

**2012 Fall Annual Town Meeting
Natick High School Auditorium
October 18, 2012
Second Session**

The Second Session of the 2012 Fall Annual Town Meeting was called to order at 7:30 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Second Session of 2012 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. The oath was given to new Town Meeting Members. The members of Town Meeting stood for the Pledge of Allegiance and a moment of silence for all those serving overseas.

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

The Moderator reminded Town Meeting that the general rules and procedures governing Town Meeting remain in effect. In addition, the Moderator reiterated that any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking thereon.

The Moderator allowed Mr. Glater, Chair of the Planning Board to address Town Meeting. Mr. Glater informed Town Meeting that the votes taken by the Planning Board on any articles other than 17 and 33 are not in effect as there was a defect in the details of the agenda. The votes taken on Articles 17 and 33 are in effect. The Planning Board has no recommendation on any other articles.

Town Meeting will begin with Articles 20 and 21 and then return to Article 17 and proceed through the end of the warrant.

**Article 20: Designation of Natick Industrial Park as Economic Opportunity Area
(Town Administrator)**

To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application to designate the Natick Industrial Park as an Economic Opportunity Area, said Area to be comprised of the following parcels, listed by Assessors Map and Lot numbers:

08-0000001C	08-0000002B	08-0000041H	09-0000002B	14-00000076
08-0000001D	08-0000002C	08-0000042A	09-0000002C	14-0000075E
08-0000001E	08-0000002E	08-0000042B	09-0000002D	14-0000075G
08-0000001F	08-00000042	08-0000042C	09-0000002E	14-0000075I
08-0000001K	08-00000043	08-0000042D	09-0000002F	14-0000076A
08-0000001M	08-000001SA	08-0000042E	09-0000002G	14-0000077A
08-0000001P	08-000001SB	08-0000042F	09-0000002J	14-0000077B
08-0000001Q	08-0000041A	08-000041FA	09-0000002K	15-0000105A
08-0000001R	08-0000041B	08-000041FB	09-0000002L	15-0000105B
08-0000001T	08-0000041C	08-00041FBB	09-0000002M	15-0000105C
08-0000001U	08-0000041E	09-00000028	09-0000002N	
08-0000001V	08-0000041G	09-0000002A	09-0000028A	

or otherwise act thereon

RECOMMENDATION:

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

MOTION (Requires Majority Vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an

application to designate the Natick Industrial Park as an Economic Opportunity Area, said Area to be comprised of the following parcels, listed by Assessors Map and Lot numbers:

08-0000001C	08-0000002B	08-0000041H	09-0000002B	14-00000076
08-0000001D	08-0000002C	08-0000042A	09-0000002C	14-00000075E
08-0000001E	08-0000002E	08-0000042B	09-0000002D	14-00000075G
08-0000001F	08-00000042	08-0000042C	09-0000002E	14-00000075I
08-0000001K	08-00000043	08-0000042D	09-0000002F	14-00000076A
08-0000001M	08-000001SA	08-0000042E	09-0000002G	14-00000077A
08-0000001P	08-000001SB	08-0000042F	09-0000002J	14-00000077B
08-0000001Q	08-0000041A	08-0000041FA	09-0000002K	15-0000105A
08-0000001R	08-0000041B	08-0000041FB	09-0000002L	15-0000105B
08-0000001T	08-0000041C	08-0000041FBB	09-0000002M	15-0000105C
08-0000001U	08-0000041E	09-00000028	09-0000002N	
08-0000001V	08-0000041G	09-0000002A	09-00000028A	

Mr. Reffett spoke to Articles 20 and 21 at the same time. Discussion ensued.

The main motion under Article 20 passed by majority vote.

ARTICLE 21: Designation of Mercer-Strathmore Road Area as Economic Opportunity Area (Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application to designate the Mercer-Strathmore Road area as an Economic Opportunity Area, said Area to be comprised of the following parcels listed by Assessors' Map and Lot numbers:

24-00000091	24-0000090K	24-0000090S	24-0000090Y	24-000090FA
24-0000090A	24-0000090L	24-0000090T	24-0000090Z	24-000090FB
24-0000090F	24-0000090N	24-0000090U	24-000089CB	24-000090HA
24-0000090G	24-0000090P	24-0000090V	24-000089CF	24-000090HB
24-0000090H	24-0000090Q	24-0000090W	24-000090AB	
24-0000090I	24-0000090R	24-0000090X	24-000090AD	

or otherwise act thereon

RECOMMENDATION:

By a vote of 13-0-0 on September 13, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 21.

