

**2020 Special Town Meeting #1
Virtual Town Meeting
October 24, 2020
Third Session**

The Third Session of the 2020 Special Town Meeting #1 was held in a virtual/remote meeting and was called to order at 1:05 p.m. on Saturday, October 24, 2020 by Frank Foss, Town Moderator. The Moderator declared a quorum present.

The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Third Session of 2020 Special Town Meeting #1. Consistent with previous approval of the use of video and telephone conferencing, Special Town Meeting #1 is being conducted as a Virtual Town Meeting.

The Moderator asked if there were any recently elected or appointed members that were not sworn in previously. There were no new Town Meeting Members. The Moderator asked the audience to stand for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf at home and abroad.

The Moderator introduced the officials, Linda Wollschlager, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Karis North, Town Counsel; Cindy Amara, Assistant Town Counsel; Jon Freedman, Chair, Select Board; Karen Adelman-Foster, Vice Chair, Select Board; Melissa Malone, Town Administrator; John Townsend, Deputy Town Administrator. Also present are four Assistant Moderators, Craig Bystrynski; Carol Gloff; Patty Sciarra; and Rich Sidney. Working from home, Diane Packer, Town Clerk; and present in Natick High School, Jamie Errickson, Deputy Town Administrator.

The Moderator reviewed the virtual meeting placement. Town Meeting Members will be permitted to enter the Virtual Zoom Town Meeting and must change their Zoom icon names to indicate first their Precinct Number, their last name, then first name. The Virtual Meeting may be viewed by anyone who is not participating on Natick Pegasus Government Access Channel, Comcast 9, RCN 15 and Verizon 28. Residents, taxpayers and interested parties will be permitted to enter the Virtual Town Meeting by calling 1-929-205-6099. The proceedings can also be watched on the Natick Pegasus Government Access Channel streamed live at natickpegasus.org/government-channel and click "livestreaming" on.

The Moderator reviewed the general rules and procedures of Town Meeting which had been accepted at a previous session of 2020 Special Town Meeting #1. 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. All motions offered for the consideration at Town Meeting shall be in writing and sent to the following email address: moderator@natickma.org.

Consistent with the Natick Bylaws, once a person is recognized, it is the practice that the Speaker will first ask a question(s) and then debate the highest-ranking motion. Only Town Meeting Members can make a motion and they should do so after they have asked their questions and before they start debate. No person shall speak more than five (5) minutes at one time without permission of Town Meeting.

Any person having a monetary or equitable interest in any matter under discussion at 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 on the motion.

The Moderator requested that Town Meeting permit town administrators to provide a presentation regarding fiscal matters. The Moderator allotted a half hour for the administration to present information and a half hour for Town Meeting Members to ask questions regarding the presentation. If a Town Meeting member is planning to submit any amendments or alternative motions the Moderator requests that they are presented at that time or emailed to moderator@natickma.org. Following that there are two options: Option 1, postpone consideration of Articles 1, 2, 5, 7 and 19 until Thursday, October 29, 2020; or, Option 2, consider Articles 1, 2, 5, 7 and 19 today. The Moderator suggested that postponement might be better because of the unexpected amount of information that is being presented. The Finance Committee is scheduled to meet on Tuesday, October 27, 2020 to review the updated information and motions. This will provided Town Meeting members enough time to be able to review them and to be able to submit any alternative motions and/or amendments. In addition, this will provide an opportunity

for town counsel, town administration, school administration and/others to review the amendments/alternative motions to assure that they are appropriate and within the scope of the article.

Ms. Malone, Town Administrator; John Townsend, Deputy Town Administrator and Finance Director made a presentation to Town Meeting. Ms. Malone, provided high-level background for new motions on Articles 1, 5 and 7. Jonathan Freedman, Chair, Select Board, spoke to the Board’s unanimous vote to support the updated proposal from Town Administration with respect to Article 1. The Select Board voted to support favorable action, as proposed by the Administration, on Article.

