

**2015 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
November 3, 2015
Fifth Session**

The Fifth Session of the 2015 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 Fifth Session of 2015 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. There were none. 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 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; Paul Griesmer, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Charles Hughes, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations; Mr. Towne, Deputy Town Administrator for Finance and Michael Renaud, the representative from Option Technologies who will be operating the electronic voting system.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and 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 by Town Meeting Members. 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.

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.

Mr. Foss made several announcements regarding upcoming events open to the public.

The Moderator announced that the meeting will start with Article 16 which had been postponed until this evening, continue on to Article 35 and then to Article 20.

ARTICLE 16: Personnel Board Classification and Pay Plan (Town Administrator)

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.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on September 24, 2015, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 16 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town vote to amend the By-Laws by changing in its entirety the table entitled Part Time Classification and Pay Plan that is incorporated by reference into Article 24, Section 3, Paragraph 3.10. The new Part Time Classification and Pay Plan is as follows:

Town of Natick
Part-Time Classification and Pay Plan
Fiscal Year 2016
Effective July 1, 2015

Hourly Wage Scale

Grade	Minimum	Point 1	Point 2	Maximum
1	\$ *10.00	\$ 11.00	\$ 13.00	\$ 17.00
2	\$ 17.00	\$ 21.00	\$ 24.00	\$ 28.00
3	\$ 28.00	\$ 32.00	\$ 36.00	\$ 40.00

Grade 1

Assistant Leader (Camp)
Assistant Swim Coach
Attendant (Rec)
Building Monitor I (Rec)
Bus Dispatcher
Bus Driver
Cart Attendant (Golf)
Clerical Assistant
Clerk
Club House Attendant (Golf)
Club House Supervisor (Golf)
Concession Manager (Camp)
Custodian
Deputy Animal Control Officer
Equipment Operator (Golf)
Farm Instructor
Laborer I
Leader (Camp)
Library Page (Morse)
Lifeguard
Parking Clerk
Ranger/Starter (Golf)
Receptionist
Senior Counselor (Certified- Camp)
School Crossing Guard I (1st Year)
Specialist (Camp)
Timer/Scorer

Grade 2

Administrative Support (Grants)
Assistant Director (Camp)
Beach Manager
Bookkeeper
Building Monitor II (Rec)
Camp Woodtrail Director
Community Garden Coordinator
Conservation Agent
Director Medium Sized Programs (Camp)
Golf Course Mechanic
Head Lifeguard
Laborer II
Library Assistant (Bacon)
Meter Enforcement Operator
Plumbing and Wiring Inspector
Police Matron
Police Transcriber
Poll Workers
Program Assistant
Recycling Attendant
School Crossing Guard I
School Crossing Guard II
Seasonal Construction Engineer
Social Worker
Supervisor Major Programs (Camp)
Swim Coach
Transportation Coordinator
Volunteer Coordinator I

Grade 3

Adult Contractor
Building Inspector
Certified Sports Official
Laborer III
Nurse (RN)
Volunteer Coordinator II
Yoga Instructor

Position	Annual Rate
Inspector of Animals	\$ 3,750.00
Registrar of Voters	\$ 625.00
Town Meeting Page	\$50.00 / Session

*Minimum Wage rate of \$9.00 effective through December 31, 2015 and \$10.00 effective January 1, 2016.

Mr. Levinsky, Chair of the Personnel Board spoke to this article. ***The main motion under Article 16 passed by majority vote (116-4-1).***

ARTICLE 35: Thomas Sawin Homestead Preservation(Randy Johnson, et al)

To see if the Town will:

1. Create a committee to work toward resolution of outstanding issues regarding the Thomas Sawin House and its appurtenant lands located at 79 South Street Map 77 Lot 7 and Map 77 Lot 6A. Such committee to solicit technical assistance for the development of strategies for preserving and maintaining the structure at its current location, the identification of the historic, archaeological and social features of the house, appurtenant lands and site features (including the South Street bridge structures) and the submission of preservation or other grant applications. The committee shall be formed by the Moderator. The committee shall have access to town legal counsel and personnel of the Community and Economic Development Department. The committee shall be comprised of not less than three nor more than five appointees.

2. Appropriate an amount not to exceed \$30,000 for such technical assistance.

3. Authorize the Board of Selectman to negotiate the acquisition of property interests as may be appropriate to support the preservation of the Thomas Sawin House and its appurtenant lands.

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9-3-0 on September 29, 2015, the Finance Committee recommends *No Action* with regard to the subject matter of Article 35 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Hughes, seconded by Mr. Jennett to take no action on the subject matter of Article 35.

