

**2018 Natick Fall Annual Town Meeting
Natick High School Auditorium
Marshall Lebowitz Hall
November 1, 2018
Sixth Session**

The Sixth Session of the Natick 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 Fifth Session of the Natick Fall Annual Town Meeting. The Moderator asked the audience to stand for the Pledge of Allegiance and a moment of silence for those serving on our behalf around the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Carol Gloff, Acting Town Clerk; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Karis North, Town Counsel; Amy Mistrot, Chair, Board of Selectmen; Melissa Malone, Town Administrator; Tim Lathwood, a representative from Option Technologies who will be operating the electronic voting system; and Sean O'Brien who will be operating the slides.

The Moderator reviewed the general rules and procedures of Town Meeting that were accepted at a 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 question 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 announced that the order of business is Article 33, 35-42.

ARTICLE 33: Establish Study Committee: 1.5% Test of Land Use (Julian Munnich et al)

To see whether the Town will vote to establish a study committee of Town Meeting, appointed by the Moderator, to address, research, study, analyze and recommend regarding the issue and question of where the Town stands relative to and whether the Town has met and/or can meet its obligation under the so-called "1.5% test" of land use as defined and more specifically described in MGL c.40B §§ 20-23, 760 CMR 56 and/or related guidelines issued by DHCD or any office of the Commonwealth or established in any legal proceeding; and, without limitation:

- 1) To establish the number and/or qualifications of committee members to be appointed;
- 2) To establish the charge of said committee including, but not limited to:
 - Identify any and all components of the calculation and all individual parcels or acreage owned by the United States; the Commonwealth; or any political subdivision thereof; the Department of Conservation and Recreation or any state public authority; or where all residential, commercial, and industrial development has been prohibited by deed, decree, zoning or restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A; or is dedicated to conservation or open space whether under control or ownership by trusts, corporations, partnerships, private parties, or otherwise; or is contained in the Subsidized Housing Inventory; and the size of all bodies of water located within Natick;
 - Gather any other information necessary to analyze, evaluate, and calculate the Town's position relative to the 1.5% test;

- Identify and recommend any zoning changes or other actions that might strengthen or improve the Town’s position relative to meeting or exceeding this test;
 - Report its findings and recommendations to 2019 Fall Annual Town Meeting or such other date as Town Meeting shall establish provided, however, that this shall not preclude any preliminary or earlier report(s) to Town boards, committees, commissions, or to Town Meeting;
- 3) To authorize said committee to develop a database of properties to be included in and/or excluded from either the numerator or the denominator of the calculation;
 - 4) To provide that said committee shall have access to Town Counsel and to Town staff, including but not limited to the Community and Economic Development, DPW (GIS), and Finance (Assessors) divisions and may utilize the services of outside consultants;
 - 5) To provide for a method to engage any such outside consultant including, without limitation, a reserve fund transfer by the Finance Committee;
 - 6) To see what sum of money the Town will appropriate to accomplish the purpose of said committee;
 - 7) To set the term of said study committee to expire upon the dissolution of 2019 Fall Annual Town Meeting or such other date as Town Meeting shall establish unless otherwise extended by Town Meeting;
 - 8) Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 33	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 11, 2018	Favorable Action	10-0-1

MOTION: (Requires a majority vote)

Move to establish a study committee of Town Meeting, appointed by the Moderator, to address, research, study, analyze and recommend regarding the issue and question of where the Town stands relative to and whether the Town has met and/or can meet its obligation under the so-called “1.5% test” of land use as defined and more specifically described in MGL c.40B §§ 20-23, 760 CMR 56 and/or related guidelines issued by DHCD or any office of the Commonwealth or established in any legal proceeding; and, without limitation:

To establish the number of committee members as five (5);

To establish the charge of said committee including, but not limited to:

- Identify any and all components of the calculation and all individual parcels or acreage owned by the United States; the Commonwealth; or any political subdivision thereof; the Department of Conservation and Recreation or any state public authority; or where all residential, commercial, and industrial development has been prohibited by deed, decree, zoning or restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A; or is dedicated to conservation or open space whether under control or ownership by trusts, corporations, partnerships, private parties, or otherwise; or is contained in the Subsidized Housing Inventory; and the size of all bodies of water located within Natick;
- Gather any other information necessary to analyze, evaluate, and calculate the Town’s position relative to the 1.5% test;
- Identify and recommend any zoning changes or other actions that might strengthen or improve the Town’s position relative to meeting or exceeding this test;
- Report its findings and recommendations to 2019 Fall Annual Town Meeting or such other date as Town Meeting shall establish provided, however, that this shall not preclude any preliminary or earlier report(s) to Town boards, committees, commissions, or to Town Meeting;

