

**2016 Spring Annual Town Meeting
Fine and Performing Arts Center
Natick High School
May 5, 2016
Sixth Session**

The Sixth Session of the 2016 Spring 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 Sixth Session of 2016 Spring Annual Town Meeting. The Moderator asked that any recently elected or appointed members of Town Meeting stand to take the oath of office if they had not already done so (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 Richard Jennett, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations; Mr. Towne, Deputy Town Administrator for Finance and a representative from Option Technologies who will be operating the electronic voting system.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at the previous session of this 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.

The Moderator made several announcements regarding upcoming community events.

The Moderator announced that Town Meeting would begin with Article 29 and proceed to articles 27, 28 through the remainder of the warrant.

Moved by Mr. Ostroff, seconded by Mr. Hughes to postpone consideration of Article 6 until the first order of business on Tuesday, May 10th. Discussion ensued on this motion. ***The motion failed (45-55-4).***

Ms. White presented the following resolution in recognition of Thomas C. Collins:

Pleasure in the job puts perfection in the work. (Aristotle)

Whereas, Thomas C. Collins has served the Town of Natick as Deputy Director of the Department of Public Works for nearly 22 years; and

Whereas, Tom has served the Town of Natick as Equipment Maintenance Supervisor for nearly 31 years and worked in the field for 40 years, throughout which time he has continuously worked to advance the public works fleet management profession; and

Whereas Tom has worked hard to ensure that he and his staff are well trained by planning and implementing workshops and training programs, not just for his staff but for mechanics throughout New England; and

Whereas, Tom's innovative ideas and professionalism have brought great credit to himself, the Equipment Maintenance Division, the Department of Public Works, and the Town of Natick, while firmly establishing the Equipment Maintenance Division as one of the most well-respected operations within the Town of Natick and the envy of communities across the state; and

Whereas, while serving as Acting Director, Tom has ably led the Department of Public Works - and the men and women who serve it - through times of crisis and grief; and

Whereas, Tom worked to ensure that the Public Works profession receives the recognition it deserves. He created the tag line, "Public Works –The Silent Arm of Public Safety," which has also been adopted by many other Massachusetts public works agencies; and

Whereas, Tom was named an American Public Works Association 2015 Top Ten Public Works Leader; and

Whereas, Tom will be retiring this year, making this his last Town Meeting;

NOW THEREFORE BE IT RESOLVED that we ask the Town Clerk to honor Mr. Thomas C. Collins by presentation of this Resolution for his countless contributions to the Town of Natick and his years of selfless service on behalf of the community.

BE IT FURTHER RESOLVED that we call upon all our citizens to join in saluting Mr. Thomas C. Collins and in expressing our grateful appreciation for the fine example set by him in contributing to the welfare of our community.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the Town of Natick to be affixed on this 3rd day of May, 2016.

Moved by Ms. Salamoff, seconded by Mr. Gath to accept the resolution and enter it into the record of Town Meeting. *The motion passed unanimously.* Mr. Collins addressed the meeting.

ARTICLE 29: Acquisition of 22 Pleasant Street (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for open, park and recreation purposes, or other purposes that Town Meeting may authorize, the land with buildings thereon located at 22 Pleasant Street, Natick shown on Town of Natick Assessors' Map 64 as Parcel 44; and further, to see what sum of money the Town will vote to appropriate and raise, borrow or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9-0-1 on April 27, 2016, the Finance Committee recommends Favorable Action, with regard to the subject matter of Article 29 as printed in the voted recommended motion below.

MOTION: (Requires two-thirds vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for open space, park and recreation purposes, the land with buildings thereon located at 22 Pleasant Street, Natick shown on Town of Natick Assessors' Map 64 as Parcel 44; and further, to appropriate the sum of \$3,200,000.00 to be expended under the direction of the Board of Selectmen for the purposes of this article, and to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$3,200,000.00 under Chapter 44 Section 7 of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor aggregating not more than

\$3,200,000.00 in principal amount provided that the Board of Selectmen is not authorized to acquire said property unless a Purchase and Sale Agreement, satisfactory to the Board of Selectmen, is entered into with the owner of said property, which Purchase and Sale Agreement shall be consistent with a Letter of Intent signed by the owner of said property on April 13, 2016 and signed by the Chairman of the Board of Selectmen on April 19, 2016; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article.

