

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
October 20, 2009
First Session**

The first Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:34 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the first session of 2009 Fall Annual Town Meeting. Mr. Foss presented to the body the official warrant signed by the Board of Selectmen with the officer's return thereon, which had been duly posted. The Moderator turned it over to the Town Clerk to be entered into the official record of the town. The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world. At this time, the Moderator introduced the officials present on stage and in the well of the auditorium. The following were present: Onorina Maloney, Interim Town Clerk, Richard Jennett, Finance Committee Chair, Jonathan Freedman, Finance Committee Secretary, Martha White, Town Administrator, John Flynn, Town Counsel and John Ciccariello, Chair of Board of Selectmen. The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town, and all town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however, they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval of Town Meeting Members. The proceedings of Town Meetings shall be governed by "Town Meeting Time", the Natick Bylaws, the Town of Natick Home Rule Charter and the General Laws of the Commonwealth of Massachusetts.

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.

No person shall speak upon an article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of the Town Meeting. However, once a speaker is called upon, by the Moderator, the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick Bylaws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Once a member is recognized, it has been the practice of Town Meeting Members to first ask a question(s), then propose a motion and/or debate the highest ranking motion. This practice is unchanged. All speakers must begin giving her or his name and address, or in the case of a town meeting member his or her precinct. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound question and divided by the Moderator. When a speaker is referring to another individual she or he shall refer to another speaker using the term "other speaker" or "previous speaker."

When an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," found in the Natick Bylaws, the Town Meeting Member Handbook and Town Meeting Time.

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

Use of incidental and privileged motions, such as Point of Order or Question of Privilege is encouraged: Moving "Point of Information" is not a motion. Therefore, such does not have the affect of interrupting a speaker, nor recognized as a motion.

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 her or his interest or employment before speaking thereon.

Without objection, the preceding statements and rules, except as required by By-law are accepted as rules of 2009 Fall Annual Town Meeting.

Ms. Collins objected to limiting speakers to three questions.

Moved by Ms. Collins that there shall be no limit of a number of questions when a speaker is called upon. Seconded by Mr. Hughes.

The motion fails

The Moderator entertained a motion to waive the reading of the warrant. Mr. Freedman moved to waive the reading of the reading of the warrant. Seconded by Mr. Sidney.

Motion passed by unanimous vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town refer the subject matter of Article 1 to the Town Administrator.

Motion to refer Article 1 passes by majority vote

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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to transfer the sum of \$150,000 from Article 5, Section G: Shared Expenses, Line-Item Fringe Benefits of the 2009 Spring Annual Town Meeting to the Stabilization Fund.

Motion under Article 2 passes by 2/3 vote.

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 11-1-0 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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 3 passes by majority vote.

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 favorable action on Article 4
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MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$950,751.09 for back pay, liquidated damages, attorneys' fees, and post judgment interest, in accordance with the June 15, 2009 Final Judgment in Robert F. Murphy, III, et al v. Town of Natick, et al, and the sum of \$950,751.09 be raised as follows: \$500,000 from Overlay Surplus, \$100,000 from the Tax Levy and \$350,751.09 from the Stabilization Fund.

Motion under Article 4 passed by 2/3 vote.

**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:

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

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town 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.

Motion under Article 5 passes by unanimous vote.

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.

*Article 6: Capital Equipment: Reason for postponement:
One of the funding sources, Free Cash, has not been certified by the Department Revenue as of October 19, 2009. Materials were sent to the DOR last week in advance of Town Meeting, but certification is not expected until the end of the month. We may seek an additional postponement awaiting action by the DOR.*

Mr. Levinsky moved to postpone subject matter under Article 6 until October 29, 2009.
Seconded by Ms. Collins.

This postponement applies to all the motions under Article 6 which comprises of Motion A, Motion B and Motion C)

Motion to postpone subject matter under Article 6 until October 29, 2009 passes by unanimous vote.

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.

MOTION: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 therefore 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.

Motion under Article 7 passes by 2/3 vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett that the Town refer the subject matter of Article 8 to the Town Administrator.

Motion to refer subject matter of Article 8 passes by majority vote.

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 matter of Article 9 to the Town Administrator.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Friswell that the Town refer the subject matter of Article 9 to the Town Administrator.

Motion to refer subject matter of Article 9 passes by majority vote.

ARTICLE 10: Natick 360: Progress Report (Town Administrator)

ARTICLE 11: Natick High School Project: Partial Architectural Services (School Committee)

Mr. Coburn moved to postpone Articles 10 and 11 until October 27, 2009.

Seconded by Mr. Sidney.

Motion to postpone subject matter under Articles 10 and 11 passes by majority vote.

ARTICLE 12: Local Option Meals Tax (Board of Selectmen)

To see if the Town will vote to accept G.L. c.64L §2(a) to impose a local meals excise; or otherwise act thereon.

RECOMMENDATION: By a vote of 8-3-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 12.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise.

Selectman Ostroff spoke on this Article. Mr. Healy asked if this was an action of the DOR. Mr. Flynn indicated that the legislature states that the Town imposes the tax, however in the future this could be changed. Selectman Ciccariello stated that this is a bad time for this tax and if this passes tonight, the money should not be used for the operational budget.

Ms. Brown moved to indefinitely postpone, seconded by Mr. Brown.

Elaine Bortman moved to refer subject matter to Board of Selectmen. Seconded by Mrs. Brown.

A lengthy discussion ensued.

Mr. Brown moved for a roll call vote. Seconded by Mr. Linehan. (this motion requires 1/3 vote)
This motion for a roll call vote applies to referral.

Mrs. Brown supports the roll call vote.

Motion to call a roll call vote fails.

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Motion to refer subject matter to the Board of Selectmen fails.

Motion to indefinitely postpone subject matter fails

The Moderator called for a hand count.

The tellers reported the following count: yes: 61 no: 57

Motion under Article 12 passes

Mr. Pierce moved to adjourn, seconded by Mr. Espo. The October 20 First Session of the 2009 Fall Annual Town Meeting adjourned at 10:10 pm until Thursday October 22, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
October 22, 2009
Second Session**

The Second Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:33 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Second Session of 2009 Fall Annual Town Meeting.

Ms. Miller moved to ask permission of Town Meeting to recognize the Chair of the Board of Selectmen to read a Citation. Motion was seconded by Mr. Crain.

Motion passed unanimously.

Mr. Ciccariello, Chair of Board of Selectmen, asked for Charles Sisitsky to come forward.

CITATION

WHEREAS Charles J. Sisitsky has served in municipal government for thirty nine years, including community development positions in Medford and Natick, and

WHEREAS Charlie Sisitsky has served the Town of Natick for twenty eight years, including twenty years as the Director of Public Works and eight years as the Planning and Community Development Director, and

WHEREAS Charlie has led the Public Works Department through a period of transition and modernization, overseeing a team of dedicated employees in maintaining and improving the Town's infrastructure and services, and

WHEREAS Charlie has served Natick under three Town Administrators, reported at dozens of Town Meetings, hundreds of Finance Committee meetings and done so with a calm and professional demeanor, and

WHEREAS Charlie has balanced his professional public service with elective office at Town Meeting, Finance Committee and Board of Selectmen, and

NOTWITHSTANDING that said elective office has been in his home town of Framingham, where he has also served on many boards and commissions to benefit the community's youth, families and overall well-being, and where he has raised a wonderful family and devoted himself to others,

NOW THEREFORE we the Natick Board of Selectmen congratulate Charles J. Sisitsky on his retirement as DPW Director, honor his career as a public servant and wish him continued success and good health for many years to come.