To authorize said committee to develop a database of properties to be included in and/or excluded from either the numerator or the denominator of the calculation;
 To provide that said committee shall have access to Town Counsel and to Town staff, including but not limited to the Community and Economic Development, DPW (GIS), and Finance (Assessors) divisions and may utilize the services of outside consultants;

To provide that, in order to engage any such outside consultant, a reserve fund transfer not to exceed \$4,000 may be authorized by the Finance Committee;
 To set the term of said study committee to expire upon the dissolution of 2019 Fall Annual Town Meeting, unless otherwise extended by Town Meeting;

Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant.

Mr. Munnich spoke to this article. There was considerable debate on the article. Moved by Mr. Sidney, seconded by Mr. Freedman to refer the subject matter of Article 33 to the Sponsor and the Board of Selectmen. Debate continued. The Moderator announced that Town Meeting would vote the referral motion first. *The motion to refer the subject matter of Article 33 passed by majority vote (55-53-0).*

ARTICLE 35: Voting Requires Being Legal Resident of Massachusetts and this Municipality (Tony Lista et al)

To see if the Town will vote to: Amend its charter (section 7-7 sub section (I)) and bylaws, (article 1 town election and town meeting) by inserting the following language: "A person over the age of 18 shall be qualified to vote in municipal elections who is a United States citizen and a legal resident of Massachusetts and this municipality, and who meets the qualification of M.G.L. Ch. 51, section 1

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#35	September 20, 2018	No Recommendation	9-0-0

MOTION: (Requires a majority vote)

Moved by Mr. Lista, seconded by Ms. Northgraves to refer the subject matter of Article 35 to the Sponsor.

There was debate on the article. Ms. McKenzie moved, seconded by Mr. Gillenwater to indefinitely postpone the consideration of Article 35. Debate continued. Mr. Grady moved, seconded by Ms. Foss to move the question and close debate on the article. *The motion to close debate passed by majority vote (by hand count).* The Meeting voted the referral motion first. *The referral motion for Article 35 failed (32-74-0). The motion for indefinite postponement passed by majority vote (82-24-3).*

ARTICLE 36: Amend Zoning By-Laws: Outdoor Lighting (Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to provide regulation of pole-mounted lighting.

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #36	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	12-0-0

MOTION: (Requires a 2/3 majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Town of Natick Zoning Bylaws to provide regulation of pole-mounted lighting by modifying Section V-I (Outdoor Lighting) as follows:

To amend Section V-I.5 (Lamps)

by inserting “a) Color:” immediately before the first line, which begins “Lamp types shall be selected...”

and by inserting a new subsection V.I.5 b), which shall read “b) Height of Luminaire: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.”

And to amend Section V-I.6 (Hours of Operation)

by deleting the language at the end of the section that now reads “; low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 pm and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.”

and replacing it with the following language: “. Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.”

So that Sections V-I.5 and V-I.6 shall read as follows:

5. LAMPS

- a) Color: Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI) as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting.
- b) Height of Luminaire: A luminaire that is pole-mounted for the purpose of illuminating a parking field, including one used to store or display motor vehicle inventory, shall not exceed twenty (20) feet in height.

6. HOURS OF OPERATION

Outdoor lighting shall not be illuminated between 11:00 pm and 6:00 am with the following exceptions: if the use is being operated, such as a business open to customers, or where employees are working, or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half-hour after the activity ceases. Exterior lighting that is not façade or landscape lighting must automatically reduce its peak power by at least thirty percent (30%) one hour after business closing to one hour before business opening, or when no activity has been detected in the area for longer than fifteen (15) minutes, unless further reduction is required by the SPGA.

