

BOARD OF SELECTMEN

Natick Town Hall

September 8, 2014

7:00 p.m.

The meeting was called to order by the Chair Joshua Ostroff at 7:20 p.m.

PRESENT: Joshua Ostroff, Nicholas S. Mabardy, Richard P. Jennett, Jr., John Connolly. Absent: Charles M. Hughes

ALSO PRESENT: Martha L. White, Town Administrator; Donna Challis, Executive Assistant

WARRANTS: Payroll warrants were signed by the Board of Selectmen on September 8, 2014 in the amount of \$1,189,535.92. This figure was included in total warrants signed by the Board of Selectmen of \$3,991,063.30.

The customary moment of silence to remember those serving in the military was extended to observe the recent passing of Nancy Lavash, a Town Meeting member and active participant in the community.

ANNOUNCEMENTS

1. Mr. Connolly commended the Fire Department under Chief White for assisting in the delivery of a baby
2. Tomorrow was the State Primary election. Poles would be open from 7:00 a.m.-8:00 p.m.
3. Natick Days would be held on September 13
4. A team from Natick being organized through the Community Senior Center was participating in the Cure for Alzheimer's Walk on September 21. Donations could be given at the Senior Center
5. Mr. Hughes was not in attendance due to illness

WHAT'S NEW: 9-11 MEMORIAL

Interim Fire Chief Richard White informed the Board that the 9-11 Memorial was 99% done and an unveiling was scheduled for Thursday at 6:00 p.m. followed by coffee and dessert. Bricks were still being sold to raise funds.

The memorial was centered around a piece of steel from the World Trade Center obtained through the VFW and the whole thing was put together by a volunteer committee with collaborative efforts through the Police, Fire, and DPW.

MORSE INSTITUTE LIBRARY: EMERGENCY PREPAREDNESS MONTH

In recognition of Emergency Preparedness Month, Marie Nardi, Community Relations Director for the Morse Institute Library and Becky Fallon appeared before the Board to ask people to do three things to prepare for an emergency:

- 1) Stay connected - register with Code Red
- 2) Make a kit with food, water
- 3) Make a plan for a prearranged family contact

Ms. Nardi noted all the information could be found on the Library's web site.

JAMES GOVE: REQUEST WAIVER OF STREET OPENING POLICY - PLAIN STREET

James Gove of 9 Plain Street requested a waiver of the five year moratorium in the street opening policy to allow him to connect to natural gas.

He explained that in June he was granted a building permit for a new addition after going through the ZBA process. To get the permit he produced a list of specifics that included a new gas line. Nobody mentioned the no dig moratorium on Plain Street. When he finally got the go ahead from Nstar, he lined up a plumber and purchased a new furnace only to be told that Nstar was denied a street opening permit.

In a memorandum to the Board Town Engineer Mark Coviello explained how the trench would be dug and suggested several conditions if the Board decided to grant a waiver of the policy.

It was Mr. Connolly's hope that where the road was freshly done, it would hopefully be put back to where it belonged.

A motion was made by Mr. Jennett to grant a waiver from the street opening permit to allow Mr. Gove to connect to natural gas subject to the conditions recommended by Mr. Coviello. Seconded by Mr. Connolly and unanimously voted.

Document - email from James Gove; memo from Town Engineer Mark Coviello

PEGGY BENJAMIN: REQUEST WAIVER OF STREET OPENING POLICY - ERLANDSON ROAD

As the Benjamin's were his neighbors, Mr. Ostroff did not participate. This section of the meeting was chaired by Mr. Mabardy.

Peggy & Mark Benjamin of 22 Erlandson Road requested a waiver of the street opening moratorium in order to connect to natural gas. Ms. Benjamin explained that they were adding a two story addition to their home and upgrading the heating system to accommodate the addition. Their old oil system was very old, not up to code, and would not be able to heat the new section of the house.