Mr. Jennett, Chair of the Board of Selectmen spoke to this article. Discussion ensued on the article.

Mr. Coffey moved, seconded by Ms. Foss to amend Article 29 by inserting the following language “ and said property to be acquired free and cleaned of all contamination for its intended use and purpose” after the words “Parcel 44”. *The amendment failed (14-98-1).*

Mr. Williamson moved, seconded by Mr. Philben to amend the motion by adding the following at the end of the motion. “This purchase shall not take place and no Town funds shall be conveyed to the seller until such time as the seller removes all structures from the site and performs all environmental cleanup and remediation necessary at sellers expense so the site is classified by DEP as a “Unrestricted Use” without any “Activity Use Limitations” and the site conditions are deemed to have a condition of “No Significant Risk” relative to Human Health for the current and foreseeable future.” *The amendment failed (25-87-3).*

The main motion under Article 29 passed by two-thirds vote (89-25-1).

ARTICLE 27: Acquisition of the CSX Saxonville Branch (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or otherwise, for general municipal purposes, including without limitation recreational and transportation purposes, land known as the Saxonville Branch line and adjoining parcels, owned now or formerly by CSX Transportation, Inc., and shown on Natick Assessors Map 41, Lot RR1; Map 17, Lots 13, 14, 18 and 19; Map 26, Lot 40A; Map 35, Lot 296; and Map 43, Lots 413A and 413B; which land shall be used for the proposed Cochituate Rail Trail, a plan for which is on file with the office of the Natick Community and Economic Development Department, and for which construction has been approved for federal and state funding, and further, to see what sum of money the Town will vote to appropriate and raise, borrow or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article, and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on March 8, 2016, the Finance Committee recommends *No Action* with regard to the subject matter of Article 27 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town take No Action with regard to the subject matter of Article 27.

Ms. White spoke to this article and explained that the business of Article 27 and 28 were cover in the 2016 Special Town Meeting #1. *The motion to take no action passed by majority vote (102-1-3).*

ARTICLE 28: Acquisition of the So-Called Wonderbread Spur (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, including without limitation recreational and transportation purposes, the so-called Wonderbread Spur, located off Speen Street in Natick and shown on Town of Natick Assessors' Map 17 as Parcels 5 FA, 5 FB and 5 FC; and further, to see what sum of money the Town will vote to

appropriate and raise, borrow or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on March 8, 2016, the Finance Committee recommends *No Action* with regard to the subject matter of Article 28 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town take No Action with regard to the subject matter of Article 28.

The motion to take no action passed by majority vote (105-1-1).

ARTICLE 30: Reorganization of Zoning By-Laws (Planning Board)

To see if the Town will vote to amend and recodify the Zoning Bylaw as follows:

- a) Delete in their entirety the following provisions of the existing Zoning Bylaw:
 - a. Section I: General
 - b. Section II: Use Districts
 - c. Section III: Use Regulations
 - d. Section IV: Intensity Regulations
 - e. Section V: Special Requirements
 - f. Section VI: Administration

- b) Substitute the following provisions in the document entitled “Zoning Bylaw,” which is on file in the Community and Economic Development Office and the Office of the Town Clerk.
 - a. Section 1.0: Purpose and Authority
 - b. Section 2.0: Districts
 - c. Section 3.0: Use Regulations
 - d. Section 4.0: Dimensional Requirements
 - e. Section 5.0: Nonconforming Uses and Structures
 - f. Section 6.0: General Regulations
 - g. Section 7.0: Special Regulations
 - h. Section 8.0: Special Residential Regulations
 - i. Section 9.0: Special District Regulations
 - j. Section 10.0: Highway Districts
 - k. Section 11.0: Administration and Procedures
 - l. Section 12.0: Definitions

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 7- -0 on March 15, 2016, the Finance Committee voted to table further consideration of Article 30 to April 12, 2016 the first night of Town Meeting. By a vote of 9-0-0 on March 23, 2016, the Finance Committee advanced consideration of and tabled Article 30 to April 7, 2016 to devote an entire evening to hearing the subject matter of this article.

