

**2017 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
November 7, 2017
Sixth Session**

The Sixth Session of the 2017 Fall Annual Town Meeting was called to order at 7:40 PM by 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 2017 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 no new 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 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, Town Clerk; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Jonathan Freedman, Chair, Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations and Tim Lathwood, a 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.

**ARTICLE 33: Amend Charter Article 3: Elected Officers
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 3 of the Town of Natick Home Rule Charter as follows:

1. in section 3-2, sub-section c, replace the phrase “a police chief, and a fire chief in accordance with civil service laws and rules” with the phrase “a police chief; and a fire chief”, so that the sub-section shall read:
“(c) **Appointment Powers** – Subject to the provisions of Article 6, the Board of Selectmen shall appoint a town administrator for a term of not less than three nor more than five years; a town comptroller for a term of three years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; a town counsel for a term of one year; a director of veterans' services; a police chief; and a fire chief.”; and
2. in section 3-12, sub-section b, replace the phrase “superintendent of the recreation and parks department” with the phrase “director of recreation and parks”, so that the sub-section shall read:
“(b) **Powers and Duties** - The recreation and parks commission shall advise the town administrator and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. Whenever the position of director of recreation and parks shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of **12-0-0** on **September 12, 2017** the Finance Committee recommends *Favorable Action* Motions A and B under Article 33.

MOTIONS

Motion A: (Requires two-thirds majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace the phrase “a police chief, and a fire chief in accordance with civil service laws and rules” with the phrase “a police chief; and a fire chief” in section 3-2, sub-section c of Article 3 of the Town of Natick Home Rule Charter.

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. *Motion A under Article 33 passed by a two-thirds vote (106-0-0).*

Motion B: (Requires two-thirds majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to replace the phrase “superintendent of the recreation and parks department” with the phrase “director of recreation and parks” in section 3-12, sub-section b of Article 3 of the Town of Natick Home Rule Charter.

Motion B under Article 33 passed by a two-thirds vote (107-0-0).

**ARTICLE 34: Amend Charter Article 4: Town Administrator
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 4 of the Town of Natick Home Rule Charter as follows:

1. replace Section 4-2, sub-section 4, with the following:

“4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. He shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.”; and

2. in section 4-2, sub-section 14, add the phrase “and collective bargaining agreements” after the word “contracts”; so that the sub-section shall read:

“14) He shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of **12-0-0** on **September 12, 2017** the Finance Committee recommends *Favorable Action* on Motions A and B under Article 34. .

MOTIONS:

Motion A: (Requires two-thirds majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace the text of Section 4-2, sub-section 4 with: He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. He shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. *Motion A under Article 34 passed by a two-thirds vote (107-0-0).*

Motion B: (Requires two-thirds majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to add the phrase “and collective bargaining agreements” after the word “contracts” in section 4-2, sub-section 14.

Motion B under Article 34 passed by a two-thirds vote (107-0-0).

**ARTICLE 35: Amend Charter Article 7: General Provisions
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 7 of the Town of Natick Home Rule Charter as follows:

3. replace section 7-9, sub-section a with the following:
“Meetings – All multiple member bodies, whether elected, appointed, or otherwise constituted, shall meet regularly. All meetings shall be held in a public building, unless it is a site visit, and shall be scheduled and posted in accordance with the applicable law and the Open Meeting Law under Mass. Gen. Law. A copy of the same notice shall be posted on the town bulletin board.”; and
4. update section 7-9, sub-section b as follows:
 - a. change the title of the section to “Rules and Minutes”; and
 - b. change the words “a journal” to the word “minutes” in the phrase “keeping of a journal of its proceedings”; and
 - c. change the word “journal” to the word “minutes” in the phrase “These rules and the journal”; and
 - d. change the word “interchange” to “exchange” in the phrase “otherwise interchange”,

so that the sub-section shall read:

“(b) **Rules and Minutes** - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of its meetings for members of the public who are present to ask questions, state opinions and otherwise exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes shall be a public record.”; and

5. in section 7-9, sub-section c, replace the word “journal” with the word “minutes” in the phrase “recorded in the journal”, so that the sub-section shall read:

“(c) **Voting** - If requested by any member, any vote of a multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.”; and

6. in section 7-9, sub-section d,
 - a. remove the phrase “, but a smaller number may meet and adjourn from time to time” from the first sentence; and
 - b. add the sentences “A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned.” after the first sentence;

so that the sub-section shall read:

“(d) **Quorum** - A majority of the full membership of a multiple member body shall constitute a quorum. A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.”; and

7. in section 7-9, sub-section e, replace the words “thirty days” with the words “ninety days”, so that the section shall read:

“(e) **Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of ninety days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.”; and

8. in section 7-10, remove the phrase “in the town bulletin board”, so that the section shall read:
“Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the board of

selectmen, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.”; and

9. in section 7-11, replace the first paragraph with:

“Any appointed officer or employee of the town, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority in accordance with the procedure set forth below. Provided, however, that said procedure shall not apply to those officers and employees for whom general law or the terms of a collective bargaining agreement supersede these provisions, and further provided that this section shall not apply to employees on probationary status.”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of **11-0-0** on **September 28, 2017** the Finance Committee recommends *Favorable Action* on Motion A under Article 35. By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends *Favorable Action* on Motions B and C under Article 35.

MOTIONS:

Motion A: (Requires two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes to replace Section 7-9 of Article 7 of the Town of Natick Home Rule Charter with:

Section 7-9 Procedure Governing Multiple Member Bodies

- (a) Meetings - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly. All meetings of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.
- (b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of its meetings for members of the public who are present to ask questions, state opinions and otherwise exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes shall be a public record.
- (c) Voting - If requested by any member, any vote of a multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.
- (d) Quorum - A majority of the full membership of a multiple member body shall constitute a quorum. A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.
- (e) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of ninety days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

Ms. Gloff, Chair of the Charter and By-Law Review Committee spoke to all of the motions under this article. *Motion A under Article 35 passed by a two-thirds vote (106-1-0).*

Motion B: (Requires two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes to remove the phrase “on the town bulletin board” from section 7-10 of Article 7 of the Town of Natick Home Rule Charter.

Motion B under Article 35 passed by two-thirds vote (102-2-0).

Motion C: (Requires two-thirds majority)

Moved by Mr. Evans, seconded by Mr. Hayes to replace the first paragraph of section 7-11 of Article 7 of the Town of Natick Home Rule Charter with:

Any appointed officer or employee of the town, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority in accordance with the procedure set forth below. Provided, however, that said procedure shall not apply to those officers and employees for whom general law or the terms of a collective bargaining agreement supersede these provisions, and further provided that this section shall not apply to employees on probationary status.

Motion C under Article 35 passed by a two-thirds vote (105-0-1)

**ARTICLE 36: Amend By-law Article 3: Procedures at Town Meetings
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 3 of the Town of Natick By-laws as follows:

1. replace the first paragraph of Section 4 with:

“Voting by Town Meeting Members shall, at the discretion of the Moderator:

- a. utilize electronic voting technology, when available; or
- b. be by a show of hands; or
- c. be by other means as authorized by the Moderator and approved by vote of two-thirds (2/3) of the Town Meeting members present and voting; or
- d. be as hereinafter provided.”; and

2. insert the phrase “authorized by Town Meeting” after the word “committees” in the first sentence of Section 10, so that the sentence shall read:

“All committees authorized by Town Meeting shall be appointed by the Moderator, unless otherwise ordered by a vote of two-thirds (2/3) of the Town Meeting Members present and voting.”; and

3. replace the phrase “thirty (30)” with the phrase “ninety (90)” in the second sentence of Section 10, so that the sentence shall read:

“All committees shall be appointed within ninety (90) days from the dissolution of a Town Meeting.”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

Motion A: By a vote of **12-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion B: By a vote of **12-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

MOTIONS (Require majority vote):

Motion A:

Moved by Mr. Evans, seconded by Mr. Hayes to replace the first paragraph of Section 4 of Article 3 of the Town of Natick By-laws with:

“Voting by Town Meeting Members shall, at the discretion of the Moderator:

- a. utilize electronic voting technology, when available; or
- b. be by a show of hands; or
- c. be by other means as authorized by the Moderator and approved by vote of two-thirds (2/3) of the Town Meeting members present and voting; or
- d. be as hereinafter provided”

Mr. Sidney, Vice Chair of the Charter and By-law Review Committee spoke to this motion. Mr. Connolly moved, seconded by Ms. Vabulas to amend the main motion by changing the second

paragraph of Section 4, to delete the words “by any other means” in the sentence starting with the words “If the result of a vote by show of hands” Also, after the phrase “is in doubt,” delete the comma. *The amendment to Motion A failed (34-68-4). Motion A under Article 36 passed by majority vote (102-2-2).*

Motion B:

Moved by Mr. Evans, seconded by Mr. Hayes to replace Section 10 of Article 3 of the Town of Natick By-laws with:

“All committees authorized by Town Meeting shall be appointed by the Moderator, unless otherwise ordered by a vote of two-thirds (2/3) of the Town Meeting Members present and voting. All committees shall be appointed within ninety (90) days from the dissolution of a Town Meeting.”

