

**2014 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
October 28, 2014
Third Session**

The third session of the 2014 Fall Annual Town Meeting was called to order at 7:40 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 third session of 2014 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting who have not yet been sworn in stand to take the oath of office. There were none. The meeting stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; James Everett, Finance Committee Chair, Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; Brandon Moss, Town Counsel; and Josh Ostroff, Chair of the Board of Selectmen.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at the last meeting. The proceedings of Town Meetings shall be governed by ***Town Meeting Time***, the Town of Natick Home Rule Charter, the Natick By-laws and the General Laws of the Commonwealth of Massachusetts (MGL). No person shall speak upon any 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 Town Meeting. Consistent with the Natick By-laws, 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 motion to waive the reading of the text of all 2014 Fall Annual Town Meeting warrant articles and move to waive reading the text of motions, excluding the amounts to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of Recommendations of the Natick Finance Committee publications remains in effect.

Mr. Brown moved, seconded by Ms. Coughlin to postpone consideration of Articles 11 and 12 until Thursday, October 30th. Chief Hicks was not available this evening and therefore it would be better to continue discussion when he is available on Thursday evening. Mr. Haugland moved, seconded by Ms. Collins to refer Article 11 to the Town Administrator. The motion for postponement was voted on first. ***The motion to postpone passed by majority vote.***

The Moderator announced the next order of business would be Articles 15, 16 and 17 which had been postponed to this meeting.

ARTICLE 15: Study Committee: Sawin House and Appurtenant Land (Kenneth W. VanBlarcum, et al)

To see if the Town will vote to form a Study Committee to determine the status of the Sawin House located at 79 South Street with its appurtenant land and matters relating thereof; to issue reports, recommendations; and to initiate warrant articles to Town Meeting; and to appropriate funds for this purpose.

Finance Committee Recommendation: *By a vote of 11-1-0 on September 18, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 15.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town establish a Study Committee to determine the status of the Sawin House located at 79 South Street and its' appurtenant land. Said committee to review such materials and instruments as affect the interests of the Town of Natick and other parties thereto; to issue a report of its findings; to make recommendations thereon to municipal, state and federal bodies; and take such other action as appropriate. The Study

Committee to consist of no less than seven [7] members appointed by the Moderator comprised as follows:

- One representative nominated by the Historic Commission
- One representative nominated by the Historic District Commission
- One representative nominated by the Board of Selectmen
- One representative nominated by the Friends of Shaw Park; and
- Three or more members of the public

And that the Moderator may appoint members of the public or other boards and committees in the event nominations are not made, or at the moderator's discretion, individuals with expertise relating to historic preservation, local history, landscape planning and other relevant disciplines will add to the deliberations and recommendations of the committee.

And that members of the public may be from other boards and committees, citizens of the town, or appointed regardless of residence if possessed of special expertise, as noted above. Said committee being a multiple member body under the Town Charter.

Said committee to have access to town counsel and to staff from within the administration for resource support including the staff of Land, Facilities, and Natural Resources, Office of the Town Clerk and other offices, as may be deemed necessary.

Said committee to return with its' findings and recommendations in the form of a report and motion to 2015 Spring Annual Town Meeting. This shall not preclude any preliminary report, recommendations, or filing to Town boards, commissions or committees prior to such time.

The term of the Study Committee shall expire at the dissolution of 2015 Spring Annual Town Meeting.

Mr. Linehan moved, seconded by Mr. Awkward to amend the main motion to add "One representative from the Open Space Advisory Committee" and to change the "three" to "two" in the number of members of the public. *The amendment passed by majority vote.*

Mr. Krentzman moved to amend, seconded by Ms. Gloff the motion to remove the bullet point "one member from the Friends of Shaw Park". Mr. Gath moved, seconded by Mr. Awkward to move the question and close debate on this motion. *The motion to close debate passed by two-thirds vote. The amendment failed.*

Ms. Gloff moved, seconded by Mr. Luke to add an additional member to the committee "One representative nominated by the Massachusetts Audubon Society". *The amendment to the motion passed by majority vote.*

Mr. Munnich moved, seconded by Ms. Coughlin to delete the bullet point "One representative nominated by the Board of Selectmen". *The amendment to the motion passed by majority vote.*

Ms. Shea moved, seconded by Mr. Pierce to add a representative to the Committee nominated by the Recreation and Parks Commission. *The amendment passed by majority vote.*

Ms. Gloff rose to say that the Historic Commission should be the Historical Commission. The Moderator, without objection, changed the Historic Commission to the Historical Commission.

The amended main motion passed by majority vote.