Ms. Evans, a member of the Planning Board spoke to this article. *The main motion under Article 36 passed by a two-thirds vote (97-2-3).*

ARTICLE 37: Amend Zoning By-Laws: Signage (Residential Zoning Districts) (Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-H (Signs and Advertising Devices) and Section 200 (Definitions) to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, by variance, by pre-existing use, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions.

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #37	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 25, 2018	Favorable Action	12-0-0

MOTION: (Requires a 2/3 majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to amend the Town of Natick Zoning Bylaws to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, or exempted in MGL Chapter 40A, Section 3 from certain zoning

restrictions by modifying Section V-H, Section D.1(a) (Signs and Advertising Devices: Regulations and Restrictions Applicable to Use Districts – Residential (RS, RM, RG, and PCD), Accessory Signs) as follows:

To amend Section V-H.D.1(a)2 (Other Allowed Uses)

By adding “by variance, or pre-existing uses,” after the phrase “by Special Permit”

By adding “uses” before the phrase “exempted in MGL Chapter 40A, Section 3”

So that Section V-H.D.1(a)2 shall read as follows:

“V-H. SIGNS AND ADVERTISING DEVICES

D. REGULATIONS AND RESTRICTIONS APPLICABLE TO USE DISTRICTS

1. Residential (RS, RM, RG, and PCD)

(a) Accessory Signs

2. Other Allowed Uses : For those uses that are permitted as of right, by Special Permit, by variance, or pre-existing uses, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions, there may be one such sign for each lot. This may include a standing sign.

a. Dimensions: Such sign may not exceed fifteen (15) square feet in area and may be no more than ten (10) feet in height.

b. Illumination: In addition to complying with Illumination regulations in Section V-H.C.1, such sign may not be internally lit.

Ms. Evans, member of the Planning Board spoke to this article. *The main motion under Article 37 passed by two-thirds vote (103-1-0).*

ARTICLE 38: Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23 (Julian Munnich et al)

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to, including but not limited to adding new sections and/or definitions, and/or amending existing sections and/or definitions; to provide for the division and exercise of functions to other appointed or elected bodies:

- Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, MGL c. 43B s. 20, and MGL c. 40B s. 21 or otherwise; provide by amendment and/or addition including but not limited to the Article 3 Section 11 b of the charter to make the Planning Board responsible for hearing comprehensive permit applications under MGL Chapter 40 b s 20-23; divide the assignment of functions to other appointed or elected bodies;
- Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws including, without limitation, in Article 10 Section 3 and Article 22 Section 5 such that they comport with the Natick Home Rule Charter, and/or establish the assignment of counsel to town boards;
- Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter;

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 38	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 9, 2018	Referral to Sponsor	12-0-0

MOTION: (Requires a majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to refer the subject matter of Article 38 to the Sponsor.

The referral motion under Article 38 passed by majority vote (103-1-0).

ARTICLE 39: Amend Natick Town Charter: Natick By-laws, Natick Zoning By-laws: Appointment and constitution of zoning board of appeals, division and distribution of powers, and assignment of counsel (Julian Munnich et al)

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to; including but not limited to, adding new sections, and/or definitions, and/or amending existing sections and/or definitions, and/or providing for transition and implementation procedures; to provide for the division and exercise of functions to other appointed or elected bodies:

- Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, and MGL c. 43B s. 20 or otherwise; provide by amendment and/or addition to the charter, including but not limited to, in Article 3 for the appointment of members and associate members to the zoning board of appeals by a different appointing authority or in Article 3 for the election of a board of appeals, to change or to establish its number of members and associate members of the board of appeals; and/or to divide the assignment of functions to other appointed or elected bodies;
- Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws such that they comport with the Natick Home Rule Charter, and/or to amend Article 22, including but not limited to Section 5, and/or Article 10, including but not limited to Section 3, of the Natick Town Bylaws, (respectively the Town Counsel and Board of Selectmen sections of the by-laws), including but not limited to Article 44 of the Natick Town By-Laws, and/or add new section to the By-Laws to: a) determine which multiple member bodies shall have the right to services of Town Counsel; and b) provide that multiple member bodies, and elected town officers, who are parties in interest or defendants in any matter connected to their official duties, shall have the right to bring and to settle legal action and to defense pertaining to such matters; and c) provide that the Board of Selectmen and Town Administrator not have authority to settle or to control such matters or to limit such control or involvement: and d) to determine the extent to which any or all multiple member bodies and/or elected town officers shall have rights to legal services and/or causes of action in connection with their official duties;
- Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition or deletion to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter in regard to the appointment of the Zoning Board of Appeals, and division and exercise of functions;

Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 39	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 11, 2018	Favorable Action	11-0-0

MOTION: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes that the subject matter of Article 39 be referred to the Board of Selectmen for their review of the following matters:

- Whether the Zoning Board of Appeals should be elected or appointed.
- If by appointment; whether by the Board of Selectmen, or by other appointing authority.
- Whether the number of Members and Associate Members should remain the same, or if some other number should serve.
- To review the current ZBA practice of not considering aspects of the Zoning Bylaw, and statute, beyond specific relief required that has been identified by the building commissioner.
- To review, and consider changes to, Town Bylaws Article 22, “TOWN COUNSEL”
- For the Board of Selectmen to draft a set policy, and or criteria, for intervening in the statutory functions of town bodies and their requisite access to Town Counsel.

The motion to refer the subject matter of Article 39 as detailed above passed by majority vote (96-2-3).

ARTICLE 40: Amend the Town of Natick By-Laws: Create New Committee (Daniel Sullivan et al)

To see what action the Town will take to amend the Town of Natick By-Laws (“the By- Laws”), consistent with and pursuant to Article 2, Section 11(e) of the Town of Natick Home Rule Charter (“Committees”), the Massachusetts General Laws, Chapter 39 §16 or any other authority, to add a new and/or to amend an existing Article(s) or Section(s) of the By-Laws, including without limitation:

- i) to create a standing committee, appointed by the Moderator, for the purpose of study, review, recommendation and/or report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting action; and
- ii) to allow such committee to conduct studies and analyses of the Town for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters; and
- iii) to determine the name, size and composition of such committee and to specify the eligibility, term and/or qualifications for an individual to be a member of such committee; and
- iv) to provide and/or to allow for such committee to provide input, report, advice and recommendation to the Finance Committee in connection with the Finance Committee’s consideration of warrant articles and other matters before Town Meeting and/or the Town; and
- v) to provide that such committee, in connection with its work, have access to Town Counsel whether such provision is made in a new article or section of the By-Laws or within Article 22 – Town Counsel, Section 5 (c) of the By-Laws; and
- vi) to specify any other powers, duties or responsibilities of such committee;
- vii) provided however that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said committee; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #40	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 9, 2018	No Recommendation	--

MOTION: (Requires a majority vote)

Mr. Sidney moved, seconded by Mr. Evans to take no action on this motion.

The motion to take no action on Article 40 passed by majority vote (by hand count).

ARTICLE 41: Snow Removal ByLaw (Paul Griesmer, Joshua Ostroff, et al)

To see what action(s) the Town will take to help ensure public safety, access and convenience by amending Article 50 Section 18 and/or Article 92 of the Town ByLaws:

- 1) to clarify and/or to define, whether in whole or in part, what the term “public way(s)” shall mean for the purposes of Article 50 Section 18 or other purposes in the Bylaws, potentially including, without limitation, that the term “public way(s)” shall include streets to which the public has right of access; and/or
- 2) to change any fine in Section 18 to a different number or a schedule of fines for first and any enumerated or further list of offenses, and/or to add such fines or schedule to Article 92 of the ByLaws and provide a cross reference from Article 50 Section 18 to Article 92, and/or to delete or to modify subsection “a” in whole or in part and/or to add or to rearrange subsections within Article 18 to establish fines; and/or
- 3) to delete or to modify existing subsection “b” of Article 50 Section 18 and/or add new text in Article 50 Section 18; and/or
- 4) to insert a provision in subsection “b” or in a new subsection that no persons except employees and contractors of the Town in the lawful or authorized performance of Town snow removal duties, shall either move snow into and leave such snow within, or deposit

and leave snow in any improved portion of i) any public sidewalk, ii) street or iii) public way or any part(s) thereof, so as to obstruct or impede regular snow removal operations of the Town; and/or