MOTION (Requires Majority Vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application to designate the Mercer-Strathmore Road area as an Economic Opportunity Area, said Area to be comprised of the following parcels listed by Assessors' Map and Lot numbers:

24-00000091	24-0000090K	24-0000090S	24-0000090Y	24-000090FA
24-0000090A	24-0000090L	24-0000090T	24-0000090Z	24-000090FB
24-0000090F	24-0000090N	24-0000090U	24-000089CB	24-000090HA
24-0000090G	24-0000090P	24-0000090V	24-000089CF	24-000090HB
24-0000090H	24-0000090Q	24-0000090W	24-000090AB	
24-0000090I	24-0000090R	24-0000090X	24-000090AD	

The main motion under Article 21 passed by majority vote.

Mr. Ostroff moved, seconded by Mr. Munnich, to hear Article 30 after Article 17. *The motion to take Article 30 after Article 17 passed by a 2/3 vote.*

ARTICLE 17: Transfer of Funds to Conservation Fund for Trails Construction and Improvement (Planning Board)

To see if the Town will vote to appropriate or transfer the sum of \$50,065.00 to the Conservation Fund restricted for use in trails construction and improvements. Said funds being the receipts of

citations issued to developments subject to the Planning Board's Site Plan Review and/or Special Permits, or otherwise act thereon.

RECOMMENDATION:

By a vote of 12-0-0 on September 11, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 17.

MOTION (Requires Majority Vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the *Town* vote to appropriate from Free Cash the sum of \$50,065 to the Conservation Fund restricted for use in trails construction and improvements. Said funds being the receipts from citations issued to developments subject to the Planning Board's Site Plan Review and/or Special Permits.

Mr. Munnich spoke to this article. Ms. Farquharson moved, seconded by Ms. Collins to refer Article 17 to the Planning Board. Mr. Coburn moved, seconded by Mr. Sidney to move the question and end debate on the referral motion. *The motion to close debate on the referral motion passed by a 2/3 vote. The motion to refer Article 17 to the Planning Board did not pass.*

The Moderator noted that without exception, the word "Town" will be added prior to the word "vote" in the first line of the motion. *The main motion under Article 17 passed by majority vote.*

ARTICLE 30: Amend By-Laws: No Unauthorized Vehicles in Town Forest (Town Administrator)

To see if the Town will vote to amend Article 50, Section 21 of the Town of Natick By-Laws as follows: (1) by adding the words "without limitation" and "all-terrain vehicles" to the first sentence, first paragraph; (2) by adding a new third paragraph, which reads "With respect to public property owned by the Town of Natick, the provisions of this Section 21 may be enforced by the officer, department, board or commission which has care, custody and control of the subject public property"; and (3) by adding a new fourth paragraph, which reads: "Whoever violates any provision of this By-Law shall be subject to a fine of fifty dollars (\$50.00) for the first violation and one hundred fifty dollars (\$150.00) for each subsequent violation, which fine shall apply to a criminal disposition and a noncriminal disposition. Each day that a violation continues shall constitute a separate offense. Whoever violates any provision of this By-Law shall be liable for payment to the Town of Natick of restitution in the full amount of damage to Town of Natick property which results from such violation" , so that Section 21 shall read:

"Motorized recreational vehicles, including without limitation trail bikes, snowmobiles, all-terrain vehicles and other off-road vehicles, may not be used on public property unless the agency in charge thereof shall have opened the land for the use of such vehicles and shall have erected signs stating that such uses are permitted. Said vehicles may not be used on private property without the permission of the owner or tenant; permission may be given in advance and may be given to an individual or club, or by the posting of appropriate permission signs by the owner or a person authorized by him. No person shall operate said vehicles within three hundred (300) feet of an occupied residence without the permission of the owner or tenant, except in cases of emergency or except directly to depart from and return to such residence.

Operations of motorized recreational vehicles must conform with other prevailing laws and regulations.

With respect to public property owned by the Town of Natick, the provisions of this Section 21 may be enforced by the officer, department, board or commission which has care, custody and control of the subject public property.

Whoever violates any provision of this By-Law shall be subject to a fine of fifty dollars (\$50.00) for the first violation and one hundred fifty dollars (\$150.00) for each subsequent violation, which fine shall apply to a criminal disposition and a noncriminal disposition. Each day that a violation continues shall constitute a separate offense.

Whoever violates any provision of this By-Law shall be liable for payment to the Town of Natick of restitution in the full amount of damage to Town of Natick property which results from such violation.";

or otherwise act thereon.

RECOMMENDATION:

By a vote of 8-3-0 on September 27, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 30.