ARTICLE 16: Use of Shaw Park for Cultural, Educational, Historical, and Park Purposes (Stephen Evers, et al)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would allow the Town of Natick to use the Shaw Park property for cultural, educational or historic purposes, including location of historic buildings or reconstruction of historic buildings or structures thereon, in addition to use for park purposes, and to seek all other governmental approval necessary to accomplish the purposes of this article; 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 the petition. The Shaw Park property is described as 53 Eliot Street, Natick, Ma, is shown as Lot 61 on Town of Natick Assessors' Maps 63, and is shown as Lot 1 on a plan entitled "Plan of Land in Natick, Mass. Owned By: Inhabitants of the Town of Natick (Parks & Recreation Department)", Scale 1"=30',

dated March 13, 2014, Survey By: Sullivan Surveying Company, LLC, 209 West Central Street, Natick, Mass, a copy of which plan is on file with the office of the Natick Town Clerk, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 10-1-0 on September 18, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 16.*

MOTION (requires majority vote):

Moved by Mr. Evans seconded by Mr. Everett that no action be taken with regard to the subject of Article 16.

Mr. Wheeler moved, seconded by Ms. Evans that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation that would allow the Town of Natick to use the Shaw Park property for cultural, educational, or historical purposes, including location of historic buildings or reconstruction of historic buildings or structures thereon, in addition to use for park purposes, and to seek all other governmental approvals necessary to accomplish the purposes of this article; 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 the petition.

Mr. Sidney moved, seconded by Ms. Collins to waive the reading of the motion. ***The motion to waive reading of the motion passed by majority vote.***

Mr. Munnich raised a point of order regarding a defect in the article as it states "...a copy of which plan is on file with the office of the Natick Town Clerk, or otherwise act thereon" and there is no plan on file in the Town Clerk's office and there has not been since the warrant closed through the close of business today. The Moderator consulted with Mr. Moss, Town Counsel and there was a brief recess. The Moderator ruled that Articles 16 and 17 were not correctly before the Meeting. There is and has not been a plan available in the Town Clerk's office. In addition, it is not clear that the Assessor's map, which is available, is exactly the same as the survey referred to in the motion. The Moderator ruled that the only action that could be taken was No Action. Ms. Shea moved, seconded by Ms. Chinetti to move the question, closing debate. ***The motion to close debate passed by a two-thirds vote. The motion to take no action on the subject of Article 16 passed by majority vote.***

ARTICLE 17: Long Term Lease of a Portion of Shaw Park for Cultural, Educational or Historical Purposes (Stephen Evers, et al)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would allow the Board of Selectmen to lease for cultural, educational or historic purposes a portion of the Shaw Park property for a term not to exceed ninety nine (99) years, notwithstanding the provisions of Chapter 40, Section 3 of the Massachusetts General Laws, or any other general law or special law to the contrary; 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 the petition. The Shaw Park property is described as 53 Eliot Street, Natick, MA, is shown as Lot 61 on Town of Natick Assessors' Maps 63, and is shown as Lot 1 on a plan entitled "Plan of Land in Natick, Mass. Owned By: Inhabitants of the Town of Natick (Parks & Recreation Department)", Scale 1"=30', dated March 13, 2014, Survey By: Sullivan Surveying Company, LLC, 209 West Central Street, Natick, Mass, a copy of which plan is on file with the office of the Natick Town Clerk, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 11-0-0 on September 18, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 17.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that no action be taken on the subject of Article 17.

The motion to take no action on the subject matter of Article 17 passed by majority vote.

ARTICLE 14: Committee Article (Board of Selectmen)

To see if the Town will vote to receive the reports of town officers, boards, and committees; or otherwise act thereon.

MOTION (requires majority vote):

Moved by Mr. Sidney, seconded by Mr. Jennett to hear the report from the MBTA Station Advisory Committee. *The motion to hear the report passed by majority vote.* Mr. Ostroff made the report on behalf of the committee.

Moved by Mr. Sidney, seconded by Ms. Gloff to hear the report from the Strategic Planning Review Committee. *The motion to hear the report passed by majority vote.* Mr. Ostroff made the report on behalf of the committee.

ARTICLE 18: Codification of Town of Natick Home Rule Charter (Town Clerk)

To see if the Town will vote to amend the Town of Natick Home Rule Charter, said amendments being limited to administrative corrections, including but not limited to typographical errors, inconsistencies and grammatical errors; a copy of the Charter reflecting the proposed changes being available for review at the office of the Natick Town Clerk, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 12-0-0, on September 4, 2014, the Finance Committee recommends No Action with regard to the subject of Article 18.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that no action be taken on the subject of Article 18.