MOTION:

Moved by Mr. Evans, seconded by Mr. Griesmer to refer the subject matter of Article 30 to the Planning Board.

Ms. Evans spoke to the article. *The motion to refer the subject matter of Article 30 to the Planning Board passed unanimously (108-0-0).*

ARTICLE 31: Hear Report, Extend Term and Appropriate Funds for Tiny House Study Committee (Tiny House Study Committee)

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

- a) hear the report and recommendations of the Tiny House Study Committee created under Article 32 of Fall 2015 Town Meeting and/or
- b) extend the term of said committee and/or
- c) determine and to appropriate a sum of money for the study purposes of the committee including but not limited to retention of outside professionals as appropriate

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12 - 0 - 0 on March 22, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 31 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans seconded by Mr. Griesmer to extend the term of the Tiny House Study Committee, created under Article 32 of Fall 2015 Town Meeting, through Fall 2016 Town Meeting.

The main motion under Article 31 passed my majority vote (95-12-0).

ARTICLE 32: Amend Town of Natick By-Law Article 24, Section 3.2 (Board of Selectmen)

To see if the Town will vote to amend the Town of Natick By-Law Article 24, Section 3.2 as follows:

The Pay Plan shall fix the compensation for each employee covered under the Personnel By-law. Provided however that the Town Administrator, pursuant to the Employee Evaluation procedure described in Section 9 and subject to available funds, may award a single instance payment to those employees whose work exceeds expectations; said payments shall not be added to base pay. All such payments shall be reviewed and ratified by the Board of Selectmen prior to being awarded and shall be reported publicly to the Personnel Board at their next regularly scheduled meeting. Any such payments for personnel appointed by the Board of Selectmen shall be subject to their approval.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 13-0-0 on March 10, 2016, the Finance Committee recommends *Referral* with regard to the subject matter of Article 32 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town refer the subject matter of Article 32 to the Town Administrator and the Board of Selectmen.

The main motion under Article 32 passed by majority vote (104-3-1).

ARTICLE 33: Appropriate Funds for Design of New West Natick Fire Station (Town Administrator)

To see if the Town will vote to appropriate a sum of money from mitigation funds for the purpose of funding design and associated work for construction of a new Fire Station at the location of Fire Station #4 and adjoining properties (West Natick Fire Station), or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11 - 0 - 0 on March 8, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 33 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 appropriate \$560,000 from Chrysler Road 40B project mitigation funds for the purpose of funding design and related preliminary work associated with development of a new West Natick Fire Station (Fire Station #4) at the location of the existing said Fire Station and adjoining Town-owned properties.

Ms. White spoke to this article. *The main motion under Article 33 passed by majority vote (106-0-1).*

ARTICLE 34: Appropriate Funds to the Walcott Fund (Town Administrator)

To see if the Town will vote to appropriate a sum of money to the Walcott Fund, which fund was established pursuant to the will of John B. Walcott for the purpose of providing financial assistance to low-income Natick residents, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 8 - 0 - 0 on March 8, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 34 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griemser that the Town vote to appropriate \$15,000 from Free Cash to the Walcott Fund, which fund was established pursuant to the will of John B. Walcott for the purpose of providing financial assistance to low-income Natick residents.

The main motion under Article 34 passed by majority vote (96-1-0).

ARTICLE 35: Appropriate Funds for Route 27 Design (Town Administrator)

To see if the Town will vote to appropriate a sum of money from mitigation funds for Route 27 design and associated costs; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11 - 0 - 0 on February 23, 2016, the Finance Committee recommends *Favorable 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. Evans, seconded by Mr. Griesmer that the Town vote to appropriate the sum of \$19,680 from mitigation funds received from the Primrose School Franchising Company to be used for Route 27 design and associated costs.