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. Mr. Coburn moved, seconded by Mr. Linehan to amend Motion B by deleting the phrase “of a two-thirds (2/3)” and insert the word “majority” before the word “vote”. *The amendment to Motion B failed (39-59-6). Motion B under Article 36 passed by majority vote (102-4-1).*

**ARTICLE 37: Amend By-law Article 10: Board of Selectmen
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 10 of the Town of Natick By-laws as follows:

1. In section 3:
 - a. replace the words “defend and compromise” in the first sentence with the words “defend, negotiate, and/or resolve”; and
 - b. replace the word “compromise” in the second sentence with the word “settle”,

so that the section shall read:

“The Board of Selectmen shall have the authority to prosecute, defend, negotiate, and/or resolve, through the Town Counsel as provided under Sections 6 and 7 of Article 22 of the By-Laws, all litigations to which the Town is a party. The Board of Selectmen may settle any claim against the Town whenever there are sufficient funds available in an account for that purpose or whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from the General Fund Reserve Fund.”; and

2. In the table “Appointments Made by the Board of Selectmen”:
 - a. Remove the “Bicycle & Pedestrian Advisory Committee”; and
 - b. Remove the “Recycling Study and Advisory Committee”; and
 - c. Add the “Sustainability Committee” after “Registrar of Voters”; and
 - d. Add the “Transportation Advisory Committee” after “Town Counsel”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

Motion A: By a vote of 12-0-0 on **September 12, 2017** the Finance Committee recommends *Favorable Action* on the motion as printed below.

Motion B: By a vote of 12-0-0 on **September 12, 2017** the Finance Committee recommends *Favorable Action* on the motion as printed below.

Motion C: By a vote of 12-0-0 on **September 12, 2017** the Finance Committee recommends *Favorable Action* on the motion as printed below.

Motion D: By a vote of 12-0-0 on **September 12, 2017** the Finance Committee recommends *Favorable Action* on the motion as printed below.

MOTIONS:

Motion A: (Requires majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace Section 3 in Article 10 of the Town of Natick By-laws with the following text:

“The Board of Selectmen shall have the authority to prosecute, defend, negotiate, and/or resolve, through the Town Counsel as provided under Sections 6 and 7 of Article 22 of the By-Laws, all litigations to which the Town is a party. The Board of Selectmen may settle any claim against the Town whenever there are sufficient funds available in an account for that purpose or whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from the General Fund Reserve Fund.”

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to all of the motions under this article.

Motion A under Article 37 passed by majority vote (105-0-0).

Motion B: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to delete the entries “Bicycle & Pedestrian Advisory Committee” and “Recycling Study and Advisory Committee” from the table “Appointments Made by the Board of Selectmen” in Article 10 of the Town of Natick By-laws.

Motion B under Article 37 passed by majority vote (106-0-1).

Motion C: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to add the entry “Sustainability Committee” after the entry “Registrar of Voters” in the table “Appointments Made by the Board of Selectmen” in Article 10 of the Town of Natick By-laws.

Motion C under Article 37 passed by majority vote (108-0-0).

Motion D: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to add the entry “Transportation Advisory Committee” after the entry “Town Counsel” in the table “Appointments Made by the Board of Selectmen” in Article 10 of the Town of Natick By-laws.

Motion D under Article 37 passed by majority vote (108-0-0).

Motion E: Moved by Mr. Connolly, seconded by Ms. Vabulas to further amend the table “Appointments made the by the Board of Selectmen” to change Chief of Police” to Police Chief and to put it in alphabetical order in the table. Also to strike from the table the footnote: “(C.S.-Civil Service;)”.

Motion E under Article 37 passed by majority vote (77-16-7).

