is charged as an expense during a particular period. Depreciation is based on historic costs not replacement value.

ENCUMBRANCE – To encumber funds means to set aside or commit funds for a future expenditure. Encumbrances include obligations in the form of purchase orders, contracts or salary commitments, which are chargeable to an appropriation and for which a part of the appropriation is reserved.

ENTERPRISE FUNDS - Enterprise Funds are used to account for operations which are financed and operated in a manner similar to business operations and where the costs of providing goods or services are financed in whole or in part by user charges (charges for services). Services accounted for in Enterprise Funds are tangible and can be measured for determining a charge for services. In Massachusetts, the most common types of government enterprises include utility or utility-type services for water treatment and delivery, sewerage collection and treatment, and electricity generation and distribution. Less common but prevalent operations include hospitals, airports, parking, swimming pools, and golf courses. Individual services must ordinarily be accounted for in separate Enterprise Funds. Segregation is essential for determining the total cost of services and the extent to which user charges cover that cost. Although a community may decide to recover only a portion of its costs from user charges, it is essential from a management point of view that it understands what its total costs are. Such costs include amounts for repayment of long-term debt and related interest and estimates for depreciation.

EXPENDITURE – Decrease in net financial resources for the purpose of acquiring and providing goods and services.

EXPENSES – Outflows or other using up of assets or incurring of liabilities during a period from

delivering or producing goods, rendering services or carrying out other activities that constitute the entity's ongoing major or central operations. Expenses consist of the following objects of expenditure: Utilities, Supplies and Materials, Contractual Services, and Equipment.

FINES & FORFEITURES - Revenue collected from court fines, penalty charges for overdue taxes along with non-criminal fines are included in this category.

FISCAL YEAR (FY) - The Town of Natick operates on a July 1st through June 30th fiscal year.

FREE CASH - The amount certified annually by the Dept of Revenue that represents the unreserved fund balance less all outstanding tax receivables. This balance is created when actual revenues exceed those estimated and/or expenditures are less than appropriations for any given fiscal year. These funds may be appropriated by Town Meeting as a resource for the next fiscal year's operations or any other purpose authorized by state statute. The Massachusetts Department of Revenue certifies free cash each July 1st. Free Cash represents the savings account of the Town. Certified Free Cash is available for appropriation by Town Meeting for any lawful purpose.

FUND BALANCE - The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders' equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected. (See Free Cash)

FUNDING SOURCE – The specifically identified funds allocated to meet budget requirements/expenses.

GENERAL FUND - Revenues derived from the tax levy, state aid, local receipts and available funds are considered General Fund revenues. The General Fund is distinguished from Enterprise Funds and Special Revenue Funds.

GFOA – Government Finance Officers Association of the United States and Canada. The G.F.O.A. is a professional organization of governmental finance officers.

GRANT – A contribution by one government unit or outside agency to another governmental unit. The contribution is usually made for a specific purpose but is sometimes for general purposes.

INVESTMENT INCOME - The Town earns interest on cash held in savings accounts and invested in short term securities. The investment goal is to ensure that all funds are invested. The term of these investments is short-term and risk adverse. The Treasurer is very restricted as to the instruments in which investments can be made. The amount of investment income is a function of the amount of funds invested and the interest rate.

LEVY LIMIT - The maximum amount of money, which the Town can raise from the property tax levy, without an override of proposition 2 1/2. Please refer to the explanation of Proposition 2 1/2 for a description of how the levy limit is calculated.

LIABILITY – Debt or other legal obligation which must be paid, renewed or refunded at some future date, but does not include encumbrances.

LOCAL RECEIPTS - A category of revenue sources including school department charges for services, investment income, fines and forfeitures, building permits and excise taxes. These revenues are not considered part of the Proposition 2 ½ Tax Levy.

MODIFIED ACCRUAL BASIS FOR ACCOUNTING – A method of accounting that recognizes revenue when it is actually received and recognizes expenditures when a commitment is made.

MOTOR VEHICLE EXCISE - All Massachusetts vehicle owners who have their vehicle(s) registered in the State of Massachusetts pay an annual motor vehicle excise tax to the city or town in which they reside. The Registry of Motor Vehicles creates a listing of all vehicles registered in Lexington and the book value assigned to each vehicle. The Town uses this information to bill all owners an annual tax equal to 2 ½ percent or \$25 for each \$1,000 of the vehicle's value.

MWRA – Massachusetts Water Resources Authority

NEW GROWTH - In addition to a standard 2 1/2% annual increase in the property tax levy, Proposition 2 1/2 allows the levy to be increased further by the sum of certain qualifying new construction valuation, multiplied by the prior year tax rate. Qualifying new construction valuation is known as "New Growth". In general, in order to qualify as "New Growth" the new construction valuation must be either a newly constructed house or an addition to an existing house, which adds at least 50% to the preconstruction value (residential properties). For commercial/industrial properties, "New Growth" consists of both newly built buildings, and additions, which add at least \$100,000 to the prior value of the improved property. It permanently becomes part of the tax levy.