Ms. White spoke to this article. *The main motion under Article 35 passed by majority vote (96-2-1).*

ARTICLE 36: Amend General By-Laws Regarding Directional Signage on Public Rights-of-Way (Board of Selectmen)

To see if the Town will vote to amend the Town of Natick Bylaws to add a new section 72C to provide for directional signage on public property, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 8-0-0 on March 17, 2016, the Finance Committee recommends, *Referral* with regard to the subject matter of Article 36 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer to refer the subject matter of Article 36 to the Board of Selectmen.

Mr. Ostroff moved, seconded by Mr. Jennett to amend the main motion to add the Charter and By-Law Review Committee to the referral motion. *The amendment passed by majority vote (98-2-2). The amended main motion under Article 36 passed unanimously (100-0-0).*

ARTICLE 38: Acquisition of 320 Bacon Street (Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for water supply protection purposes, the land with buildings thereon located at 320 Bacon Street, Natick shown on Town of Natick Assessors' Map 26 as Parcel 130; and further, to see what sum of money the Town will vote to appropriate and raise, borrow or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12 - 0 - 0 on March 22, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 38 as presented in the voted recommended motion below.

MOTION: (Requires two thirds vote)

Moved by Mr. Freedman, seconded by Mr. Griesmer to take no action on this article.

Mr. Freedman spoke to this article and explained that there is no agreement with the property owner on acquiring this property. *The motion to take no action on Article 38 passed by majority vote (96-2-2).*

ARTICLE 39: Appropriate Funds for Abutters to Lake Street Drainage Project (Board of Selectmen)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide as compensation to immediate abutters to the Lake Street drainage project, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10 - 0 - 0 on March 15, 2016, the Finance Committee recommends *Indefinite Postponement* with regard to the subject matter of Article 39 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 Indefinitely Postpone the subject matter of Article 39.

Mr. Jennett spoke to this article. *The motion to indefinitely postpone consideration of Article 39 passed by majority vote (92-4-3).*

The Moderator thanked all of the people who help make sure that Town Meeting runs smoothly. Special thanks to Dave Moores and the custodial staff at the High School, Pegasus, the Town Clerk's Office, Judy Kuhn for handing out the electronic voting machines and to the Pages. Mr. Jennett thanked Mr. Foss.

ARTICLE 6: Collective Bargaining (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Unit
- b) Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works Laborers Unit

- c) Public Employees Local Union 1116 of the Laborers International Union of North America – Library Employees
- d) Supervisors and Administrators Association (DPW)
- e) The Natick Patrol Officers Association
- f) New England Police Benevolent Association, AFL-CIO, Local 182
- g) Service Employees International Union Local 888, Dispatchers
- h) Local 1707 International Association of Firefighters
- i) The Deputy Fire Chiefs Association
- j) Maintenance and Custodians Local #1116 of the Laborers International Union of North America – Facility Management Employees

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9 - 0 - 1 on March 15, 2016, the Finance Committee recommends ***Favorable Action*** with regard to the subject matter of Article 6 as presented in the voted recommended motion below.

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer to transfer the sum of \$27,196 from the Board of Selectmen's FY 2016 budget - Selectmen Contract Settlements to the Facilities Management's FY 2016 budget - Personnel Services for the purpose of funding the contract for Facilities Management employees in the Maintenance and Custodians Local #1116 of the Laborers' International Union, AFL-CIO.

Ms. White spoke to this article. ***The main motion under Article 6 passed by majority vote (98-3-0).***

Moved by Mr. Ostroff, seconded by Mr. Gath to dissolve the 2016 Spring Annual Town Meeting. The motion to dissolve passed by majority vote. The 2016 Spring Annual Town Meeting dissolved on May 5, 2016 at 10:00 PM.

A record of the Sixth Session of
2016 Spring Annual Town Meeting
May 5, 2016

Diane Packer, Town Clerk