- 5) to provide that such prohibition above shall not prevent and shall not apply to the clearing, by persons other than Town employees or town contractors, of snow from either public ways, or improved sidewalk or street portions of public ways, where snow is or has been left un-cleared by Town snow removal operations; provided that A) such snow clearing does not leave snow in sidewalks or streets areas already cleared by the Town, B) is incidental to or necessary for clearing access to private driveways, private sidewalks, private buildings or mailboxes and/or C) does not prevent or impede regular snow removal operations conducted by the Town to any greater extent than those regular Town snow removal operations would or should have done; and/or
- 6) to clarify or to define that “regular snow removal operations” refers to or means those snow removal operations, both which and in the manner they are regularly or routinely conducted by the Town in a timely manner practicable after a snowstorm; and/or
- 7) to make any other changes to the text of the Bylaws consistent with accomplishing the general purposes of this article, which purposes include, without limitation, the goals of ensuring public safety, access and convenience; allowing the Town to clear snow efficiently and effectively from improved sidewalks, streets or other portions of public ways; and of allowing residents and private property owners the ability to clear access to their properties;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE	DATE VOTED	MOTION	QUANTUM OF VOTE
#41	September 6, 2018	No Recommendation	--

MOTION: (Requires a majority vote)

Moved by Mr. Ostroff, seconded by Mr. Sidney to replace Article 50, Section 18 of the Town of Natick Bylaws in its entirety with the following:

Article 50 Police Regulations
Section 18 Snow Removal

- a. The purpose of this Bylaw is to help ensure the safety and convenience of the public on public ways and sidewalks following winter weather, and providing the Town and the Police Department with a basis for education and enforcement.
- b. For purposes of this Bylaw, “public way” is defined as a paved, publicly accepted street, sidewalk or walking path, or any paved street, sidewalk or walking path to which the public has the right of access.
- c. Any person leaving a vehicle upon a public way so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
- d. No person shall deposit snow or ice into or upon any public way so as to impede Town snow removal operations, or to obstruct travel, or against or upon any fire hydrant, without the authority of the Town Administrator or his designee.
- e. The Board of Selectmen or their designee may temporarily suspend any provisions of this bylaw in the case of extreme conditions.
- f. The Board of Selectmen may exempt any public way or portions thereof from any provisions of this Bylaw.

Moved by Mr. Sidney seconded by Mr. Ostroff to waive the reading of the motion. *The motion to waive the reading of the motion passed unanimously (by hand count).*

Mr. Ostroff spoke to this article. There was discussion on the article. Ms. North, Town Counsel advised that it would be better if the words “this Bylaw” should be changed to “this Section” and it can be done by consent. The Town Moderator declared that with no objection this change would be made. *The main motion passed by majority vote (65-34-2).*

ARTICLE 42: Technical Changes to Charter and By-Laws (Paul Griesmer et al)

To see what action(s) the Town will take to amend the Town of Natick Home Rule Charter and/or the Town of Natick By-Laws (“the By-Laws”), to add new definitions, to amend existing

articles and/or sections, whether by adding new language, removing existing language, changing existing language or otherwise, and/or to add new articles and or sections including without limitation:

- 1) to restore, in whole or in part, or otherwise to provide new requirements within Article 7 Section 9 (a) of the Charter the provisions for calling meetings of multiple member bodies and notification to members including potentially, but not limiting the foregoing, a) that such meetings be called by the i) Chair, Vice Chair and/or secretary/clerk of the multiple member body and /or ii) 1/3 of the members of the multiple member body and b) that a minimum of 48 hours or 2 day notice, including the agenda items and/or then available advance materials, be given to each member of the multiple member body and/or c) that subsequently available advance materials be given to all members either in advance or at the same time; and/or
- 2) to clarify in Article 3 of or elsewhere in the Bylaws or the Charter a) that the Finance Committee public hearings on the proposed budget and its individual elements as described in and/or discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be required public hearings within the meaning of and subject to the requirements of Town Meeting Time, and/or b) that such public hearing requirements of Town Meeting Time shall also apply to or pertain to the subject matter of any related warrant article or portion thereof which includes any element of the proposed budget whether such preceding clarification(s) is(are) new or for the avoidance of any doubt and/or misunderstanding, and /or c) to allow Town Meeting, by 4/5ths or other greater super majority vote or unanimous consent, to consider part(s) of the proposed budget which have not been so heard by the Finance Committee or to prohibit, within the Bylaws or charter, such consideration until after the required public hearing is held and/or e) to determine whether the provisions of this paragraph of this warrant article shall also apply to all financial warrant articles and/or other warrant articles which are not part of the proposed provided that any such requirement(s) must also apply to all of the elements and/or items of the proposed budget; and/or
- 3) to create a definition of “resident” and /or “taxpayer” and/or to clarify that such terms mean only “of the Town of Natick” and/or to clarify the meaning of “of the Town of Natick”; and/or
- 4) to determine and or to define, without limitation, whether “resident” shall a) be defined in accordance with existing Federal, state or other statutes, regulations, legal requirements and/or practices of residency and/or b) be limited to or consist solely of individual human beings and/or to specify that any person registered to vote in a community other than the Town of Natick is not considered a resident of the Town; and/or
- 5) to determine and/or to define, without limitation, whether “taxpayer” shall a) be limited to or consist of real estate, personal property and/or other types of taxpayers, b) be limited to or consist of current taxpayers or taxpayers within the current fiscal year or other period(s) to be specified, c) to define whether taxpayer means and/or includes i) the actual payer of the tax, ii) the owner on whose behalf the tax is paid, iii) the owner of property who has paid tax or is subject to taxation, including taxes accruing and/or payable, d) to define whether the assessor’s records and/or registry of deeds shall be conclusive for determining taxpayer status and/or e) to provide that taxpayers who no longer own property in the Town will not be considered taxpayers even if they paid tax within the current fiscal year; and/or
- 6) to determine whether these or any other new or existing definitions shall apply a) throughout the charter, b) for the purposes of specified articles and/or sections of the charter with such specific sections, if any, to be determined under this warrant article, c) throughout the ByLaws and/or d) for the purposes of specified Articles or sections of the ByLaws with such specific sections, if any, to be determined under this warrant article; and/or
- 7) to amend Charter Article 2 Section 10 (c) to a) completely re write this section, b) amend any wording within this section in whole or in part, c) to change the word “participate” in this section to “speak” or some other more limited term or verb, d) to change or delete the words “in the proceedings” so that the actions contemplated therein i) be limited to speaking and/or to other specified acts of participation, ii)) specifically exclude the ability to make motions and/or iii) be modified/limited in some further or other manner; and/or

- 8) to provide that corporate and/or other taxpayers who are not individual human beings shall
 - a) be able to participate within the meaning of Charter Article 2 Section 10 (c) only through their officers and/or directors as listed with the Corporations Division of the Secretary of State of the Commonwealth, b) to i) limit such taxpayers in the previous clause to one or some other number of speaker(s) and/or ii) provide that such taxpayers shall be considered to be speaking for a second or further time when any officer or director of such corporation or legal entity seeks to be recognized for a second or further time on an article or motion in the basis of standing as a taxpayer, and/or c) to preclude non-resident and or non-taxpayer representatives, attorneys and/or agents of such taxpayers and/or of any resident from speaking without permission of Town Meeting, whether these changes in this paragraph are made i) within Article 2 of the Charter, ii) the text of new or existing definitions in the Charter and/or Bylaws, iii) within Article 3 of the Bylaws and/or other appropriate Article or section of the charter or bylaws; and/or
- 9) to change Charter Article 7 Section 9 b so that the members of the public be changed to or defined as residents or taxpayers, as defined, and /or as contemplated elsewhere within this warrant article and/or to provide or to limit the subjects about which questions may be asked, opinions stated and/or information exchanged be limited and/or to determine the manner, type or extent of such limitation(s) and/or to require that any such topics be limited to matters which are within the i) official scope, authority, reach, extent, purview, depth, width, responsibility, jurisdiction, role and/or responsibility of a multiple member body and/or ii) current practice of such multiple member body and/or to define current practice whether within the aforesaid section or elsewhere in the charter or Bylaws and/or iii) to provide that current practice of a multiple member body shall be measured only from the most recent annual and/or once a year reorganization of a multiple member body; and/or
- 10) to clarify in Article 3 of or elsewhere in the Bylaws or the charter a) that the Finance Committee public hearings as discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be public hearings at which only residents and /or taxpayers, as defined, shall have the right to speak and/or be heard, that persons who are not residents or not taxpayers may be heard only with the permission of the Finance Committee as contemplated for rules provided elsewhere within this warrant article for multiple member bodies; and/or
- 11) to amend the Charter to allow the representative Town Meeting by ByLaw i) to create uniform rules for all multiple member bodies with regard to any of the subject matter in Article 7 section 9(b) of the Charter, ii) to create and apply such rules to certain multiple member bodies only and/or iii) to create and apply such rules to all multiple member bodies with specific exceptions; and/or
- 12) to create and to apply any other definitions within all or certain parts of the charter and /or bylaws to accomplish the purpose(s) of this warrant article;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #42	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 9, 2018	No Action	12-0-0