John Ciccariello, Chair Joshua Ostroff, Vice Chair Kristine Van Amsterdam, Clerk

Carol Gloff, Member

John Connolly, Member

Mr. Sisitsky introduced his wife Robin and spoke about the early days of his career in Natick.

The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

**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.

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.

Mr. Foster moved for favorable action on the subject matter of Article 13.
Seconded by Mr. Glater.

Selectman. Ostroff spoke on this article. He indicated that the Board of Selectmen feels that this requires further study. Revenue is estimated to be at \$460,000 for the next year. Mr. Ostroff highlighted some concerns from hotel operators about competitive disadvantages. Other communities have adopted this option. Marlboro and Southborough have not. This is a difficult decision to make.

Richard Sidney moved referral to BOS. Seconded by Mr. Munnich.

Lengthy discussion ensued on this article.

The Moderator called for a hand count.

The count reported was: 63: in favor 57: against

Motion to refer subject matter of Article 13 to the Board of Selectmen passes.

*The Moderator declared a brief recess at 8:45 pm
The meeting was called back to order at 8:54 pm*

*Mr. Munnich moved to take Article 17 out of order. Seconded by Mr. Foster
Motion to take Article 17 out of order passes by 2/3 vote.*

**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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Mr. Elliot Goodman spoke on this article.

Motion under Article 17 prevails.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to accept the provisions of Chapter 140, Section 139 of the Massachusetts General Laws.

Motion under Article 14 passes by majority vote.

**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.

Mr. Kessel moved to postpone subject matter of Article 15 to October 27, 2009. Seconded by Mr. Linehan.

Motion to postpone subject matter under Article 15 to October 27, 2009 passes by unanimous vote.

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.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 16 passes by 2/3 vote.

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.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 18 passes by unanimous vote.

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.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 19 passes by unanimous vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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

Motion under Article 20 passes unanimously.

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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 21 passes by unanimous vote.

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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman seconded by Mr. Jennet to refer subject matter of Article 22 to the Board Selectmen.

Motion to refer subject matter under Article 22 passes by majority vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Motion under Article 23 passes by 2/3 vote.

Mr. Goldman moved to adjourn, seconded by Mr. Espo. The October 22 Second Session of the 2009 Fall Annual Town Meeting adjourned at 9:53 pm to Tuesday October 27, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
October 27, 2009
Third Session**

The Third Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:34 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the third session of the 2009 Fall Annual Town Meeting. The hall stood for the Pledge of Allegiance. The Moderator introduced the officials present on state and sitting in the well. The front seats this evening are designated for the Charter and By-Law Review Committee members.

Mr. Brown approached the podium and moved to reconsider the vote under Article 12. Motion seconded by Mr. Linehan.

He indicated that all town members want what's best for the Town of Natick. Article 12 and Article 13 were taken together for consideration. Mr. Brown indicated that the full scope of the establishments was not debated. The meal tax directly impacts the employer and the employees. Mr. Brown said that he contacted the National Restaurant Association and indicated that these individuals were not contacted by the Town of Natick for input and that this information should be taken under consideration. He asked for a favorable vote to reconsider Article 12. Mr. Brown provided the Moderator with text which was turned over to the Town Clerk. The material will be available for inspection at the Office of the Town Clerk.

The subject matter of Article 10 and Article 11 had been postponed during the October 20, 2009 First Session. This town meeting session will begin with Article 10.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town hear progress reports with respect to the Natick 360 Strategic Plan.

Motion under Article 10 passes by unanimous vote.

Ms. White and Superintendent Sanchioni spoke on Article 10.

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

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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.

MOTION: (Requires majority vote)

Mr. Margil moved to refer subject matter of Article 11 to School Committee. Seconded by Mr. Freedman.

There were no objections for Superintendent Sanchioni to make a presentation. A video was shown. Dr. Sanchioni stated that the Town needs a new High School.

Motion to refer subject matter to School Committee passes by majority vote.

Article 15 had been postponed from Thursday October 22, 2009. Town Meeting will now hear Article 15.

**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.

MOTION: (Two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Mr. Ostroff spoke on this article. He stated that the intent of this article is to ensure permanent protection, provide greater oversight and accountability. Mr. Coburn asked for applause for the Hunnewell family. There was a long applause from the body

Motion under Article 15 passes by 2/3 vote.

**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:

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- 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 11-1-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 24

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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”.

Mr. Paul Connolly moved to divide the main motion into three parts (24A, 24B, and 24C).
Seconded by Mr. Glater.

Motion to divide the main motion passes by majority vote.

Motion is as follows:

‘Move to divide the main motion into three parts as follows:

24A: Move that the Town vote to amend Article 2 of the Natick Home Rule Charter as follows:
(current items 1 and 2.)

Motion 24A passes by 2/3 vote.

24B: Move that the town vote to amend Article 2 of the Natick Home Rule Charter as follows:
(current item 3)

Mr. Kupchik offered a grammatical change to insert a comma after the word “completed” in Section 2-11(d), Line 7. Approved by unanimous consent.

Mr. Connolly made a motion to amend 24B, seconded by Mr. DeMasi.

Amendment is as follows:

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3. In Section 2-11 (d) replace the entire section the following:

(d) Publication – Within five days following the date the warrant for any town meeting shall close, the board of selectmen shall cause copies of the warrant articles for such meeting to be sent to the town clerk, 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 warrant articles shall be made available for general distribution in the office of the town clerk. As a prerequisite to the official signing of the warrant, the board of selectmen shall also produce a concise description of the subjects in the warrant, by article that shall be part of any official notice posted to inform the voters of the upcoming town meeting. Posting of such notices shall be done in the manner prescribed by the by-laws.

Mr. Coburn posed an amendment to the amendment, seconded by Mr. Margil.

The amendment is as follows: after ‘chairman of the finance committee insert ‘the director of each town library’

Mr. Munnich moved to refer subject matter of 24B to the Charter and By -Law Review Committee, seconded by Mr. Jennett.

Motion to refer 24B to the Charter and By-Law Review Committee passes by majority vote.

24C Move that the town vote to amend Article 2 of the Natick Home Rule Charter as follows:
(current item 4)

Mr. Connolly offered an amendment to 24C, seconded by Mr. Glater.

In section 2-13C substitute with the following:

4. In Section 2-13 C replace the entire second sentence with the following:

“The board of selectmen shall submit such questions to the voters for a final determination at the annual town election or, if the board so votes, at a special election to be held on a date fixed by the board.”

Motion on the amendment fails.

Motion 24C passes by 2/3 vote.

Mr. Sidney moved to adjourn. Seconded by Mrs. Brown. The October 27 Third Session of the 2009 Fall Annual Town Meeting adjourned at 10:01 pm until Thursday, October 29, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
October 29, 2009
Fourth Session**

The Fourth Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:42pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the fourth session of 2009 Fall Annual Town Meeting. The hall stood for the Pledge of Allegiance. The front seats this evening are designated for the Charter and By-Law Review Committee members. There was a motion for reconsideration or article 12. At this time the Moderator announced that he was not going to rule on that matter as he will do so next Tuesday. Article 6 which had been postponed from October 21, 2009 will be the first article this evening.