Noting that the Erlandson's were looking to connect to both sewer and gas, Mr. Connolly inquired if one trench could accommodate both.

Ms. Benjamin advised that she spoke with Jeff Hansen in DPW Engineering, but he didn't mention it. Mr. Benjamin added that it would be their preference for one cut as well.

Mr. Mabardy inquired if there had been any discussion with the neighbors about this and if there had been any opposition. Ms. Benjamin responded that there had been notice to the neighbors and there was no opposition. The people across the street just completed just completed projects on their home.

As to when the work would be done, Ms. Benjamin said she hoped to start digging the foundation September 22.

Aaron Socrat, the Benjamin's architect for the project, supported the request.

A motion was made by Mr. Connolly to approve the waiver of the no dig policy for 22 Erlandson Road subject to the conditions outlined by Town Engineer Mark Coviello plus if at all possible there be one trench for both the gas and sewer connections. Seconded by Mr. Jennett. The motion passed on a 3-0-0. Mr. Mabardy, Mr. Jennett, Mr. Connolly voted in favor of the motion. Mr. Ostroff had recused himself and did not vote.

Document - email from Peggy Benjamin; memo from Town Engineer Mark Coviello

Mr. Ostroff resumed as Chair.

POLICE CHIEF:

a. Rescind Appointment of Travis Moran

b. Appointment of Permanent Police Officer: Daniel Ciocca

Police Chief James Hicks recommended the appointment of Daniel Ciocca as a permanent officer. He explained that one of the earlier appointees scheduled to go to the Academy next Monday suffered an emergency and was unable to fill that position so he was recommended Daniel Ciocca off the reserve list. That would require the Board to rescind the appointment of Travis Moran.

Mr. Ostroff inquired as to the future eligibility of Mr. Moran and Chief Hicks advised that Mr. Moran would go back to the pool and be eligible in the future.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to rescind the appointment of Travis Moran as a patrol officer in the Natick Police Department.

Mr. Mabardy moved the appointment of Daniel Ciocca as a permanent police officer in the Natick Police Department. Seconded by Mr. Connolly and unanimously voted.

In making the motion Mr. Mabardy thought Mr. Ciocca had proven himself and was more than qualified.

Document - Memo from Police Chief James Hicks

c. Appointment of Lateral Police Officer: Brandon Hanss

Chief Hicks recommended the appointment of Brandon Hanss as a lateral transfer. Officer Hanss was currently an officer in Halifax and they have

indicated he would be a great loss. Officer Hanss has worked with the DEA and Mass State Police on drug task forces. He currently lived in Medford but was looking to relocate to Natick.

A motion was made by Mr. Connolly to accept the recommendation and approve the appointment of Brandon Hanss to the Natick Police Department pending completion of physical and psychological exams and the approval of the Halifax Board of Selectmen. Seconded by Mr. Jennett and unanimously voted.

Mr. Ostroff inquired as to the effective date of Officer Hanss' appointment and was told by the Chief that it would be as soon as the contingencies were fulfilled.

Document - Memo from Police Chief James Hicks

d. Recommendation for Promotion to Lieutenant

Chief Hicks recalled that he had appeared before the Board in July when an opening was created by the retirement of Lt. Paul Thompson and at that time stated that his intention was to come forward as soon as practical to fill the position. Some additional analysis was conducted of the two candidates - Sergeant Leo Fitzpatrick and Sergeant Brian Ingham - that included an interview panel of himself, the Town Administrator, two chiefs from outside of Natick, and the Personnel Director. It was a tough decision with two excellent officers, but his recommendation based on who would be best for what he planned to use the position for at this time was Sgt. Fitzpatrick.

Having four lieutenants on the day shift, Mr. Jennett asked the Chief to explain the role for the four different positions and the function they perform along with the reasons for the appointment of Sgt. Fitzpatrick to this position.