Mr. Golden moved, seconded by Mr. Meyer that the Town vote to:

1. To establish a Committee for the purpose of advising the Board of Selectmen on preserving the Town's cultural, historic and architectural heritage existing at the Thomas Sawin House and its appurtenant lands located at 79 South Street Map 77 Lot 7 and Map 77 Lot 6A.
 - a. Said Committee to explore with the property owner and its board of directors the possible conveyance to the town of the structure and the land upon which it is situated for historic preservation purposes.
 - b. Said committee to identify mechanisms to preserve the historically significant house at its current location in a manner coordinated with, and complementary to, the on-going program of the current owner.
 - c. Said Committee, to offer technical assistance and advice to the Board of Selectmen, shall consist of five members, who may be nominated by the Board of Selectmen and appointed by the Moderator with expertise in the disciplines of:
 - i. Historic Preservation
 - ii. Real Estate Law
 - iii. Historic Site Interpretive Planning
 - iv. Landscape Architecture
 - v. Architecture
 - d. The Board of Selectmen may nominate and the Moderator may appoint associate members to serve on a subcommittee of the Committee and perform such duties as are assigned by the chair of the Committee.
 - e. The Committee, being a multiple member body under the Town Charter, shall have access to town counsel and to staff from within the administration for resource support.
 - f. The committee may solicit technical assistance services, including preservation specialists and professional land surveyors.
2. To appropriate a sum of \$30,000, from Free Cash, for technical assistance services under the direction of the Board of Selectmen. All expenditures shall be in compliance with the state constitution's anti-aid amendment.
3. To authorize the Board of Selectman to negotiate the acquisition of property interests as may be appropriate to support the preservation of the Thomas Sawin House and its appurtenant lands. Such authorization not to exceed one acre.

Mr. Sidney moved, seconded by Mr. Gath to waive the reading of the motion. *The motion to waive the reading passed unanimously by a count of hands.*

Discussion ensued on this Article. Ms. Landre, Sanctuary Director at Broadmoor requested to read a letter into the record of Town Meeting. The Moderator approved, without objection from Town Meeting, to allow Ms. Landre to speak (Ms. Landre is not a Natick resident). The following letter was read into the Town Meeting record.

Mr. Moderator and Town Meeting Members,

Thank you for the opportunity to speak representing Mass Audubon, the owner of the Sawin House located at our Broadmoor Wildlife Sanctuary. In 1968, Mass Audubon was given land in Natick to manage for the protection of wildlife and to educate children and the public about our natural environment. Mass Audubon is a private organization dedicated to protecting the nature of Massachusetts.

The original gift of land incidentally included the house at 79 South Street. The house was used initially as a staff residence. Over the years, Mass Audubon put tens of thousands of dollars into the maintenance and upkeep of the structure.

When the house was vacated in 2008, Mass Audubon explored possible options for the building and hired professionals to assess its condition. The condition was found to be unsound, requiring an estimated investment of over \$200,000 to make it minimally useful.

Given the condition of the building and lacking a use for it, Mass Audubon has, for over seven years, worked with a wide range of individuals and organizations to further understand and explore options for the house, most recently by participating in the Sawin House Study Committee established by Town Meeting in 2014.

As it relates to Article 35, I would like to re-emphasize that Broadmoor's purpose is to manage a sanctuary for wildlife and to use the property to educate about protection of the natural world. We recognize the historical interest in the house, and we have patiently and cooperatively explored with the Study Committee the history and options for the site. We find the report of the Committee thorough and complete.

In the coming months, Mass Audubon intends to explore our options for the Sawin House and during that time we are open to considering substantive proposals by interested parties.

I thank you for the opportunity to clarify Mass Audubon's work at Broadmoor, to describe the time and effort we have put into this issue and to invite substantive and timely proposals.

Randy Johnson, sponsor of the Article spoke to this article. Discussion continued on the article. Mr. Hughes moved to amend the main motion by adding the words "or other appropriate entity" in 1A after the word "town" seconded by Mr. Jennett. *The amendment to the main motion passed by majority vote (83-40-0).* Discussion continued. Mr. Yang moved, seconded by Mr. Sidney to move the question and close debate. *The motion to close debate passed by two-thirds vote. The vote was taken by a count of hands. The amended main motion passed by majority vote (81-36-5).*

ARTICLE 20: Endorse Board of Health Initiative Regarding Regulations to Reduce the Use of Plastic Bags (Town Administrator)

To see if the Town will vote to endorse the Board of Health's initiative to promulgate and endorse reasonable regulations to reduce the use of plastic bags in the Town of Natick, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 13-1-0 on September 8, 2015, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 20 as presented in the recommended motion below.

MOTION (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town vote to endorse the Board of Health's initiative to promulgate and endorse reasonable regulations to reduce the use of plastic bags in the Town of Natick.