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.

<u>#</u> <u>Proposed Item</u>	<u>Amount</u>	<u>Funding Source</u>
1 Replacement of Engine 1 with an Engine equip. w/Ladder	\$ 650,000	Borrowing Authorization Prior Appropriation
2 Eliot School Doors	\$ 27,500	Free Cash
3 Replacement of H-1	\$ 26,000	Free Cash
4 Street Light Replacement	\$ 25,000	Free Cash
5 Replacement of E-2	\$ 23,000	Free Cash
6 Passageway Doors at DPW Facility	\$ 12,880	Free Cash
7 Replacement of LF-19	\$ 13,000	Free Cash
8 Replacement of Dumpsters	\$ 10,000	Free Cash
9 Replacement of Guardrails	\$ 10,000	Free Cash
Total	\$797,380	

MOTION A: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.

Mr. Sidney made a motion to amend motion A which is already on the floor as follows. Seconded by Mr. Freedman: The motion is as follows:

MOTION A: (majority vote required)

Moved by Mr. Sidney, seconded by Mr. Freedman that the Town vote to appropriate from Tax Levy Free Cash 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 on the table on pages 19 and 20 of the 2009 Fall Town Meeting Recommendations of the Natick Finance Committee.

Ms. White stated that certification has been received. The Governor announced today that budget cuts are at the state level and not at the local level. We will not be receiving direct cuts for local aid.

Two motions on the floor, the main motion and the amendment

Amendment passes by unanimous vote.

Motion A under Article 6 as amended passes by unanimous vote.

MOTION B: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 a replacement Fire Engine 1 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.

The Finance Committee recommends favorable action on the subject matter of Motion B article 6

Motion B under Article 6 passes by unanimous vote

MOTION C: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 Article 10 of the 2006 Spring Annual Town Meeting.

The Finance Committee recommends favorable action on the subject matter of Motion C article 6

Motion C under Article 6 passes by unanimous vote.

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 are approved by the voters of the Town of Natick.
- 1 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
- 2 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.

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 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.

RECOMMENDATION: By a vote of 11-1-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 25 to the Town Administrator.

Moved by Mr. Freedman seconded by Mr. Jennett

Ms. Joan Craig spoke on this Article. Ms. Craig read the names who brought this forward to the body. The supporters of this article received constructive feedback which will result into amendments this evening. Ms. Shea offered an amendment to Article 25. Seconded by Mr. Brown.

Amendment is as follows:

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. The town administrator shall make the appointment of a town clerk from a list of three or more candidates, that list prepared by a screening committee. Said screening committee shall be appointed by the town moderator and consist consisting of not fewer than three but no more than five registered voters of the town. Such appointment shall be based on the screening committee’s recommendation, qualifications and experience including at least five years of progressively

Mr. Golden spoke on the amendment and stated that the Town Clerk is the Chief Election Officer of the Town and must be independent. He stated that by having individuals from the general public on the screening committee is a true democratic process. Ms. Cathi Collins spoke against the amendment and the whole article. Ms. Collins said that it’s absurd that three citizens can pick a good town clerk and that this is insulting. Mr. Power had a point of order that the discussion should only be on the amendment. Mr. Joseph asked what happens if there is a tie between the screening committee. Mr. Goldman stated the concept is great but the wording is flawed. Ms. Foster supports the amendment as it solves some balances of power. She offered some ‘friendly amendments’ so that the amendment reads as follows:

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. The town administrator shall make the appointment of a town clerk from a list of three or more candidates, that list prepared by a screening committee. Said screening committee shall be appointed by the town moderator and consist ~~consisting~~ of not fewer than three but no more than five registered voters of the

town. Such appointment shall be based on the screening committee's recommendation, qualifications and experience including at least five years of progressively

Mr. Munnich moved to postpone motions under Article 25 until November 3, 2009.

Mr. Munnich stated that postponing this article will allow refinement of the verbiage that so many are trying to find this evening.

Motion to postpone subject matter under Article 25 until November 3, 2009 passes by majority vote.

**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 bylaws."
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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman seconded by Mr. Jennett 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.”

There was debate on this article.

Motion under Article 26 passes by 2/3 vote.

**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 that 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;

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

1. 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”;
2. 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.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett, 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;
- 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

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“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.

Mr. Coburn stated that the members of the School Committee unanimously endorsed this article.

Ms. Collins stated that she could not support this article as it states ‘preliminary’. Mr. Lista, Finance Committee member is against this article. Mrs. Brown is also against this article.

Motion under Article 27 passes by 2/3 vote.

**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.”

(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.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 6 of the Natick Home Rule Charter as follows:

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.”

(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.”

Motion under Article 28 is on the floor and will be continued to be heard at the November 3 session.

Ms. Brown moved to adjourn. Seconded by Mr. Snow. The October 29 Fourth Session of the 2009 Fall Annual Town Meeting adjourned at 9:55 pm until Tuesday November 3, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 3, 2009
Fifth Session**

The fifth session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:39 pm who declared a quorum present. The hall stood for the Pledge of Allegiance. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fifth Session of the 2009 Fall Annual Town Meeting. The Moderator introduced the officials sitting on stage and in the well. To level set the meeting, the Moderator announced that at the last meeting we had a motion on Article 28.

ARTICLE 28: Amend Charter Article 6: Administrative Organization (Charter & By-Law Review Committee)

Motion was moved by Mr. Freedman seconded by Mr. Jennett on Thursday October 29, 2009

Main motion under Article 28 passes by 2/3 vote.

At this time the Moderator went over the Charter regarding reconsideration of Articles. He also read from the Town Meeting Handbook. Mr. Moderator made it clear that his decision was based on the facts that were presented on the subject matter of Article 2. He stated that the facts were compelling enough for him to place the reconsideration to Town Meeting Members. Mr. Moderator explained that Town Meeting Members would need to pass the reconsideration by a 2/3 vote in order to open discussion on Article 2 and 'wipe away' all original debate on the original vote of Article 2. Mr. Brown made a presentation. A lengthy debate followed the presentation. Mr. Sidney moved the question, seconded by Mr. Volpe.

Motion to move question passes by 2/3 vote

On the motion to reconsider, Mr. Moderator called for a hand count for the record. The count reported from the tellers was as follows:

In favor: 52 Against: 75

Motion to reconsider fails.

At this time Mr. Jennet moved for reconsideration of Article 2. He stated that since the time the vote occurred on Article 2 there have been changes. He stated that compelling evidence exists to reconsider this article. He presented the evidence. Seconded by Mr. Sidney. Mr. Jennett provided the Moderator with the materials that were used to bring forward the reconsideration. The Moderator indicated that all documentation would be available at the Office of the Town Clerk for viewing.

ARTICLE 25: Amend Charter & By-Laws To Provide That The Town Clerk Shall Be An Appointed Position (Joan Craig, et al)

Ms. Shea moved, seconded by Mr. Sidney, to postpone Article 25 until November 12, 2009. Ms. Craig is not available and there is work still to be done on the amendment.