Moved by Mr. Griesmer, seconded by Mr. Sidney to postpone consideration of Articles 1, 2, 5, 7 and 19 until the first order of business on Thursday, October 29, 2020. *The motion to postpone consideration of Articles 1, 2, 5, 7 and 19 passed by majority vote 100-12-3.*

ARTICLE 15: Increase Gross Receipts For Eligibility for Property Tax Deferral Program (Select Board)

To see if the Town will vote to increase the maximum qualifying gross receipts from all sources which an eligible person may have as exempt from property taxes in the prior calendar year, to be eligible to defer property taxes under G.L. c. 59§ 5, Clause 41A; however such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of Section 6 of Chapter 62 for a single person who is not a head of household. Such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2020; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	No Action
	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	September 29, 2020

MOTION: (majority vote required)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town take **no action** on the subject matter of Article 15. *The motion to take no action on Article 15 passed by majority vote (112-4-0).*

ARTICLE 18: Report and Discuss Town Meeting Practices and Rules Committee (Town Meeting Practices and Rules Committee)

To see what action(s) the Town will take to:

- 1) Hear and discuss a report from the Town Meeting Practices and Rules Committee;
- 2) Approve, accept and or adopt a revised Town Meeting Member Handbook;
- 3) Extend the term of the Town Meeting Practices and Rules Committee;
- 4) Appropriate monies or transfer from available funds for the work of the Town Meeting Practices and Rules Committee;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-0-0
	DATE VOTED:	September 10, 2020

MOTION: (majority vote required)

Moved by Mr. Evans, seconded by Ms. Wollschlager to:

- 1) Hear and discuss a report from the Town Meeting Practices and Rules Committee;
- 2) Extend the term of the Town Meeting Practices and Rules Committee through Fall 2021 Town Meeting; and
- 3) Appropriate \$5,000 from free cash for printing the final copies of the revised Town Meeting Member Handbook.

Mr. Griesmer, Chair of Town Meeting Practices and Rules Committee, made a presentation on Article 18. *The main motion under Article 18 passed by majority vote (106-5-4).*

**ARTICLE 16: Omnibus Financial Article (Town Meeting Practices and Rules Committee)
Town Agencies, Personnel Pay Plan and Elected Officials:**

To determine what sum of money the Town will appropriate and raise, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest during Fiscal Year 2021 (July 1, 2020 to June 30, 2021), and to provide for a reserve fund for Fiscal Year 2021; or to otherwise act thereon.

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend the by-laws by adding to Article 24, Section 3, a new paragraph deleting certain position titles, adding new position titles and effecting changes in the salary ranges as presently established; or otherwise act thereon.

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town of Natick for Fiscal Year 2021 (July 1, 2020 through June 30, 2021) as provided by Section 108 of Chapter 41 of the General Laws, as amended; or otherwise act thereon.

Libraries:

To see what sum of money the Town will vote to raise and appropriate, or otherwise provide, for the maintenance and operation of the Morse Institute Library, for Fiscal Year 2021 (July 1, 2020 through June 30, 2021); or otherwise act thereon.

To see what sum of money the Town will vote to raise and appropriate, or otherwise provide, for the maintenance and operation of the Bacon Free Library, for Fiscal Year 2021 (July 1, 2020 through June 30, 2021); or otherwise act thereon.

School Bus Transportation and Revolving Funds

To see if the Town will vote to appropriate and raise, or transfer from available funds, a sum of money for the purpose of operation and administration of the school bus transportation system, and to reduce or offset fees charged for students who elect to use the school bus transportation system for transportation to and from school, for Fiscal Year 2021 (July 1, 2020 through June 30, 2021); or otherwise act thereon.

To see if the Town will vote on the limit on the total amount that may be expended from each revolving fund established pursuant to Chapter 44 section 53E ½ of the General Laws and Town by-law; or otherwise act thereon.

Capital

To see if the Town will vote to appropriate and raise, borrow or otherwise provide, a sum of money as may be required for capital equipment for the various departments of the Town of Natick; to determine To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Stabilization Fund established 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.

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

Stabilization Funds, OPEB and PEG

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Stabilization Fund established 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.

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the Capital Stabilization Fund established under Article 2 of the warrant for Fall Annual Town Meeting of 2010, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the Operational Stabilization Fund established by vote of the 2011 Spring Annual Town Meeting under Article 4, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the Inflow & Infiltration Stabilization Fund established under Article 30 of the warrant for the Spring Annual Town Meeting of 2014, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the FAR Bonus Stabilization Fund established under Article 24 of the warrant for the Fall Annual Town Meeting of 2015, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for, the Other Post-Employment Benefits Liability Trust Fund established pursuant to the provisions of Chapter 32B, Section 20 of the General Laws as amended by section 15 of Chapter 218 of the Acts of 2016; or otherwise act thereon.