Chief Hicks explained that the position of Lieutenant was mainly administrative. Some of the tasks were report review, submission of state reports, scheduling and oversight of staff, policy and rules and regulations development, safety and traffic, oversight of investigations, and court administration.

Sgt. Fitzpatrick had the experience as an administrator and he had the overall view of where he (Sgt. Fitzpatrick) wanted to see the organization go that was the same as his (Chief Hicks).

Stating that this was one of the most difficult decisions he has had to make, Mr. Connolly noted that he was friendly with both Sgt. Fitzpatrick and Sgt. Ingham and knew their families. There were two good candidates for one position and the citizens will be in good hands no matter who was chosen. He (Mr. Connolly) would support Sgt. Ingham. Noting that his last experience with Civil Service was poor, Mr. Connolly stated that he was a little gun shy with Civil Service and gun shy with litigation. He was also supportive of veterans and Sgt. Ingham was a veteran.

Mr. Mabardy thought Chief Hicks had gone to great lengths before making a recommendation. Both candidates have their strengths but the Chief knew what he felt were his priorities and goals of the Department and he (Mr. Mabardy) would support Chief Hicks' recommendation. Mr. Mabardy recognized this wasn't an easy decision but the Chief knew what he wanted done and who he felt would perform those duties and responsibilities. That didn't mean the other candidate wasn't a good police officer.

Mr. Mabardy referenced the letter from the President of the Superior Officers union but thought the letter failed to mention that at one time the union president had stated that Sgt. Fitzpatrick should be the Chief of Police.

Mr. Ostroff commented that sometimes making appointments was a contentious business and it could be a little messy trying to work through it. It wasn't easy when there were such closely ranked candidates. This was a short list that has not been officially declared a short list. The Board could declare it a short list and that would lead to a provisional appointment.

Mr. Ostroff noted that it has been his belief and that of Mr. Hughes to declare it a short list. He (Mr. Ostroff) believed in a certain amount of management prerogative and he believed the Board had to assert its rights to make certain appointments thinking in the best interest of the Town.

A motion was made by Mr. Ostroff to declare it a short list which would require an examination about a year from now and would allow the Board to make a provisional appointment. Mr. Connolly seconded for discussion. After

some discussion the motion failed on a 1-3-0 vote. Mr. Ostroff voted in favor of the motion. Mr. Mabardy, Mr. Jennett, Mr. Connolly voted in opposition.

Speaking to his motion Mr. Ostroff thought having a wide option best served the interest of the Town. The Board could appoint one of the two candidates as a provisional and then not be subject to an appeal process. The town has considered what management structure it wants and recently had legislation passed that would establish a non-Civil Service Deputy Police Chief subject to appropriation. In view of that Mr. Ostroff didn't know if the Board wanted to commit to four lieutenants and do away with the Deputy until the strategic planning process was completed.

Mr. Connolly questioned if waiting for another exam in about a year from now would penalize the two people that passed the exam. He assumed they spent a lot of money, time and sacrifice to get here and there was no guarantee they would be on the list a year from now. Mr. Connolly was of the opinion that both candidates would be ill-served if the Board overlooked where things were now.

Mr. Ostroff acknowledged that for at least one of them waiting could be seen as a penalty.

Mr. Connolly noted that he was not 100% convinced the need for a fourth lieutenant was there and even after speaking with the Chief and the other lieutenants he had concerns with the shift breakdowns.

In response to Mr. Connolly's comment about the number taking and passing the lieutenants exam being extremely low, Chief Hicks believed on average the passing rate was somewhere around 40%.

Mr. Mabardy reminded the Board that before this list there was a short list with one candidate. The only reason a selection wasn't made at that time was because there wasn't a choice. There was a choice now and he couldn't see continuing to put it off. It was just kicking the can down the road. Chief Hicks had a priority and knew what he needed.

Continuing, Mr. Mabardy stated that he knew both individuals and had the privilege of working with both. In his opinion the Board should support the Chief's recommendation. The Chief had to run the department and felt the individual recommended would be the best candidate to do that. If the Board didn't support the Chief, the Board wasn't being supportive of the department heads.