Mr. Jim White, Health Director, spoke to this article. Discussion ensued. *The main motion under Article 20 passed by majority vote (96-27-0).*

The Moderator recused himself from the Article 21 as his former employer is affected by the article and he still receives benefits from the employer.

ARTICLE 21: Home Rule Petition Authorizing the Town to Assess Fines for Failure to Remove Utility Poles (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 the petition.

"AN ACT authorizing the town of Natick to assess fines
for failure to relocate or remove utility poles and wires

Be it enacted in the Senate and house of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. For purposes of this act, a “utility company” shall mean a company, department or other entity that distributes and/or supplies electricity, telephone, telegraph, gas, communication, cable television services, and/or other utilities, and shall include the owner of utility wires, cables, attachments, and poles used for such purposes.

SECTION 2. Notwithstanding the provisions of M.G.L. c. 164, § 22, M.G.L. c. 164, § 34B, M.G.L. c. 166, § 22A, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to relocate utility wires, cables and attachments which it is responsible or otherwise required or authorized to relocate to an adjacent or nearby pole within twenty-one (21) days of the date on which said relocation is practical as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the twenty-first (21st) day, and one thousand dollars (\$1,000.00) per location per day after the sixtieth (60th) day.

SECTION 3. For purposes of this act, the relocation of a utility wire, cable or attachment is practical in circumstances in which the wire, cable or attachment is the highest mounted wire, cable or attachment on a pole, a replacement pole or conduit has been installed at a nearby location, no lighting or other fixture impedes the relocation, and any permits, grants of location or other approvals necessary for such relocation have been provided.

SECTION 4. Notwithstanding the provisions of M.G.L. c. 164, §34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to remove a utility pole which it is responsible or otherwise required or authorized to remove as part of a relocation within ninety (90) days of the date on which said relocation is practical as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the twenty-first (21st) day, and one thousand dollars (\$1,000.00) per location per day after the sixtieth (60th) day.

SECTION 5. For purposes of this act, removal of a utility pole is practical in circumstances in which all wires, cables and attachments have been removed from the pole and/or relocated to one (1) or more adjacent utility poles or locations, and any permits, grants of location or other approvals necessary for such relocation have been provided.

SECTION 6. Notwithstanding the provisions of M.G.L. c. 164, § 34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to initiate the installation of a new utility pole which it is responsible or otherwise required or authorized to install within ninety (90) days of the date on which said installation is requested or ordered by the town as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the ninetieth (90th) day, and one thousand dollars (\$1,000.00) per location per day after the one hundred and twentieth (120th) day.

SECTION 7. For purposes of this act, installation of a new utility pole is practical in circumstances where the company responsible for installing a pole has been formally requested or ordered to do so by the town of Natick or its authorized representative for reasons of compliance with the Americans With Disabilities Act, the Massachusetts Architectural Access Board, other applicable state or federal law or regulation, the requirements of a roadway project, or compliance with town of Natick policy, and for which any permits, grants of location or other approvals necessary for such installation have been provided.

SECTION 8. Notwithstanding the provisions of M.G.L. c. 164, § 22, M.G.L. c. 164, § 34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to remove or fully secure a utility wire, cable or attachment under its ownership or authority that has been disconnected from a customer location and which remains attached to a utility pole or an adjoining fixture within twenty one (21) days of the date on service has been discontinued, in an amount not to exceed the sum of two hundred fifty dollars (\$250) per location per day after the twenty-first day, and one thousand dollars (\$1,000) per location per day after the sixtieth day.

SECTION 9. For purposes of this act, removal or securing of a utility wire, cable or attachment is practical in circumstances in which the service has been discontinued from a customer location, and the wire, cable or attachment has been disconnected from the customer location, and remains attached to, but is not fully secured to a utility pole or fixtures attached thereto.

SECTION 10. A utility company may request an exemption from provisions of this act, which may be granted only following a duly posted public meeting of the Natick board of selectmen, who shall have sole authority to grant such exemption.

SECTION 11. Fines that are collected in accordance with this act shall be issued by the Natick board of selectmen or their designee, and shall be deposited in the town of Natick general fund, or in a fund lawfully established for the improvement of public ways. The issuance of a fine shall not preclude the town of Natick from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this act. The fines set forth herein may be annually revised by the Natick board of selectmen.

SECTION 12. This act shall take effect upon its passage.”
or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on September 17, 2015, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 21.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer 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 the petition.

“AN ACT authorizing the town of Natick to assess fines
for failure to relocate or remove utility poles and wires

Be it enacted in the Senate and house of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. For purposes of this act, a “utility company” shall mean a company, department or other entity that distributes and/or supplies electricity, telephone, telegraph, gas, communication, cable television services, and/or other utilities, and shall include the owner of utility wires, cables, attachments, and poles used for such purposes.