Postponement of Article 25 until November 12 passes by 2/3 vote.

Mr. Crain moved to take Article 38 and Article 39 out of order. Mr. Sidney seconded.

Motion to advance fails.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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

Motion under Article 29 passes by unanimous vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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."

Moved by Mr. Freedman, seconded by Mr. Jennett. Mr. Sidney spoke on this article.

Mr. Connolly offered an amendment is as follows:

Delete paragraph 1a, 1b1, 1b2, 3b, seconded by Mr. Salvi. Mr. Connolly went on to explain why he is making these amendments.

Mr. Kessel moved to divide amendment, seconded by Mr. Farquaharson.

Motion on the amendment to divide amendment: passes

Amendment to delete 1a from main motion fails

Amendment to delete 1b1 from main motion fails

Amendment to delete 1b2 from the main motion fails

Amendment to delete 3b from the main motion fails

Mr. Linehan moved to amend section 1a seconded by Mr. Kupchik. He moved to add the word 'physically' between the words 'members' and 'present.'

Amendment fails

Mr. Munnich moved seconded by Mr. Goldman to change the Precedence of Motion Table as follows:

'Insert between the text for the Motions "Reconsideration" and "Main Motion" the following

text: "Take no action Yes Yes No majority"

Amendment passes by majority vote.

Amended main motion under Article 30 passes by majority vote.

Mr. Sidney moved to take Article 37 out of order, seconded by Mr. Jennett.

Motion passes 2/3 vote.

Article 37 will be the first order of business on November 5, 2009.

Mr. Kupchik moved to adjourn, seconded by Mr. Goldman. The November 3 Fifth Session of the 2009 Fall Annual Town Meeting adjourned at 10:03 pm until Thursday November 5, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 5, 2009
Sixth Session**

The Sixth Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:50 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Sixth Session of the 2009 Fall Annual Town Meeting. The Hall stood for the Pledge of Allegiance. The Moderator introduced the officials sitting on stage and in the well. At the last meeting there was a request for reconsideration of Article 2. The Moderator has asked for more information from the administration and will delay ruling until Tuesday November 10.

Before we adjourned at the last session, it was moved and seconded to advance to Article 37.

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.
- (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 9-0-0 on September 15, 2009, The Finance Committee recommends FAVORABLE ACTION as amended by the FinCom with regard to the subject of Article 37.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Freedman 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

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.

Ms. White spoke on the subject matter of Article 37.

Mr. Margil offered an amendment, seconded by Mr. Sidney. The amendment is as follows:

In Section 1 Immediately before the first semi- colon insert:

“or a designated non-member representative nominated by the Chair and ratified by the represented board or committee”

Mr. Jennett did not support this amendment. Mr. Coburn spoke on the merits of this amendment and urged the body to support it. Ms. Collins stated that in a committee of five it is difficult to get a quorum. Ms. Collins urged to support the amendment.

Mr. Pierce moved the question, seconded by Mr. Sidney.

Motion to move the question passes by 2/3 vote.

The Moderator called for Tellers. The reported count was as follows:

48 yes, 43 no, 3 abstentions.

Amendment prevails.

Mr. Munnich moved to amend, seconded by Mr. Coburn.

Amendment is as follows: where Audit Committee appears insert the word ‘Advisory’ between the word ‘Audit’ and ‘Committee’. In Section 2 (3) delete ‘note that this provision is not intended to’ and insert ‘this provision shall not’. in the motion preamble delete the word ‘Section’ and insert the word ‘Article’

Amendment passes by majority vote.

Mr. Luke moved, seconded by Mr. Brown for referral of the subject matter to the Board of Selectmen. Ms. Ball moved to move the question, seconded by Mr. Chouinard.

Motion to move the question passes by 2/3 vote.

Motion to refer fails.

Amended main motion under Article 37 passes by majority vote.

ARTICLE 31: Amend By-Laws Article10: Board of Selectmen (Charter & By-Law Review Committee)

Moved by Mr. Freedman, seconded by Mr. Jennett to postpone subject matter of Article 31 until November 12, 2009.

Motion to postpone subject matter of Article 31 until November 12, 2009 passes by unanimous vote.

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

2009 Fall Annual Town Meeting Thursday November 5, 2009 Sixth Session

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett 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”;
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.”

Motion under Article 32 passes by unanimous vote.

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:

- c. 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++

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	

Building Inspector C.S. laws and rules Central Equipment Purchasing Committee Director of Public Works Animal Control Officer Insurance Advisory Committee Director of Recreation and Human Services © 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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett 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+	Additional References++
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	© 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		

and

- c. in the footnotes to said Table, delete the words “C.S. – Civil Service;” delete the words “© – Charter;” and delete the words “c. – chapter;”

Motion under Article 33 passes by unanimous vote.

**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. On Thursday November 5, 2009 the Finance (9-0-0) voted favorably on the motion that was handed out this evening.

The Planning Board reviewed the revisions to By-Law Article 21 proposed under TM Article 34, and recommended that more of the current wording be retained in conjunction with the majority of the changes proposed by the Charter & By-Law Review Committee. The Planning Board provided revised wording for the Charter & By-Law Review Committee's consideration.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett 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:

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

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.

2.1 Upon the request of the Planning Board, the Community Development Director shall be assigned professional, administrative and technical work relating to the application of the zoning by-law, subdivision control law, planning studies and design, review of proposals and like work of a professional nature.

2.2 At the direction of the Town Administrator, the Community Development Director shall be the administrative supervisor for the Community Development Department, assist various Town Boards and Commissions, and undertake professional, administrative and technical work related to applicable town, state and federal laws to advance the interests of the Town.

4. Remove the first occurrence of the word "Planning" in the first sentence of Section 3 and replace it with "Community Development".

Motion under Article 34 passes by unanimous vote.

**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 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.”; 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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 and Parks 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.”

Motion under Article 35 passes by unanimous vote.

**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.”;
1. 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.”;
2. 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
3. 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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.”;
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.”

Mr. Munnich suggested in the future amending seven days’ to ‘ten days’.

Mr. Connolly provided an amendment. Seconded by Mr. Regan, to delete Item 3 on page 120 in the Finance Committee Book.

Amendment fails.

Motion under Article 36 passes by majority vote.

Mr. Goldman made a motion to postpone subject matter of Article 38 and Article 39 to Tuesday November 10, 2009. Motion seconded by Mr. Sidney.

Motion to postpone subject matter of Article 38 and Article 39 to Tuesday November 10, 2009 passes by unanimous vote.

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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.”

Motion under Article 40 passes by unanimous vote.

Ms. Brown moved to adjourn, seconded by Mr. Snow.

Motion to adjourn fails.

Ms. Brown questioned if there was a quorum present.

The Moderator counted the members present.

There were 78 Town Meeting Members in attendance therefore there was no quorum present. The November 5 Seventh Session of the 2009 Fall Annual Meeting adjourned at 9:48pm until Tuesday, November 10, 2009.

2009 Fall Annual Town Meeting Thursday November 5, 2009 Sixth Session

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 10, 2009
Seventh Session**

The Seventh Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:38pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Seventh Session of the 2009 Fall Annual Town Meeting. The Hall stood for the Pledge of Allegiance.