MOTION (Requires Majority Vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend Article 50, Section 21 of the Town of Natick By-Laws as follows: (1) by adding the words “without limitation” and “all-terrain vehicles” to the first sentence, first paragraph; (2) by adding a new third paragraph, which reads “With respect to public property owned by the Town of Natick, the provisions of this Section 21 may be enforced by the officer, department, board or commission which has care, custody and control of the subject public property”; and (3) by adding a new fourth paragraph, which reads: “Whoever violates any provision of this By-Law shall be subject to a fine of fifty dollars (\$50.00) for the first violation and one hundred fifty dollars (\$150.00) for each subsequent violation, which fine shall apply to a criminal disposition and a noncriminal disposition. Each day that a violation continues shall constitute a separate offense. Whoever violates any provision of this By-Law shall be liable for payment to the Town of Natick of restitution in the full amount of damage to Town of Natick property which results from such violation” , so that Section 21 shall read:

“Motorized recreational vehicles, including without limitation trail bikes, snowmobiles, all-terrain vehicles and other off-road vehicles, may not be used on public property unless the agency in charge thereof shall have opened the land for the use of such vehicles and shall have erected signs stating that such uses are permitted. Said vehicles may not be used on private property without the permission of the owner or tenant; permission may be given in advance and may be given to an individual or club, or by the posting of appropriate permission signs by the owner or a person authorized by him. No person shall operate said vehicles within three hundred (300) feet of an occupied residence without the permission of the owner or tenant, except in cases of emergency or except directly to depart from and return to such residence.

Operations of motorized recreational vehicles must conform with other prevailing laws and regulations.

With respect to public property owned by the Town of Natick, the provisions of this Section 21 may be enforced by the officer, department, board or commission which has care, custody and control of the subject public property.

Whoever violates any provision of this By-Law shall be subject to a fine of fifty dollars (\$50.00) for the first violation and one hundred fifty dollars (\$150.00) for each subsequent violation, which fine shall apply to a criminal disposition and a noncriminal disposition. Each day that a violation continues shall constitute a separate offense.

Whoever violates any provision of this By-Law shall be liable for payment to the Town of Natick of restitution in the full amount of damage to Town of Natick property which results from such violation.”

Mr. Tony Petro, Clerk of the Town Forest Committee spoke to this article. Mr. Munnich moved, seconded by Mr. Rodino, to delete the last sentence in the first paragraph “No person shall operate said vehicles within three hundred (300) feet of an occupied residence without the permission of the owner or tenant, except in cases of emergency or except directly to depart from and return to such residence.” . Mr. Munnich spoke to the amendment. Mr. Sidney raised a point of order pertaining to the scope of the amendment. The Moderator ruled that the amendment is within the scope of the article. ***The amendment to the main motion passed unanimously.***

Mr. Connolly moved, seconded by Ms. Coughlin, to delete the phrase “, which fine shall apply to a criminal disposition and a noncriminal disposition”. ***The amendment passed by majority vote.***

Mr. Flynn responded to a question from Mr. Brown regarding the ability of a lay person to enforce this article. Mr. Flynn said that it would be situation specific however; there is a process for a non-criminal disposition of a complaint which is detailed in a separate by-law.

Mr. Golden moved, seconded by Ms. Foss to end debate on the Article. ***The motion to close debate passed by 2/3 vote. The amended main motion passed by majority vote.***

ARTICLE 18: Acceptance of MGL Chapter 59, Section 5K: Allow Proxy Worker for Senior Tax Work Program (Town Administrator)

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 59, Section 5K, which Section was previously accepted by the Town of Natick, to allow an approved representative, for persons physically unable, to provide services to the Town in exchange for reduction of the real property tax obligations of such physically unable person, or otherwise act thereon.

RECOMMENDATION:

By a vote of 13-0-0 on September 11, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 18.

MOTION (Requires Majority Vote):

Moved by Mr. Everett, seconded by Mr. Freedman, that the Town vote, pursuant to Massachusetts General Laws Chapter 59, Section 5K, which Section was previously accepted by the Town of Natick, to allow an approved representative, for persons over the age of sixty physically unable, to provide services to the Town in exchange for reduction of the real property tax obligations of such physically unable person.

Ms. Munns spoke to this article. *The main motion under Article 18 passed unanimously.*

ARTICLE 19: Provide an Update on Department Consolidations (Town Administrator)

To see if the Town will vote to hear a report from representatives of Town and/or School Administration regarding the status of recent departmental consolidations and reorganizations, namely Facility Management, Community Services and the Finance Department, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 18, 2012, the Finance Committee recommends favorable action with regard to the subject of Article 19.

MOTION: (Requires Majority Vote)

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to hear a report from representatives of Town and/or School Administration regarding the status of recent departmental consolidations and reorganizations, namely Facility Management, Community Services and the Finance Department.

The main motion under Article 19 passed by majority vote.

Town Meeting heard the following presentations on recently reorganized Town and School departments: Mr. Commerford, Director of Facilities Management, on the Facilities Management Department, Mr. Cugini, Community Services Director, on the Community Services Department and Mr. Walters-Young, Deputy Town Administrator/Finance Director, on the Finance Department.

Mr. Sidney moved, seconded by Mr. Glater to move adjournment of the meeting.

The motion to adjourn passed unanimously. The meeting adjourned at 10:15 PM.

A record of the Second Session of
2012 Fall Annual Town Meeting, October 18, 2012

Diane Packer, Town Clerk