The motion to take no action on the subject matter of Article 18 passed by majority vote.

Mr. Forshner moved, seconded by Mr. Sidney that Article 20 be taken before Article 19. *The motion passed unanimously.*

ARTICLE 20: Study Committee: Conservation Commission Fund (Julian Munnich, et al)

To see if the Town will vote to form a Study Committee to determine the nature of all revenues, deposits, interest, expenditures and appropriations to and from the Conservation Commission Fund and matters relating thereto; to issue reports, recommendations, and initiate warrant articles to town meeting; and appropriate funds for this purpose.

Finance Committee Recommendation: *By a vote of 12-0-0 on September 16, 2014, the Finance Committee recommends Favorable Action with regard to the subject of Article 20.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town establish a Study Committee to review the Conservation Commission Fund; to determine the nature of revenues, deposits, interest, expenditures and appropriations to and from said fund; to determine the requirements and restrictions of Massachusetts General Laws, the Town's Bylaws, and applicable regulations; and to determine the requirements and restrictions attached to grants, gifts, contributions, deposits, security deposits and permit decisions. Said committee to determine and recommend minimum due diligence procedures and/or guidelines for acquisition of open space lands using these funds, and to recommend what additional powers and duties the Conservation Commission may need. Said committee to determine the potential effects of accounting and expenditures on the ability to retain current funds, and on the ability to obtain future open space monies. Said Committee to recommend what form, content and manner of report on the Conservation Commission Fund and open space monies should regularly be prepared in future.

The Study Committee to consist of 7 members appointed by the Moderator comprised as follows:

- One representative nominated by the Conservation Commission;
- One representative nominated by the Planning Board;
- One representative nominated by the Finance Committee;
- One representative nominated by the Audit Advisory Committee;
- and three members of the public.

And; that the Moderator may appoint members of the public or other boards and committees in the event nominations are not made. And; that members of the public may be from other boards and committees or may be citizens of the town.

Said committee being a multiple member body under the Town Charter.

Said committee to have access to town counsel and to staff from within the administration for resource support, including the staff of the Comptroller's Office and the Treasurer/Collector's Office.

Said committee may utilize the services of outside consultants, for the technical review of its report, as well as the preparation of materials as may be utilized in a subsequent Comprehensive Annual Financial Report for the Town; such outside consultants to be engaged by the Finance Committee. And that a sum of \$1,500 be appropriated from free cash for the engagement of an outside consultant under the direction of the Finance Committee.

Said committee to return with its findings and recommendations in the form of a report and motion to 2015 Spring Annual Town Meeting. This shall not preclude any preliminary report to Town boards, commissions or committees prior to such time.

The term of the Study Committee shall expire at the dissolution of 2015 Spring Annual Town Meeting.

Mr. Munnich spoke to this article. *The main motion under Article 20 passed unanimously.*

ARTICLE 19: Appropriate Funds to Audit Conservation Fund (Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum of money for the purpose of conducting an independent audit of the Conservation Fund; said audit to identify the sources and amounts of revenues deposited into said fund and the purposes and amounts of expenditures from said funds, as well as a determination as to the compliance of said expenditures with applicable state and local laws, or otherwise act thereon.

Finance Committee Recommendation: *The Finance Committee has no recommendation with regard to the subject of Article 19.*

MOTION (requires majority vote):

Mr. Forshner moved, seconded by Ms. Coughlin that the subject matter of Article 19 be referred to the Audit Advisory Committee.

Moved by Mr. Ostroff, seconded by Mr. Jennett that the Town vote to appropriate \$20,000 from Free Cash for the purpose of conducting an independent audit of the Conservation Fund under the authority of the Board of Selectmen and upon the request of the study committee established under Article 20 of 2014 Fall Annual Town Meeting; of the said audit to identify the sources and amounts of revenues deposited into said fund and the purposes and amounts of expenditures from said funds, as well as an evaluation as to the compliance of said expenditures with applicable state and local laws.

Mr. Ostroff spoke to the Article.

Mr. Sidney moved, seconded by Mr. Jennett to waive the reading of the motion. *The motion to waive the reading of the motion passed unanimously. The referral motion failed. The main motion passed by majority vote.*

Ms. Ball moved, seconded by Mr. Pierce to adjourn. *The motion to adjourn passed by majority vote.* The Meeting adjourned at 10:03 until Thursday, October 30th at 7:30 PM.

A record of the Third Session of
2014 Fall Annual Town Meeting
October 28, 2014

Diane Packer, Town Clerk