Mr. Jennett was concerned that Mr. Ostroff's motion was on the table. It was discussed at a previous meeting and the members voted 3-2 not to call a short list. He didn't think it was right to even consider a short list again.

Mr. Jennett respected what both Mr. Connolly and Mr. Mabardy had to say. Both candidates were quite capable. He had questioned if there was a need for a 4th lieutenant but after having a conversation with Chief Hicks, it was made clear to him that the workload was there. Chief Hicks believed Sgt. Fitzgerald fit the need of the organization at this time and he (Mr. Jennett) supported that. The organization needed structure and he (Mr. Jennett) didn't want to wait another year. It was his belief that making this appointment now was in the community's best interest. The Deputy Chief conversation was well down the road.

Mr. Ostroff clarified that he felt it (declaring a short list) was his duty and consistent with how he voted in nine years on the Board. If the Board declared a short list he would hope to put forward the Chief's recommendation for a provisional appointment. The only difference would be putting in motion the exam process for a year from now.

Two motions were on the floor.

A motion was made by Mr. Mabardy to promote Sgt. Leo Fitzpatrick to Lieutenant based on the rationale stated in Chief Hick's memo. Seconded by Mr. Jennett. The motion passed on 3-1-0 vote. Mr. Ostroff, Mr. Mabardy, Mr. Jennett voted in favor of the motion. Mr. Connolly was opposed.

Mr. Connolly moved to appoint Sgt. Brian Ingham to Lieutenant. Seconded by Mr. Ostroff. No vote was taken as the previous motion passed.

Following the vote Mr. Ostroff thanked the Board members for their contribution to what was not an easy discussion. He also thanked Sgt. Ingham and Sgt. St. Hillaire.

Document - Memo from Police Chief James Hicks; letter from Sgt. Dunlop of the Superior Officers Union

PROPOSED DEVELOPMENT OF DOG PARK: MIDDLESEX PATH

Ms. White introduced the subject by noting that this was an idea identified several years ago. Dog owners would like a place where their dogs could run off leash and the Town now had the good fortune of having a lot of motivated citizens working with the Open Space Advisory Committee in identifying a sight that would be suitable. Ms. White stated that she was supportive of their efforts and a grant has been found that would fund 90% of the park. Representatives of the group known as FIDO were here to explain the work to date, the sight being proposed, and to request the Board's support by authorizing an application for the grant.

Representing FIDO were Kelly McPherson and Melissa Cusson.

Ms. McPherson explained that the group was assembled through the Open Space Committee after reaching out to them about nine months ago and started the task of plowing through the red tape. They have walked through Morency Woods, the Town Forest, some Nstar property, and land by the Cobbler Shop and narrowed the field to Middlesex Path.

Middlesex Path had an existing parking lot and underutilized space. It would take some significant grading to make it ADA compliant but the grant would determine how the park was built and will fund everything but 10%. FIDO was formed to raise money and they were currently trying to become a 501c3 to raise funds to fund the balance and help maintain the park. They have also sponsored an amendment to the leash law for Town Meeting that would allow dogs to be off the leash in designated areas.

After disclosing that FIDO and he had a business relationship, Mr. Connolly posed several questions: Would there be any tree removal, safety and parking, acreage of the park, would dogs be leashed from the car to the park, and the height of the fence.

In response Ms. McPherson advised that the goal was not to have a clear sunny dry patch of land. They would be looking to do selective cutting. To the question of safety, Ms. McPherson noted that 17 parking spaces already existed. The acreage was still being discussed. It would all depend on the grant. The area was just about an acre. The park would be built with a double gate system and dogs would be leashed until they got through the double gate. She thought the height of the fence would be about 6 feet but would come from the grant.

Mr. Jennett noted the concern of the park being between an active railroad and one of the busiest streets in Natick. He wasn't sure this was the best location and raised the possibility of the field in the Town Forest.