ARTICLE 38: Amend By-law Article 11: Town Clerk (Charter & By-law Review Committee)

To see whether the Town will vote to amend Article 11 of the Town of Natick By-laws as follows:

1. delete the second sentence of Section 2, to that the Section shall read:

“The Town Clerk or his designee shall cause every conveyance to the Town of any interest in land to be properly recorded in the appropriate Registry of Deeds or Land Registration Office.”; and

2. replace Section 3 with the following text:

“The Town Clerk shall keep one or more copies of each Town Report. He shall publish in the annual printed report of the Town a copy of his record of all Town Meetings that have been held during the preceding year. The Attorney General's approval, if any, for each warrant article shall be maintained in the Town Clerk’s Office as a permanent record.”; and

3. replace Section 6 with the following text:

“Upon the dissolution of Town Meeting, the Town Clerk shall:

- a. provide all documentation required by general law to the Attorney General’s Office;
- b. furnish the various Town officers and committees a copy of such action of the Town as affects them respectively, if requested.”; and

4. delete the phrase “and for distribution as a news release to the media” from the end of the second sentence of Section 7, so that the Section shall read:

“A record available for public inspection shall be kept by the Town Clerk of the attendance of Town Meeting Members at each Town Meeting or adjourned Town Meeting thereafter. The Town Clerk shall compile a yearly attendance record of all Town Meeting Members for publication in the Annual Town Report.”; and

5. delete the phrase “on the town bulletin board” from Section 11, so that the Section shall read:

“The Town Clerk shall post a notice to announce all new appointments to fill vacancies in the Town Meeting membership as they occur.”;
or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

Motion A: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion B: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion C: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion D: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion E: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

MOTIONS:

Motion A: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to delete the second sentence of Article 11, Section 2 of the Town of Natick By-laws.

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to all of the motions in this article.

Motion A under Article 38 passed by majority vote (106-0-0).

Motion B: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to replace Article 11, Section 3 of the Town of Natick By-laws with “The Town Clerk shall keep one or more copies of each Town Report. He shall publish in the annual printed report of the Town a copy of his record of all Town Meetings that have been held during the preceding year. The Attorney General's approval, if any, for each warrant article shall be maintained in the Town Clerk's Office as a permanent record.”

Motion B under Article 38 passed by (100-1-1).

Motion C: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to replace Article 11, Section 6 of the Town of Natick By-laws with:

“Upon the dissolution of Town Meeting, the Town Clerk shall:

- a. provide all documentation required by general law to the Attorney General's Office;
- b. furnish the various Town officers and committees a copy of such action of the Town as affects them respectively, if requested.”

Motion C under Article 38 passed by majority vote (101-1-0).

Motion D: (Requires majority vote)

Moved to by Mr. Evans, seconded by Mr. Hayes to delete the phrase “and for distribution as a news release to the media” from the end of the second sentence of Section 7 of Article 11 of the Town of Natick By-laws.

Motion D under Article 38 passed by majority vote (98-3-0).

Motion E: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to delete the phrase “on the town bulletin board” from Article 11, Section 10 of the Town of Natick By-laws.

Motion E under Article 38 passed by majority vote (93-4-1).

**ARTICLE 39: Amend By-law Article 21B: Building Commissioner
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 21B of the Town of Natick By-laws as follows: In Section 3, replace the words “Personnel Director” with the words “Director of Human Resources”, so that the Section shall read:

“The duties of the Building Commissioner shall include those specified in applicable Sections of CMR and MGL, and other duties as may be specified in a job description to be maintained by the Director of Human Resources, provided that the duties of the position are consistent with the requirements of CMR and MGL.”;
or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of **12-0-0** on **September 12, 2017** the Finance Committee recommends *Favorable Action* on the motion as printed below.

MOTION: (Requires majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace the words “Personnel Director” with the words “Director of Human Resources” in Section 3 of Article 21B of the Town of Natick By-laws.

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to this article. *The main motion under Article 39 passed by majority vote (98-3-0).*

**ARTICLE 40: Amend By-law Article 24: Town Employees and Personnel Board
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 24 of the Town of Natick By-laws as follows:

1. Replace the term “Personnel Director” with the term “Director of Human Resources” in the following locations:
 - a. the first sentence of Section 2.2; and
 - b. Section 3.3; and
 - c. Section 3.6; and
 - d. Section 3.7; and
 - e. Section 3.8; and
 - f. Section 3.9; and
 - g. Section 4.1; and
 - h. Section 7.2.5; and
 - i. the first paragraph of Section 7.6; and
 - j. Section 7.6, sub-section b; and
 - k. Section 9.2; and
 - l. in two places in Section 14.2, sub-section c; and
 - m. in two places in Section 15.2; sub-section c; and
2. in Section 1.2:
 - a. remove the words “other appointive or” in the first sentence of Section 1.2; and
 - b. remove the second sentence, so that the Section shall read:
“Any member on the Personnel Board shall not at the same time be a Town employee nor hold any elective position except that of Town Meeting member.”; and
3. in Section 4.2, delete the sentence “These employees are exempt from the provisions of the Fair Labor Standards Act.”; and
4. in Section 6.1:
 - a. replace the phrase “the following remedies are provided:” in the first paragraph with the phrase “the following steps shall be followed:”; and
 - b. replace the phrase “If results are unsatisfactory” with the phrase “If the problem or grievance is not resolved” at the beginning of sub-section b; and
 - c. replace the phrase “steps 1 or 2” with the phrase “steps a or b, above” in sub-section c; and
 - d. replace the phrase “Personnel Director” with the phrase “Director of Human Resources” in sub-section c,

so that the Section shall read:
“6.1 It is the intent of the Town to provide each employee with suitable working conditions, environments, practices and procedures so as to provide the maximum effectiveness, efficiency and motivation to perform the duties assigned. In the event there is a problem or

grievance regarding interpretation or application of this By-law, the following steps shall be followed:

- a. A review of the situation with the employee's immediate supervisor shall take place.
 - b. If the problem or grievance is not resolved, a written statement shall be submitted within ten (10) days to the Department Head, who shall respond within fifteen (15) days as to what action is to be taken.
 - c. If not settled by procedures set forth in Steps a or b, above, it shall, within ten (10) days be submitted to the Town Administrator, who shall respond within fifteen (15) days. Before making a final determination, the Town Administrator shall receive a recommendation from the Director of Human Resources.”; and
5. replace Section 7.3.2, sub-section b with “For any period in excess of three (3) consecutive days or in excess of six (6) days in any calendar year, the employing Department Head or designated representative, after investigation, shall submit a report to the Director of Human Resources, which shall be considered along with written medical evidence submitted by the employee. The Director of Human Resources shall make a determination as to whether the employee’s use of sick leave is excessive and/or unjustified, and shall determine what action shall be taken, if any.”; and
 6. replace Section 8, sub-section c with “Religious Holidays – up to two (2) days, with prior notification to the department head.”; and
 7. move the text of Section 11.3 to a new sub-section 7.3.2 (d) without a title and delete Section 11.3, so that Section 7.3.2 (d) reads:

“(d) School Traffic Supervisors shall accrue sick leave up to a total maximum of sixty (60) days at the rate of one day for each month actively engaged as a School Traffic Supervisor.”;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

Motion A: By a vote of **13-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion B: By a vote of **12-1-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion C: By a vote of **13-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion D: By a vote of **13-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion E: By a vote of **13-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion F: By a vote of **12-0-1** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion G: By a vote of **13-0-0** on **September 12, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

MOTIONS:

Motion A: (Requires majority vote)

Moved by Mr. Evans seconded to Mr. Hayes to replace Section 1.2 of Article 24 of the Town of Natick By-laws with “Any member on the Personnel Board shall not at the same time be a Town employee nor hold any elective position except that of Town Meeting member.”

Ms. Gloff, Chair of the Charter and By-law Review Committee spoke to all of the motions under this article.

Motion A under Article 40 passed by majority vote (92-2-3).

Motion B: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to delete the sentence “These employees are exempt from the provisions of the Fair Labor Standards Act.” from Section 4.2 of Article 24 of the Town of Natick By-laws.

Motion B under Article 40 passed by majority vote (91-1-0).

Motion C: (Requires majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace Section 6.1 of Article 24 of the Town of Natick By-laws with:

- “6.1 It is the intent of the Town to provide each employee with suitable working conditions, environments, practices and procedures so as to provide the maximum effectiveness, efficiency and motivation to perform the duties assigned. In the event there is a problem or grievance regarding interpretation or application of this By-law, the following steps shall be followed:
- a. A review of the situation with the employee's immediate supervisor shall take place.
 - b. If the problem or grievance is not resolved, a written statement shall be submitted within ten (10) days to the Department Head, who shall respond within fifteen (15) days as to what action is to be taken.
 - c. If not settled by procedures set forth in Steps a or b, above, it shall, within ten (10) days be submitted to the Town Administrator, who shall respond within fifteen (15) days. Before making a final determination, the Town Administrator shall receive a recommendation from the Director of Human Resources.”