To level set the meeting Article 25 and Article 31 will be heard on Thursday November 12.

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.

MOTION: (Requires majority vote)

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

A positive main motion was presented as follows:

Moved by Mr. Goldman, seconded by Mr. Margil that the Town 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.

Selectman Van Amsterdam made a presentation.

Mr. Sidney moved, seconded by Mr. Jennet to refer subject matter to Board of Selectmen and Town Administrator.

Mr. Goldman stated that this is a highly emotional issue and urged support of the positive main motion and urged to defeat referral. Ms. Collins asked who will evaluate the candidates.

Ms. Collins moved to indefinitely postpone/seconded by Mrs. Brown.

Mr. Haugland urged the body to support the positive motion as Natick needs exceptional candidates for the Police Chief position. Fire Chief Sheridan stated that this article would cause controversy within the Police Department.

On the motion to refer to Board of Selectmen and Town Administrator: referral fails.

Indefinite postponement: fails

Main motion under Article 38 prevails by majority vote.

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

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.

MOTION: (Requires majority vote)

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

Moved by Mr. Goldman, seconded by Mr. Sidney that 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 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
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.

Ms. Collins asked about the current Interim Chief's position as to how long it will last. The Town Administrator indicated that it may be a one year appointment. Mr. Margil urged the body to pass this article. Ms. Van Amsterdam indicated that countless hours went into the preparation of these articles. Mr. Farquharson asked if there is a job description for the police chief and expressed concern with the screening process. Mr. Haugland urged support this article.

Motion under article 39 passes by majority vote.

Article 2 was originally heard and voted on at the October 20 First Session of the 2009 Fall Annual Town Meeting. Following is the reconsideration

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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to transfer the sum of \$150,000 from Article 5, Section G: Shared Expenses, Line-Item Fringe Benefits of the 2009 Spring Annual Town Meeting to the Stabilization Fund.

Motion passes by 2/3 vote.

Mr. Moderator indicated that there was compelling circumstances to reconsider an article. He read from the Town by-laws which covered the reasons for reconsideration. He thanked the Town Administrator, the Deputy Town Administrator and Ms. Dangelo.

Mr. Jennett urged for favorable action on the reconsideration.

Motion to reconsider: passes by 2/3 vote.

Mr. Golden moved to amend as follows, seconded by Ms. Collins

Motion A:

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

Motion B:

Move that the Town vote to appropriate the sum of \$650, 000 to the Stabilization Fund, and that the sum of \$650,000 be raised from the Tax Levy.

The Finance Committee voted favorably 9-0-0.

To create motion A and motion B motion passes by unanimous vote.

Motion A: passes by 2/3 vote

Motion B: passes by 2/3 vote.

Mr. Pierce moved to adjourn, seconded by Mr. Chouinard. The November 10 seventh session of the 2009 Fall Annual Town Meeting adjourned at 10:04 pm until Thursday November 12, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 12, 2009
Eighth Session**

The Eighth Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 7:53pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Eighth Session of 2009 Fall Annual Town Meeting. The Moderator introduced the officials on stage and in the well. The rules that were adopted are still in place.

From previous meetings, Article 25 and Article 31 were postponed. In regards to Article 25 there was a motion that was on the floor motion made by Mr. Freedman seconded by Mr. Jennet. There was an amendment by Ms. Shea and an amendment to the amendment by Ms. Adelman Foster.

Ms. Adelman-Foster moved to withdraw the amendment to the amendment. Mr. Connolly objected to the withdrawal of the amendment.

Motion to withdraw the amendment to the amendment passes by majority vote.

Ms. Shea moved to withdraw her amendment. **Motion passes by majority vote.**

ARTICLE 25: Amend Charter & By-Laws To Provide That The Town Clerk Shall Be An Appointed Position

(Joan Craig, et al)

Moved by Ms. Shea, seconded by Mr. Goldman that the Town vote to amend the Natick Home Rule Charter as follows:

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

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:

"Section 6-5 Town Clerk

(a) Term of Office; Appointment; Qualifications - There shall be a town clerk appointed by the town administrator for a term of three (3) years.

The town administrator shall make the appointment of a town clerk from a list of two or more finalists, that list prepared by a screening committee.

The screening committee shall be appointed by the town moderator and shall consist of not fewer than five and not more than seven members, no fewer than five of whom shall be voters in the town of Natick. Of the five members required to be voters in the town of Natick, no two shall be members of the same multiple member body. Any member who is not a voter in the town of Natick must have special expertise regarding the office or the duties of town clerks in the

Commonwealth of Massachusetts.

If the screening committee determines that there are not at least two applicants qualified to perform the duties of town clerk, the screening committee shall report to the town administrator that it is unable to complete its assigned task. In that event, the town administrator shall direct the screening committee to reopen the search process.

Within thirty days following the date the list of finalists is submitted to him, the town administrator shall choose one of the said nominees to be appointed to the office of the town clerk. If the town administrator decides not to appoint one of the nominees, he shall direct the screening committee to reopen the search process.

Upon the appointment of the town clerk, the screening committee established hereunder shall be considered discharged.

The minimum qualifications for the position of town clerk shall include the following:

- (1) A bachelor's degree in public administration, government, or business management, or an equivalent combination of experience and education.
- (2) At least five years of progressively responsible administrative work in municipal government and in the field of municipal records and/or office management.
- (3) 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.

(b) Reappointment - Prior to determining whether the town clerk shall be reappointed at the end of his term, the town administrator shall solicit public comment regarding the town clerk's impartiality as chief elections officer. If the town administrator determines not to reappoint the town clerk, the procedure under Section 6-5(a) shall be followed.

(c) 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. The town administrator's administrative supervision shall not be construed to abridge any of the aforementioned powers or duties.

(d) 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.

Ms. Craig spoke on this article.

Mr. Goldman moved the question, seconded by Mr.Espo.

Motion to move the question passes by 2/3 vote.

On the motion to refer to Joan Craig At al, Town Moderator and Town Administrator

Motion to refer fails.

Ms. Lavash asked for a hand count.

The Moderator asked if there were seven voters who contested his ruling. There were seven voters.

Tellers were called forward to count.

Mr. Moderator asked for Town Counsel to assist in counting the tellers count.

The hand count reported by the tellers and tallied by the Moderator and Town Counsel was:

In favor of referral: 41 Against referral: 57

Motion to refer fails

Next motion is the amendment as printed in the handout. Since the motion was not in the Finance Recommendation Book the Moderator read the motion to the body.

Mr. Connolly indicated that the last item 4 didn't make sense since there isn't a section 3.1A in Article 6. He asked if there would be an opportunity to address this before it is voted, the Moderator responded that he would allow a change.

Motion on the amendment: passes by majority vote

Mr. Sidney moved to amend item 4, article 6 seconded by Mr. Margil.

Mr. Connolly indicated that item 4 with the proposed amendment is the same as item 1 and that the mover of the amendment may not be intending such.

Mr. Connolly moved to delete item 4, seconded by Ms. Leonard

My Sidney withdrew his amendment.

Motion to delete item 4 from the motion passes by majority vote.

Mr. Coburn moved to dispense with the reading of the motion, seconded by Mr. Foster.

Motion passes.