OBLIGATION - A commitment to pay a particular sum of money (e.g. as required by contract or a bond).

OPERATING BUDGET – The portion of the budget that pertains to daily operations, which provide basic services for the fiscal year. The operating budget contains appropriations for such expenditures as personnel, supplies, utilities, materials, travel, and fuel and the proposed means of financing them.

OPERATING EXPENDITURE - An ongoing or recurring cost of performing a function or providing a service. Operating expenditures include personal services, supplies and materials, utilities, contractual services, minor equipment, and debt service.

OVERLAY - The amount raised in the tax levy for funding abatements granted by the Board of Assessors due to overvaluation.

OVERRIDE - An action taken by the voters of the town to exceed the limit placed on tax revenue growth by the State tax limitation law known as Proposition 2 ½. The tax levy limit can be exceeded only if a majority of residents voting approve an override. This sum is then added to the base levy for the next fiscal year and this becomes a permanent addition to the tax levy limit.

PROPOSITION 2 ½ - A tax limitation measure passed by Massachusetts voters in 1980 which limits the growth of the total property tax levy to 2.5% per year. In other words, the total revenue allowed

to be raised through real estate and personal property taxes cannot increase by more than 2.5% from one fiscal year to the next unless the citizens of the town approve a debt exclusion or an operating override. New construction values are in addition to this limit. Two provisions within Proposition 2 ½ allow the citizens of a community by popular vote to authorize the Town to raise taxes above the tax levy limit: an operating override or a debt exclusion.

As a consequence of this proposition, the Property Tax currently accounts for 2/3 of the Town's total revenue budget. Proposition 2 1/2, is a statutory limit on the annual rate of growth in the property tax levy of the Town. In the absence of a majority vote of approval by the Natick electorate (an override), the total amount of revenue which may be generated from the property tax is limited to: 2 1/2 more than the prior year levy limit, plus the sum of all qualifying new construction valuation multiplied by the prior year tax rate.

RESERVE FUND - An amount set aside annually within the budget of a city or town to provide a funding source for "extraordinary and unforeseen" expenditures. In a town, the Finance (or Appropriation) Committee can authorize transfers from this fund. The Reserve Fund is under the control of the Finance Committee.

RETAINED EARNINGS – The equity account reflecting the accumulated earnings of the enterprise funds.

RESOURCES - Total dollar amounts available for appropriation including estimated revenues, fund transfers, and beginning fund balances.

REVALUATION - Massachusetts municipal finance law requires that the Massachusetts Department of Revenue formally certify that property tax assessments represent the "full and fair cash valuation" of properties. The process of determining the "full and fair cash valuation" of taxable property is known as Revaluation.

REVENUE - Budgetary resources. The various revenues the Town receives are listed in the Revenue Summary in the Budget Overview section.

REVOLVING FUND – As authorized under M.G.L. Ch. 53 E ½, departmental revolving funds allow communities to raise revenues from a specific service and use those revenues without appropriation to support the service. Each revolving fund must be re-authorized each year at annual town meeting or by city council action, and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the city or town in the most recent fiscal year, and no more than one percent of the amount raised by taxation may be administered by a single fund. Wages or salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits.

SCHOOL BUILDING ASSISTANCE PROGRAM (SBAB) – A program started by the Commonwealth of Massachusetts for the purpose of assisting municipalities in the reconstruction and renewal of its public schools.

SCHOOL REVENUE - Revenue received by Lexington Public Schools from athletic fees, rental of school facilities, and bus transportation fees is included in this category.

SEWER & WATER CHARGES - The Town operates Water and Sewer Enterprise Funds to manage these municipal operations. Users of sewer and water services provided by the Town pay charges depending upon usage. Revenue received from charges for sewer and water services is used to fully support the costs of utility operations, such as Massachusetts Water Resources Authority (MWRA) assessments, debt service obligations, personal service costs, and capital projects. Charges for services are based on an eight-tier block rate structure corresponding to usage. Charges rise as usage increases. The Town pays the MWRA assessments to supply quality water and dispose of Town sewage. Large increases in water and sewer rates have and will continue to occur as the MWRA raises assessments to cover their costs for sewage treatment and Boston Harbor clean-up efforts.

STABILIZATION FUND – Massachusetts General Law Ch.40, Sec. 5B, allows a municipality to appropriate in any year an amount not exceeding ten percent of the amount raised in the preceding fiscal year; the aggregate amount in the fund shall not exceed ten percent of the equalized valuation of the municipality. The treasurer shall be custodian of the fund and may invest the proceeds legally; any interest earned shall remain with the fund. Money from the Stabilization Fund may be appropriated for any lawful purpose by two-thirds vote of Town Meeting.

TAX LEVY - The total amount to be raised through real estate and personal property taxes. Lexington property owners pay taxes to the Town based on the assessed value of their real and/or personal property. Each year the Board of Selectmen conducts a tax classification hearing to determine a tax rate. The Town Assessor makes adjustments to real estate values in order to properly reflect fair market value. In addition to real estate, businesses may also pay a personal property tax (set at the commercial rate) based on the value of their professional equipment, furniture and fixtures. The amount of taxes a property owner pays is determined by multiplying the applicable tax rate by the valuation. For example, if the tax rate is \$10 and a property's assessed value is \$100,000, the property owner will pay \$10 times \$100,000/1,000, or \$1,000. Tax levy revenues are the largest source of funding for the Town. These revenues support most school, police, fire, public works, library, and general governmental services to the community.