Motion C under Article 40 passed by majority vote (93-0-0).

Motion D: (Requires majority vote)

Move to replace Section 7.3.2, sub-section b of Article 24 of the Town of Natick By-laws with:

“For any period in excess of three (3) consecutive days or in excess of six (6) days in any calendar year, the employing Department Head or designated representative, after investigation, shall submit a report to the Director of Human Resources, which shall be considered along with written medical evidence submitted by the employee. The Director of Human Resources shall make a determination as to whether the employee’s use of sick leave is excessive and/or unjustified, and shall determine what action shall be taken, if any.”

Motion D under Article 40 passed by majority vote (92-2-0).

Motion E: (Requires majority vote)

Moved to Mr. Evans seconded by Mr. Hayes to replace Section 8, sub-section c of Article 24 of the Town of Natick By-laws with:

“Religious Holidays – up to two (2) days, with prior notification to the department head.”

Motion E under Article 40 passed by majority vote (92-1-1).

Motion F: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to insert a new Section 7.3.2, sub-section d of Article 24 of the Town of Natick By-laws with:

“(d) School Traffic Supervisors shall accrue sick leave up to a total maximum of sixty (60) days at the rate of one day for each month actively engaged as a School Traffic Supervisor.”; and to delete Section 11.3 in Article 24 of the Town of Natick By-laws.

Motion F under Article 40 passed by majority vote (88-0-2).

Motion G: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to replace the phrase “Personnel Director” with the phrase “Director of Human Resources” in the following places in Article 24 of the Town of Natick By-laws:

- the first sentence of Section 2.2; and
- Section 3.3; and
- Section 3.6 and
- Section 3.7; and
- Section 3.8; and
- Section 3.9; and
- Section 4.1; and
- Section 7.2.5; and
- the first paragraph of Section 7.6; and
- Section 7.6, sub-section b; and
- Section 9.2; and
- in two places in Section 14.2, sub-section c; and
- in two places in Section 15.2; sub-section c.

Motion G under Article 40 passed by majority vote (93-0-0).

**ARTICLE 41: Amend By-law Article 25: Council on Aging
(Charter & By-law Review Committee)**

To see whether the Town will vote to amend Article 25 of the Town of Natick By-laws as follows:

1. In section 1 a, add the phrase “, when possible” at the end of the sentence, so that the section shall read:

“Membership of the Council shall reflect the diversity of the population, when possible.”

2. In section 1 b, replace the phrase “within seven days of their appointment” with the phrase “or his designee”, so that the section shall read:

“All members shall be sworn in by the Town Clerk or his designee and shall not serve until duly sworn in.”

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

Motion A: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

Motion B: By a vote of **8-0-0** on **September 19, 2017** the Finance Committee recommends **Favorable Action** on the motion as printed below.

MOTIONS:

Motion A: (Requires majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to replace section 1 a. in Article 25 of the Town of Natick By-laws with the following text:

“Membership of the Council shall reflect the diversity of the population, when possible.”

Ms. Gloff, Chair of the Charter and B-law Review Committee spoke to all the motions under this article.

Ms. Salamoff moved, seconded by Mr. Philben to amend Motion A by deleting the words “shall reflect the diversity of the population, when possible” and insert in its place the following “should be diverse, representative of different backgrounds, generations and experience.” **The amendment failed (38-51-2). Motion A under Article 41 passed by majority vote (85-4-3).**

Motion B: (Requires majority vote)

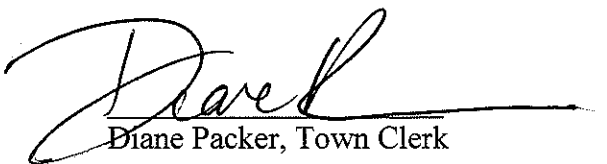
Moved by Mr. Evans, seconded by Mr. Hayes to replace section 1 b. in Article 25 of the Town of Natick By-laws with the following text:

“All members shall be sworn in by the Town Clerk or his designee and shall not serve until duly sworn in.”

Motion B under Article 41 passed by majority vote (82-1-0).

Mr. Sidney moved seconded by Mr. Evans to adjourn. **The motion to adjourn passed by majority vote. The meeting adjourned at 10:07 PM until Thursday, November 9, 2017 at 7:30 PM.**

A record of the Sixth Session of
2017 Fall Annual Town Meeting
November 7, 2017


Diane Packer, Town Clerk