To see what sum of money the Town will vote to appropriate from the PEG Access and Cable Related Fund, established by vote of 2019 Special Town Meeting #1 under Article 1, as authorized by Chapter 44, Section 53F ¾ of the General Laws, as amended, to fund PEG access programming, as well as certain other municipal cable related expenses; or otherwise act thereon.

Unpaid Bills

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide 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.

whether this appropriation shall be raised by borrowing or otherwise;
or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Referral to Town Administrator
	QUANTUM OF VOTE:	10-0-0
	DATE VOTED:	September 24, 2020

MOTION: (majority vote required)

Moved by Mr. Evans, seconded by Ms. Wollschlager to refer the subject matter of Article 16 to the Town Administrator with the request that the format of Article 16 be considered for the format for financial articles for future Town Meetings beginning with 2021 Spring Annual Town Meeting.

Mr. Griesmer, Chair of Town Meeting Practices and Rules Committee, made a presentation on Article 16.

Mr. Coburn moved, seconded by Mr. Sidney, to move the question and close debate on this motion. *The motion to move the question and close debate on Article 16 passed by a two-thirds vote (112-0-1). The main motion under Article 16 passed by majority vote (115-1-0).*

ARTICLE 17: Fox Hill Drive Sewer Betterment (Town Administrator)

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the construction of Town sanitary sewer to service the area of Fox Hill Drive; to determine whether this appropriation shall be raised by borrowing or otherwise; such work to be performed and betterments to be assessed in accordance with applicable Massachusetts law and the Town of Natick By-Laws, Article 71; and to authorize the Select Board to acquire by purchase, eminent domain or otherwise, easements for utility purposes to permit the installation of Town sewer pipe and a sewer pump station for Fox Hill Drive, and service connections from said sewer pipe, and to allow the repair maintenance thereof;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	9-0-0
	DATE VOTED:	September 24, 2020

MOTION: (two-thirds vote required)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town raise and appropriate \$1,131,900 to be expended under the Department of Public Works for the purpose of constructing Town sanitary sewer to service the area of Fox Hill Drive 25% of this amount to be transferred from the Water/Sewer Enterprise Fund, and 75% of this amount to be raised by assessment on the homeowners on Fox Hill Drive in equal amounts, pursuant to Article 71 of the Town of Natick By-Laws; and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow

\$1,131,900 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$1,131,900 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, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Further to authorize the Board of Selectmen to assess betterments in accordance with applicable Massachusetts law and the Town of Natick By-Laws, Article 71; to acquire by purchase, eminent domain or otherwise, easements for utility purposes to permit the installation of Town sewer pipe and a sewer pump station for Fox Hill Drive, and service connections from said sewer pipe, and to allow the repair and maintenance thereof; and to take any action necessary to carry out this program.

Ms. Malone, Town Administrator spoke to this article. *The motion under Article 17 passed by two-thirds vote (114-1-0).*

ARTICLE 20: Facilities Management Department (Cathi Collins et. al)

To see what action(s) the Town will take, under M.G.L. c.71 §37M or any other authority, vote or action, regarding the joint facilities arrangement, so called, between the Natick Public Schools and the Town of Natick General Government including but not limited to the following:

- A) to rescind, to unwind, revoke, reorganize and/or realign any or all parts of said joint facilities arrangement and/or any authorization(s) for same, including but not limited, to votes of Town Meeting under Article 32 of 2010 Fall Annual Town Meeting, under Article 2 of 2012 Spring Annual Town Meeting or under any other Article of any Town Meeting;
- B) to determine the effective date(s) of such rescission, unwinding, revocation, reorganization and/or realignment;
- C) to determine, if necessary and/or advisable, whether the scope of such rescission, unwinding, revocation, reorganization and/or realignment shall include all or parts of facilities maintenance and management (i.e. without limitation buildings, structures, grounds, other facilities, facilities related expenditures, equipment, software, licenses, documents, records and/or contracts) and/or to determine the extent of the scope of any such rescission, unwinding, revocation, reorganization and/or realignment
- D) to determine what specific facilities and/or categories of facilities maintenance and management and/or specific facilities maintenance and management expenditures and/or categories of facilities maintenance and management expenditures (including without limitation payroll, contract services, electricity, fuel etc.) shall be under the facilities management responsibility, authority, care, custody and/or control of the Natick Public Schools especially, but not necessarily, if such responsibility, authority, care, custody and/or control is not already established and/or to clarify and/or to transfer responsibility, authority, care, custody and control of any school related facility to the Natick Public Schools or School Committee;
- E) to provide authorization for the Natick Public Schools and/or to raise, appropriate and/or transfer from available funds to be added to the Natick Public Schools budget for the remainder of FY 2021 or all of FY 2021 to provide the resources for the Natick Public Schools to maintain and manage the school facilities as currently defined or as may be further defined under this article;
- F) to appropriate, raise or transfer from available funds to be added to a budget or new budget of divisions or department(s) of the Town general government for the maintenance and management of facilities under the responsibility, authority, care, custody and or control of the Board of Selectmen or other Town Board or officer noting that historically such Town side facilities management was a division within the Department of Public Works;
- G) to amend budgets, to reduce budgets and/or appropriations and/or to re-appropriate monies (including expenses, revenues and/or available funds) in or from the facilities management budget or budgets as shown and/or as voted by Town Meeting under the so called "Shared Services" budget for any remaining part of the current fiscal year (i.e. FY 2021) to 1) the budgets of the Natick Public Schools for facilities maintenance and management (as defined within this article) for the Natick Public Schools for corresponding fiscal years or periods and/or 2) to the budgets of any existing or newly created Town agency(ies) for facilities maintenance and management (as may be defined under this article) for the general government for corresponding fiscal years or periods and/or 3) simply to leave such monies unappropriated;

- H) to transfer the authority and responsibility for any outstanding school department or school facility related capital expenditure voted under any Article of Spring 2020 Annual Town Meeting and/or any other Town Meeting from being spent under the authority of any officer, Board or Committee of the Town to be spent under the authority and/or direction of the Natick School Committee and/or Natick School Superintendent noting specifically that any and all such capital expenditure votes are a matter of public record and as such are expressly incorporated by reference in this article;
- I) to amend the Bylaws of the Town for the purposes of facilities maintenance and management in the general government and/or for any aspect, function or expenditure of any part of any retained or continuing joint facilities management i) to abolish, reorganize, restructure, consolidate, create, merge or divide, in whole or in part, existing town agencies, ii) to establish new town agencies, iii) to prescribe the functions, powers, duties and responsibilities of any such town agency(ies) in i) or ii) above and/or iv) to provide or to alter the manner, method or authority for the appointment of such Town agencies in this paragraph and to amend and/or create new appointment authority language of any elected or appointed officer Board or committee of the Town;
- J) to transfer facilities maintenance and management personnel and/or job functions to the care, custody and/or control of the Natick Public Schools;
- K) to amend the Personnel Pay Plan to change the job title, classification and/or compensation of the position currently shown in said Pay Plan as “Director of Facilities Management”; and/or
- L) to take any action(s) necessary to implement the foregoing purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

The Finance Committee took the following action:	RECOMMENDATION:	Referral to Select Board, School Committee and Town Administrator
	QUANTUM OF VOTE:	8-1-0
	DATE VOTED:	September 24, 2020

Moved by Mr. Evans, seconded by Ms. Wollschlager to refer the subject matter of Article 20 to the Select Board, School Committee and Town Administrator.

Ms. Collins made a presentation. Moved by Ms. Collins, seconded by Mr. Sidney to amend the main motion under Article 20 to remove the phrase “and town administrator.” ***The motion passed by majority vote (55-50-7).*** The amended main motion is to refer subject matter of Article 20 to the Select Board and School Committee. Mr. Sidney moved, seconded by Ms. Gloff to move the question and close debate. ***The motion to close debate passed by two-thirds vote (103-2-1).*** ***The amended main motion under Article 20 passed by majority vote (103-5-1).***

Mr. Sidney moved, seconded by Mr. Evans, to adjourn Special Town Meeting #1 until Thursday, October 29th at 6:30 PM. However Town Meeting will meet reconvene on Tuesday, October 27th at 7:30 PM to begin deliberation on the articles on the 2020 Fall ATM warrant. ***The motion passed (102-5-0).*** ***The meeting adjourned at 5:25 p.m.***

A record of the Third Session of
2020 Fall Special Town Meeting #1
October 24, 2020


Diane Packer, Town Clerk