MOTION: (Requires a majority vote)

Moved by Mr. Evans, seconded by Mr. Hayes to take no action on the subject matter of Article 42.

The motion to take no action on the subject matter of Article 42 passed by majority vote (by hand count).

The Moderator thanked everyone who helps make sure that Town Meeting runs smoothly including the pages, the custodial staff, Mr. Brewer and Pegasus, the Finance Committee for their time, the Town Clerk’s staff and especially Ms. Lentini and Ms. Gloff who served as acting clerk’s during Early Voting.

ARTICLE 31: Actions Pertaining to Acquisition and Preservation of the Town’s Easements on Mechanic 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, any interest, whether by easements or otherwise, in all or part of Mechanic Street for any of the following: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities or other purposes that Town Meeting may authorize, and, further, to authorize the Board of Selectmen to acquire, by easements or otherwise, interests in any of the parcels which abut Mechanic Street for the purposes of this article; and further, to see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for the purposes of this article; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE #31	DATE VOTED	MOTION	QUANTUM OF VOTE
	October 25, 2018	Favorable Action	

MOTION A: (Requires a two-thirds vote)

Moved by Mr. Hayes seconded by Mr. Evans to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, in fee simple or by permanent easement, a portion of land which is 24 feet wide as measured from the North side of Mechanic Street to the South, starting from the S.S.M. marker closest to 5 Mechanic Street and extending to the West to the proposed rail trail owned by the Town of Natick, owned by Mechanic Willow LLC, as shown on the Town of Natick Assessors’ Map 35, parcel 43, and as shown on the plan entitled “Clock Tower Place Existing Site Conditions, Plan of Land in Natick, Mass.,” dated Sept. 22, 2017, prepared by Sullivan Surveying Company, 209 West Central Street, Natick MA, on file on the Community and Economic Development Office, for any of the following purposes: roads, vehicular and/or pedestrian access or passage, or drainage; and further, to appropriate the sum of \$2,000 from Free Cash for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article.

Moved by Mr. Sidney, seconded by Mr. Freedman to waive the reading of the motion. *The motion to waive the reading passed by majority vote (by hand count).* Ms. Malone, Town Administrator spoke to both of the motions this article. *Motion A under Article 31 passed by a two-thirds vote (86-8-1).*

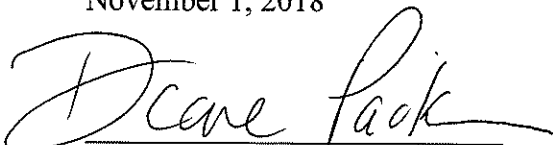
MOTION B: (Requires a two-thirds vote)

Moved by Mr. Hayes, seconded by Mr. Evans to authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain, or otherwise, any interest or interests in all or part of Mechanic Street as shown on the Town of Natick Assessors’ Map 35, whether by easement or fee simple, owner unknown and referred to as the “stub” of Mechanic Street, for any of the following purposes: roads, vehicular and/or pedestrian access or passage, or drainage; and further, to appropriate the sum of \$2,000 from Free Cash for the purposes of this article and to take all action necessary or appropriate to accomplish the purposes of this article.

Moved by Mr. Sidney, seconded by Mr. Freedman to waive the reading of the motion. *The motion to waive the reading passed unanimously (by hand count).* *Motion B under Article 31 passed by a two-thirds vote (88-3-2).*

Moved by Mr. Sidney, seconded by Ms. Ball to dissolve 2018 Fall Annual Town Meeting. *The motion to dissolve passed by majority vote. The meeting adjourned at 10:50 PM.*

A record of the Sixth Session
of 2018 Fall Annual Town Meeting
November 1, 2018



Diane Packer, Town Clerk