The motion as amended now reads:

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

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

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:
"Section 6-5 Town Clerk
(a) Term of Office; Appointment; Qualifications - There shall be a town clerk appointed by the town administrator for a term of three (3) years.

The town administrator shall make the appointment of a town clerk from a list of two or more finalists, that list prepared by a screening committee.

The screening committee shall be appointed by the town moderator and shall consist of not fewer than five and not more than seven members, no fewer than five of whom shall be voters in the town of Natick. Of the five members required to be voters in the town of Natick, no two shall be members of the same multiple member body. Any member who is not a voter in the town of Natick must have special expertise regarding the office or the duties of town clerks in the Commonwealth of Massachusetts.

If the screening committee determines that there are not at least two applicants qualified to perform the duties of town clerk, the screening committee shall report to the town administrator that it is unable to complete its assigned task. In that event, the town administrator shall direct the screening committee to reopen the search process.

Within thirty days following the date the list of finalists is submitted to him, the town administrator shall choose one of the said nominees to be appointed to the office of the town clerk. If the town administrator decides not to appoint one of the nominees, he shall direct the screening committee to reopen the search process.

Upon the appointment of the town clerk, the screening committee established hereunder shall be considered discharged.

The minimum qualifications for the position of town clerk shall include the following:

- (1) A bachelor's degree in public administration, government, or business management, or an equivalent combination of experience and education.
- (2) At least five years of progressively responsible administrative work in municipal government and in the field of municipal records and/or office management.
- (3) 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.

(b) Reappointment - Prior to determining whether the town clerk shall be reappointed at the end of his term, the town administrator shall solicit public comment regarding the town clerk's impartiality as chief elections officer. If the town administrator determines not to reappoint the town clerk, the procedure under Section 6-5(a) shall be followed.

(c) 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. The town administrator's administrative supervision shall not be construed to abridge any of the aforementioned powers or duties.

(d) 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.~~

The reported count was as follows: In Favor: 64 Against: 33

Amended main motion under Article 25 fails by 2/3 vote

Mr. Munnich moved to adjourn, seconded by Mr. Espo.

The November 12 Eighth Session of the 2009 Fall Annual Town Meeting adjourned at 10:25 pm until Tuesday November 17, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 17, 2009
Ninth Session**

The Ninth Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss at 8:03pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the ninth session of 2009 Fall Annual Town Meeting. The Moderator introduced the officials on stage and in the well. The rules that were adopted are still in place.

Mr. Jennett sought the floor to reconsider Article 25. Seconded by Mr. Freedman. Mr. Jennett presented some information that he felt was compelling in the reconsideration of Article 25.

ARTICLE 25: Amend Charter & By-Laws To Provide That The Town Clerk Shall Be An Appointed Position (Joan Craig, et al)

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.

Moved by Mr. Jennett, seconded by Mr. Freedman.

Mr. Sidney moved to postpone Article 25 motion B, seconded by Mr. Salvi. The Moderator could not take that motion because it's not time certain.

Mr. Sidney moved to postpone consideration of Article 25B until November 19, 2009.

2009 Fall Annual Town Meeting Tuesday November 17, 2009 Ninth Session

Mr. Coburn asked if the moderator could rule on the reconsideration tonight. The Moderator responded he could not rule this evening. Mr. Coburn moved to Indefinitely Postpone article 25B seconded by Mr. Munnich.

Mr. Coburn indicated that all the information tonight had been available and it was just not presented.

Motion to postpone consideration of Article 25B until November 19, 2009 passes by majority vote.

**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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 General Fund 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, 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”; and in the column titled “Citation” next to the words “South Middlesex Regional Vocational School” add the citation “(A)s1”.

Mr. Sidney moved to amend the main motion under Article 31 as follows seconded by Mr. Maguire. The amendment is as follows:

1. *In Item 1, change sub-item b) to read*
B) replace the word "have" with the words "be responsible for"
2. *Delete item 3.*
3. *Renumber item 4 as number 3.*
4. *In item 2, at the end before the semi-colon, add a period after the words "Reserve Fund".*
5. *In item 3b, at the end, delete the word "and" after the semi-colon.*
6. *In item 3c, add a closing quotation mark after the words "Representatives to Regional Boards" in the 3rd line from the bottom.*
7. *In Item 3c, add the word "Advisory" between the words "Audit" and "Committee"*

8. *Add item 4:*

4. In the table labeled "APPOINTMENTS MADE BY THE BOARD OF SELECTMEN", next to the words "Audit Advisory Committee" under the column heading "Citation", add the citation "(B) Art. 23A".

9. *Add item 5:*

5. Delete the line "Town Forest Committee" from the table labeled "APPOINTMENTS MADE BY THE BOARD OF SELECTMEN".

Mr. Sidney indicated that there were typographical errors that needed to be addressed and that it's the **purpose of the amendment.**

Amendment passes by majority vote.

Mr. Sidney moved to waive the reading of the amended main motion, seconded by Mr. Foster.

Amended main motion under Article 31 passes by majority vote.

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.”

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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 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.”

Motion under Article 41 passes unanimously.

**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.

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.

MOTION: (Requires majority vote)

The Finance Committee has postponed action on this item until October 20, and therefore does not have a recommendation with respect to Article 42. If a positive main motion is proposed, however, the following would be the proper form:

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town 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”.

Mr. Foster moved to waive the reading of the amended motion, seconded by Mr. Sidney.

Motion to waive the reading of the amended motion passed unanimously.

Motion as amended under Article 42 passes by unanimous vote.

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

2009 Fall Annual Town Meeting Tuesday November 17, 2009 Ninth Session

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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett 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”

Mr. Munnich moved to remove the second comma after the word ‘fee’. Seconded by Mr. Glater.

Motion to remove the second comma passes by unanimous vote.

Motion as amended under Article 43 passes by unanimous vote.

**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
- 2009 Fall Annual Town Meeting Tuesday November 17, 2009 Ninth Session

to enforce this By-Law, state his true name and address to said official.

1. 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.
2. 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.
3. 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.”

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

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,

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.

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 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”
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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 paragraphs, 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.”

In the second line of Section 16.8, delete the word “his” and in its place insert the words “the investigating officer’s”;

8. In the third line of Section 16.9, delete the punctuation and number “.4”;
9. 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

10. 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”;
- 11. In Section 22.1, in the second line, add the words “and placard” after the word “plates;”
- 12. In Section 22.2, in the second line of the first paragraph, add the words “and placard” after the word “plate;”
- 13. 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, 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.”

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.		

Moved by Mr. Freedman seconded by Mr. Jennett. Mr. Freedman offered two corrections to typographical errors as follows:

To correct the seventh line on the table titled ‘Total Parking Spaces’ change the numbers 1001-5000 to 1001 -2000 and the percentages in that column be moved to the column immediately to the right.

Mr. Munnich offered an administrative change to correct the word ‘mininum’ to ‘minimum.’

So that the table appears as follows:

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
1001-2000	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
 - b. in the seventh line, delete the word “four” and insert in its place the word “five”.

Mr. John Magee moved to divide the main motion as follows, seconded by Mr. James Magee.

Motion A- Items 1-4, 6-10, 12-14

Motion B- Item 5

Motion C- Item 11

Motion to divide prevails by majority vote.