TAX LEVY LIMIT - The maximum amount that can be raised within Proposition 2 ½.

TAX RATE - The amount of tax levied for each \$1,000 of assessed valuation.

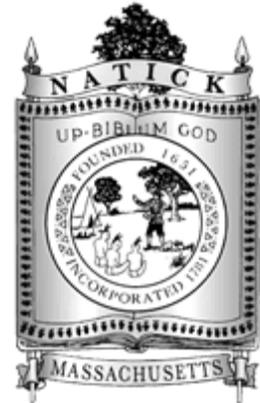
USER FEES - Fees paid for direct receipt of a public service by the user or beneficiary of the service.

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Demographics & Information

History

The Town of Natick is a suburban industrial center located on the upper basin of the Charles and Concord Rivers with an extensive complex of ponds. The town was from earliest Colonial days a prime target for development, possessing as it did good agricultural land, fish runs and water power. Established in 1650 on the Charles River, Natick had the first and the largest Indian praying town in the colonies, one that became a model for all other attempts to inculcate European standards into Indians. John Eliot, the great missionary, secured a charter of 6,000 acres for the Indians and converted them to Christianity. Unfortunately, Natick's Indian population was forcibly resettled on Deer Island during the King Philip's war and essentially never returned.



In Colonial days, Natick was an agricultural community with some orchards and some lumbering. Grist and sawmills were established and Indian ownership and control gave way to white dominance between 1676 and 1776. Local tradition claims that several loads of Natick men shipped out to the California gold rush in 1849 and 1850, returning with enough capital to start independent businesses in the town. The shoe industry dominated the community by the early 19th century, with the first shoe sole manufacturer established in 1827 and shoes shipped to the southern and western markets by 1830. The town's products, including baseballs manufactured in Natick, were shipped to Boston on the Boston and Worcester Railroad. The town saw rapid growth including an Irish, English, Nova Scotian, Italian and Armenian immigrant population which came to take jobs in the shoe plants and by the 1880's, Natick was the third largest shoe production community in the country.

Demographic & Geographic Information

Settlement Date: 1651

Incorporation Date: Natick was incorporated as a Town on February 19, 1781.

County: Middlesex

Location: Eastern Massachusetts, bordered by Framingham on the west, Wayland and Weston on the north, Wellesley and Dover on the east, and Dover and Sherborn on the south. Natick is 18 miles southwest of Boston; 25 miles east of Worcester; 35 miles north of Providence, Rhode Island; and about 201 miles from New York City.

Total Area: 16.06 sq. miles

Land Area: 15.09 sq. miles

Population: 32,170

2008 Labor Force: 18,689

1999 Per Capita Income: 36,358

2007 Population Per Square Mile: 2,120.4

2007 Housing Units Per Square Mile: 886.5

2007 Road Miles: 154.29

Number of Registered Vehicles (January 2008): 32,991

Average Age of Vehicles (January 2008): 9.03

Government & Elections Information

School Structure: K-12

Form of Government: Town Administrator-Selectmen-Representative Town Meeting

Registered Voters: (as of December 31, 2008) 22,514

American Independent	3	Reform Party	2
Constitution Party	1	Republican	2,787
Democratic	7,838	Socialist	3
Green/Rainbow Party	20	Unenrolled	11,798
Libertarian Party	47	Working Families	136

Area: 15.99 sq. miles

Town Offices: Town Hall, 13 East Central Street

US Senators: John F. Kerry & Paul G. Kirk

Representative in Congress: Edward J. Markey

State Senators: Karen Spilka, Precincts 1-5, & 8
Scott Brown, Precincts 6,7,9 & 10

State Representatives: David Paul Linsky, Precincts 1-9
Alice Hanlon Peisch, Precinct 10

Voting Qualifications: Must be 18 years of age on or before Election Day, born in the United States or fully naturalized; a resident of Natick.

Registration of Voters: Town Clerk's Office, 13 East Central Street, daily from 8:00 a.m. to 5:00 p.m.

Where to Vote (Precinct Numbers):

- Kennedy Middle School, 163 Mill Street (1)
- Cole Recreational Center, 179 Boden Lane (2)
- Kennedy Middle School, 163 Mill Street (3)
- Wilson Middle School, 24 Rutledge Road (4)
- Wilson Middle School, 24 Rutledge Road (5)
- Lilja School, 41 Bacon Street at Oak Street (6)
- Lilja School, 41 Bacon Street at Oak Street (7)
- Natick High School, 15 West Street (8)
- Morse Institute Library, 14 East Central St. (9)
- Memorial School, 107 Eliot Street (10)





**Town of Natick
13 E. Central Street
Natick, MA 01760**

IMPORTANT TOWN BUSINESS