SECTION 2. Notwithstanding the provisions of M.G.L. c. 166, § 22, M.G.L. c. 164, § 34B, M.G.L. c. 166, § 22A, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to relocate utility wires, cables and attachments which it is responsible or otherwise required or authorized to relocate to an adjacent or nearby pole within twenty-one (21) days of the date on which said relocation is practical as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the twenty-first (21st) day, and one thousand dollars (\$1,000.00) per location per day after the sixtieth (60th) day.

SECTION 3. For purposes of this act, the relocation of a utility wire, cable or attachment is practical in circumstances in which the wire, cable or attachment is the highest mounted wire, cable or attachment on a pole, a replacement pole or conduit has been installed at a nearby location, no lighting or other fixture impedes the relocation, and any permits, grants of location or other approvals necessary for such relocation have been provided.

SECTION 4. Notwithstanding the provisions of M.G.L. c. 164, §34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to remove a utility pole which it is responsible or otherwise required or authorized to remove as part of a relocation within ninety (90) days of the date on which said relocation is practical as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the ninetieth (90th) day, and one thousand dollars (\$1,000.00) per location per day after the one hundred and twentieth (120th) day.

SECTION 5. For purposes of this act, removal of a utility pole is practical in circumstances in which all wires, cables and attachments have been removed from the pole and/or relocated to one (1) or more adjacent utility poles or locations, and any permits, grants of location or other approvals necessary for such relocation have been provided.

SECTION 6. Notwithstanding the provisions of M.G.L. c. 164, § 34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to initiate the installation of a new utility pole which it is responsible or otherwise required or authorized to install within ninety (90) days of the date on which said installation is requested or

ordered by the town as defined in this act, in an amount not to exceed the sum of two hundred fifty dollars (\$250.00) per location per day after the ninetieth (90th) day, and one thousand dollars (\$1,000.00) per location per day after the one hundred and twentieth (120th) day.

SECTION 7. For purposes of this act, installation of a new utility pole is practical in circumstances where the company responsible for installing a pole has been formally requested or ordered to do so by the town of Natick or its authorized representative for reasons of compliance with the Americans With Disabilities Act, the Massachusetts Architectural Access Board, other applicable state or federal law or regulation, the requirements of a roadway project, or compliance with town of Natick policy, and for which any permits, grants of location or other approvals necessary for such installation have been provided.

SECTION 8. Notwithstanding the provisions of M.G.L. c. 166, § 22, M.G.L. c. 164, § 34B, or any other general or special law to the contrary, the town of Natick shall have the authority to assess fines to any utility company which fails to remove or fully secure a utility wire, cable or attachment under its ownership or authority that has been disconnected from a customer location and which remains attached to a utility pole or an adjoining fixture within twenty one (21) days of the date on service has been discontinued, in an amount not to exceed the sum of two hundred fifty dollars (\$250) per location per day after the twenty-first (21st) day, and one thousand dollars (\$1,000) per location per day after the sixtieth (60th) day.

SECTION 9. For purposes of this act, removal or securing of a utility wire, cable or attachment is practical in circumstances in which the service has been discontinued from a customer location, and the wire, cable or attachment has been disconnected from the customer location, and remains attached to, but is not fully secured to a utility pole or fixtures attached thereto.

SECTION 10. A utility company may request an exemption from provisions of this act, which may be granted only following a duly posted public meeting of the Natick Board of Selectmen, who shall have sole authority to grant such exemption.

SECTION 11. Fines that are collected in accordance with this act shall be issued by the Natick Board of Selectmen or their designee, and shall be deposited in the town of Natick general fund, or in a fund lawfully established for the improvement of public ways. The issuance of a fine shall not preclude the town of Natick from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this act. The fines set forth herein may be annually revised by the Natick board of selectmen.

SECTION 12. This act shall take effect upon its passage.”

Mr. Ostroff spoke to this article. Discussion ensued on the article. Moved by Mr. Connolly moved, seconded by Mr. Gath to amend the main motion to add in Section 11 the word “be” between the words “shall” and “deposited”. ***The amendment passed unanimously by a show of hands. The amended main motion passed by majority vote (109-3-0).***

Moved by Mr. Jennett, seconded by Mr. Sidney to adjourn. ***The motion to adjourn passed by majority vote. The meeting adjourned at 10:00 PM until Thursday, November 5, 2015 at 7:30 PM.***

A record of the Fifth Session of
2015 Fall Annual Town Meeting
November 3, 2015

Diane Packer, Town Clerk