Mr. Sidney moved to change the word ‘AND’ to ‘OR’ in Motion A item number 12 and 13 in motion A, seconded by Ms. Adelman-Foster.

2009 Fall Annual Town Meeting Tuesday November 17, 2009 Ninth Session

Motion to amend passes by unanimous vote.

Motion A (Items 1-4, 6-10, 12-14) under Article 44 as amended passes by majority vote.

On Motion B (Item 5) Mr. Snow offered the following amendments. The amendments are as follows:

Move to amend Section 14b, entitled “Public consumption or Use of Marihuana or Tetrahydrocannabinol.” As follows:

(A) *In the part enumerated as number 1, on the first line, between the word “shall” and “smoke”, insert the word “display” followed by a comma. The first line will then read: “1. No person shall display, smoke, ingest, or otherwise use or consume marihuana or “.*

(B) *In the part enumerated as number 2, on the first line, between the words “tetrahydrocannabinol” and “smoked”, insert the word “displayed”, followed by a comma. The first line will then read: “2. Any marihuana or tetrahydrocannabinol displayed, smoked, ingested, or otherwise used or”.*

(C) *In the part enumerated as number 1, on the last line, between the word “licensees” and the closing period, insert a semicolon and the words “or otherwise in public view” followed by a comma and the words “where there is no reasonable expectation of privacy”. The last line will then read: “licensees: or otherwise in public view, where there is no reasonable expectation of privacy.”*

Motion seconded by Mr. Linehan.

The Moderator proceeded with the amended amendment consistent with Town Meeting Time § 49 as motion (A), (B) and (C) under Motion B, Item 5 under Article 44.

Motion (A) under Motion B, Item 5 under Article 44 as amended with the word “display” prevails by majority vote.

Motion (B) under Motion B, Item 5 under Article 44 as amended with the word “displayed” prevails by majority vote.

Ms. Strauss moved to amend motion (C) Seconded by Mr. Glater. The amendment is as follows:

Striking ‘*or otherwise in public view, where there is no reasonable expectation of privacy*’

Amendment to Motion (C) passes by majority vote.

Mr. John Magee moved to amend the motion as follows:

Motion b paragraph 1 by removing the words following Natick. ~~or any place to which the public has a right of access as invitees or licensees.~~—(text on top of page 150)

Seconded by Mr. Glater.

Motion on the amendment by Mr. Magee fails.

Mr. Sidney moved to waive the reading of the motion, seconded by Mr. Jennett.

Motion C (Item 11) under Article 44 passes by majority vote.

Mr. Munnich moved to take Article 58 and Article 59 as the next order of business seconded by Mr. Foster.

Ms. Shea questioned a quorum. There were 72 members present. The November 17 ninth session of the 2009 Fall Annual Meeting adjourned at 10:06 pm until Thursday November 19, 2009.

A true copy, attest:

Onorina Z. Maloney
Interim Town Clerk

**2009 Fall Annual Town Meeting
Wilson Middle School
Marshall Lebowitz Town Meeting Hall
November 19, 2009
Tenth Session**

The tenth Session of the 2009 Fall Annual Town Meeting was called to order by Moderator Frank W. Foss who declared a quorum present at 7:50 p.m. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Tenth Session of 2009 Fall Annual Town Meeting.

Mr. Foss read into record the following memorandum provided to the Moderator, Board of Selectmen, and Town Counsel dated November 18, 2009 from Interim Town Clerk Onorina Maloney:

Due to a previous long standing commitment, I will not be able to fulfill my duties as Clerk of Town Meeting at the November 19, 2009 Tenth Session of the Natick Fall Annual Town Meeting. Pursuant to MGL Ch. 41§19, I hereby appoint Ms. Donna Challis as Assistant Town Clerk for the duration of the November 19, 2009 session only. Ms. Challis will be responsible for recording votes passed at said session among other related recording responsibilities, at said town meeting session.

Ms. Challis was sworn in as Assistant Town Clerk by the Moderator prior to Town Meeting being called to order.

At the last meeting there was a motion to advance to Articles 58 and 59. Motion had been made by Mr. Munnich, seconded by Mr. Foster. As there was a failure to get a quorum, a vote had not been taken on the motion at that time. The first order of business of the Tenth session was to take a vote on the motion to advance Articles 58 and 59. The motion passed by a 2/3 vote.

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”

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.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett, 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, 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”

Robert Foster, Chair of the Planning Board, explained the rationale of the article and answered members’ questions.

Motion under Article 58 passed by a 2/3 vote.

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.

MOTION: (Requires 2/3 vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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.”

Vice-Chair of the Board of Selectmen Joshua Ostroff made a short presentation on the article that included a comparison of parking requirements of other communities, a cost comparison, and a review of the changes made in the past few years for restaurants in Natick Center.

AMENDMENT:

Mr. Foster, seconded by Mr. Griesmer, moved to amend the main motion by replacing the sentence “Within the DM District, 1 space for every four (4) seats.” With “Within the DM District, subject to the approval of the SPGA the parking requirement may be reduced to not less than 1 space for every four (4) seats.”

Motion passed by a majority vote.

AMENDMENT TO THE AMENDMENT:

Mr. Coburn, seconded by Mr. Foster, moved to amend Mr. Foster's motion by striking the second sentence of the final paragraph and inserting in its stead the words "Within the DM District, subject to the approval of the SPGA, the parking requirement may be reduced to not less than 1 space for every four (4) seats."

Motion passed by a majority vote.

SECOND AMENDMENT

Mr. Snow, seconded by Mr. Forshner, moved to amend the main motion by amending the punctuation and words that are underlined by deleting the following: ", night clubs, bars and lounges". The underlined text will then read: "For restaurants"

Motion failed.

Mr. Sidney, seconded by Mr. Jennett, moved to waive the reading of the amended main motion. Motion passed by a majority vote.

The amended main motion passes by a 2/3 vote.

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 are approved by the voters of the Town of Natick.
 - 1 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
 - 2 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 11-1-0 on September 22, 2009, The Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 25 to the Town Administrator.

At the last session Mr. Jennett, seconded by Mr. Freedman, moved to request reconsideration of Article 25 motion A. The Moderator took the matter of reconsideration under advisement and expected to have a ruling for tonight's session.

Mr. Jennett moved to withdraw his motion for reconsideration of Article 25 Motion A. Seconded by Mr. Freedman.
Motion 25B was postponed from the November 17, 2009 session

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.

Mr. Foster, seconded by Mr. Sidney, moved referral of Article 25 Motion B to the makers of the article, the Moderator, and the Town Administrator.

Ms. Brown moved indefinite postponement but in an effort to expedite the proceedings Mr. Foss declined to accept a subsidiary motion until after the disposition of the referral motion.

The referral motion passed by majority vote.

**ARTICLE 45: Amend By-Laws Article 51: Alarm Systems
2009 Fall Town Meeting Article 45
Revised Motion (Nov. 10, 2009)**

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”;
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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett, Moved that the Town vote to amend Article 51 of the Town of Natick By-Laws as follows as printed on the handout of revised motions dated November 10, 2009:

1. In Section 1 a.,
delete the words "110 volt AC" and insert in their place the word "power";
delete the word "plugs" and insert in its place the word "connects";
delete the word "line" and insert in its place the word "source";
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.";
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".

Discussion:

This new main motion is being presented for the following reasons:

" During the Finance Committee public hearing on this Article on September 8, 2009, the Finance Committee was informed by representatives of the Charter and Bylaw Review Committee ("CBRC") that the CBRC had also voted changes to Section 10 of Bylaw Article 51, but that these changes had inadvertently been omitted from the warrant.

" Following the testimony heard during that public hearing, the Finance Committee voted to recommend favorable action of all of the changes that were being recommended by the CBRC, including those to Section 10 of the Bylaw. The motion that appears in the Finance Committee Recommendation Handbook reflects all of these changes.

" Subsequently, the changes to Bylaw Article 51 Section 10 were determined to be out of scope of Town Meeting Warrant Article 45, because the original language of Town Meeting Article 45 as printed in the warrant did not include any modifications to Bylaw Article 51 Section 10.

" On October 20, 2009, the Finance Committee voted 10-0-0 to reconsider Town Meeting Article 45 in light of this information, and in a public hearing that evening voted 10-0-0 to recommend favorable action on a new main motion which was the same as the original motion as printed in the Finance Committee Recommendation Handbook but with the deletion of the final three lines of the motion that pertained to Section 10 of Bylaw Article 51.

" Minor grammatical corrections have also been made pertaining to the motion language for Section 1a.

Carol A. Gloff, Chair of the Charter & By-Law Review Committee, explained the Committee's rationale in putting forth the proposed amendments.

Mr. Sidney, seconded by Mr. Margil, moved to waive the reading of the motion. **Motion passed by a majority vote.**

The main motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Sidney, seconded by Mr. Freedman, moved that the Town refer the subject matter of Article 46 to the Board of Selectmen.

Joshua Ostroff, Vice-Chair of the Board of Selectmen, reported that the Board of Selectmen supported referral.

The motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett moved 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
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."

The Chair of the Charter & By-Law Review Committee Carol Gloff explained the changes being proposed and the rationale.

The motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Sidney, seconded by Mr. Freedman, moved that the Town refer the subject matter of Article 48 to the Town Administrator and Cathleen M. Collins.

The motion passed unanimously.

**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.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett, 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”;
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”; and

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
 - c. Paragraph 11 – renumbers to Paragraph 3

Chair of the Charter and By-Law Review Committee Carol Gloff explained the changes being proposed and the rationale.

The Moderator inquired if the intent was to make the renumbering of the paragraphs part of the motion. Ms. Gloff did not believe the renumbering applied to the warrant article.

Mr. Paul Connolly, seconded by Mr. Snow, moved to delete Item 4 of the main motion.

The amendment passed by majority vote.

Mr. Greenberg, seconded by Ms. Leonard, moved to amend the main motion of Article 49 Building Regulations of bylaw Article 72 in Section 6 by deleting the words “or on public property” in the heading and in line 2 Section 6, page 181, after the words of any street, the words “or on public property”.

Charter & By-Law Review and Finance Committee member Richard Sidney spoke in opposition to the amendment. Ms. Eric Ball also spoke against the amendment.

The amendment failed.

Mr. Sidney, seconded by Mr. Goldman, moved to waive the reading of the motion.

The motion passed by majority vote.

The main motion as amended by Mr. Connolly passed by majority vote.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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:"

Chair of the Charter & By-Law Review Committee Carol Gloff explained the proposed changes.

The motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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”

In making the motion Mr. Freedman stated that Item 6 in the Finance Committee recommendations that dealt with the renumbering of paragraph numbers should be deleted.

Mr. Connolly, seconded by Mr. Coughlin, moved to change the numbers 4 & 5 in the main motion to 1 & 2.

The amendment passed unanimously.

Mr. Goldman, seconded by Mr. Sidney, moved to waive the reading of the motion.

The motion passed unanimously.

The amended main motion passed unanimously.

**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.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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”;
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”

Mr. Freedman’s motion deleted No. 7 shown on page 192 of the Finance Committee recommendations. Chair of the Charter & By-Law Review Committee Carol Gloff explained the proposed changes. Nancy Lavash, a member of the Historical Commission reported that the Historical commission supports the changes outlined.

The motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett moved 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.

Chair of the Charter & By Law Review Committee Carol Gloff explained the proposed changes.

The motion passed unanimously.

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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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.”

Chair of the Charter & By-law Review Committee Carol Gloff explained the proposed changes.

The motion passed by majority vote.

**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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, Moved 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.”

Chair of the Charter & By Law Review Committee Carol Gloff explained the proposed changes.

The motion passed unanimously.

**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 October 6, 2009, The Finance Committee recommends REFERRAL with regard to the subject of Article 56 to the Charter & By-Law Review Committee.

MOTION: (Requires majority vote)

Mr. Sidney, seconded by Mr. Glater, moved that the Town refer the subject matter of Article 56 to the Charter & By-law Review Committee.

Chair of the Charter & By-law Review Committee Carol Gloff explained the rationale for referral and advised that the Committee may or may not bring it back.

The motion passed unanimously.

**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, Health Officer, s.16A 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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved 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;” delete the word “offense” after the word “Fourth” and insert in its place the words “and subsequent offenses;” and add the words “in a calendar year” after the words “Fourth and subsequent offenses” 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

Chair of the Charter & By-Law Review Committee Carol Gloff explained the proposed changes.

The motion passed unanimously.

**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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved that the Town hear a Report of Community/Senior Center Building Committee

Mr. Goldman, seconded by Mr. Connolly, moved referral to the Board of Selectmen to bring back at a subsequent time.

Mr. Jennett, Ms. Rosen, Mr. Margil, and Mr. Friswell spoke against the referral motion urging Town Meeting to hear the presentation.

The motion failed.

The main motion passed by majority vote.

Mr. Jennett, Chair of the Finance Committee, Vice-Chair of the Senior Center Study Committee, and Vice-Chair of the Building Committee presented the report.

He reported that the new senior community center was proposed to be constructed on the site currently occupied by the Kennedy Senior Center and former Natick District Court and would serve all age groups of the community. It was proposed to be a two story structure and using a diagram of the proposed facilities, Mr. Jennett highlighted the various areas to be contained in the structure. The total cost of construction and ongoing operating costs would be developed over the upcoming month in anticipation of a March 2010 debt exclusion vote.

The Moderator expressed his appreciation for the assistance provided by the Deputy Town Administrator, the pages, and the Wilson Middle School staff over the course of Town Meeting. Also recognized was the staff of Natick Pegasus.

**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.

MOTION: (Requires majority vote)

Mr. Freedman, seconded by Mr. Jennett, moved that the Town hear a Report of the Economic Development Committee.

Out of respect and consideration of the members of Town Meeting, Paul Joseph Chair of the Economic Development Committee recommended referral of the article to the maker.

Mr. Joseph, seconded by Mr. Foster, moved referral of Article 61 to the Economic Development Committee.

The referral motion passed by majority vote.

Mr. Coburn, seconded by Mr. Sidney, moved to dissolve Town Meeting. Unanimously voted to dissolve.

The November 19 tenth and final session of the 2009 Fall Annual Town Meeting dissolved at 10:15 pm.

A true copy, attest:

Donna Challis,

Assistant Town Clerk for the November 19, 2009 Fall Annual Town Meeting