Having grown up in the area, FIDO member Peter Thompson was familiar with the field in the Town Forest. Years ago it was used for baseball but the Town decided the approach road was too narrow and erected a gate. The field was about 1/2 mile from Jennings Pond and was not conducive to use by the public particularly in the winter. The Town sands and salts the Middlesex Path lot and there were recycling containers at each end.

With respect to safety and the railroad at Middlesex, Mr. Thompson pointed out that the rail line was a distance away from the proposed fence area. This was a golden opportunity to turn an area that was very underutilized into something that filled a need. Middlesex Path has kind of gone to seed and was often used as a dumping ground for construction equipment. The dog park would be a much better use for the Town and with the grant money it won't cost the Town.

Once the park was established, Mr. Jennett inquired if maintenance would fall to the Town. Ms. McPherson responded that the hope was to have a core group of volunteers and if the park didn't get taken care of it wouldn't continue. The clean up and spreading gravel would probably be done by volunteers but they would like the DPW to pick up the trash.

As to the current maintenance, Ms. White advised that the DPW maintained the parking lot. She wasn't sure there was much maintenance of the path.

Mr. Jennett then asked about access to the proposed park from Middlesex Avenue and was told Middlesex Path was clear and accessible and that would bring people to the dog park.

Mr. Mabardy noted that big dogs and small dogs didn't always get along. Ms. McPherson advised there would be two sides of the park - one for small dogs and one for large dogs and people could choose to go in the side that best fit their dog.

Mr. Ostroff asked about a recommendation from the Safety Committee and Police Chief James Hicks advised that the group came to the last Safety Committee meeting. Several questions were raised and they were to come back to address the concerns. He has not heard from them and they were not scheduled for the September meeting.

Mr. Ostroff then asked about the land - was Middlesex Path supposed to have been conservation land that was never transferred. Ms. White noted that it was believed by some that it was conveyed but no evidence was found. The belief was that was the intent.

Asked if the Conservation Commission had a view, Conservation Agent Robert Bois thought the Commission viewed the concept of a dog park favorably. He felt the intent had been to transfer the land and he was trying to find the documentation.

Mr. Ostroff commented that he would like to see some framework, i.e. perhaps a memorandum of understanding for the maintenance and care.

Given the enthusiasm of the FIDO group, Ms. White thought it was hard to envision the dog park not being maintained but nevertheless it was responsible to evaluate what should happen if there was not a group of volunteers. Art Goodhind, LFNR Supervisor, will work closely with the group and the designers. The agreement mentioned by Mr. Ostroff would come about as the park moved through the grant process.

A motion was made by Mr. Connolly to support FIDO and their efforts and authorize the Town Administrator to apply for the grant. Seconded by Mr. Jennett and unanimously voted.

In speaking to the motion Mr. Ostroff clarified that he didn't want to authorize the use of this land until he saw the grant. He applauded FIDO and the Open Space Advisory Committee for their efforts.

Ms. White explained that it was a step-by-step process and the organization would not discuss the process until the application was officially in.

Mr. Jennett too stated that the motion was authorizing the Town Administrator to move forward with the application for a proposed dog park, but was not approving the transfer of the property. If the grant was successful, the questions would be ironed.

Documents - A copy of the dog park feasibility study; map of proposed dog park

DDH HOTEL NATICK SPEEN, LLC D/B/A HAMPTON INN: REQUEST CHANGE OF MANAGER EDWARD LEMANSKI

Representing the Hampton Inn were the owner David Shamoian and the proposed manager Edward Lemanski.

Mr. Shamoian recalled that he had been before the Board a few short months before for another change in manager and explained that unfortunately there was a resignation in one of the hotels in Connecticut. In the resulting personnel shift he had to move Mr. Burkhart back to his prior location and bring in Edward Lemanski. Mr. Lemanski was an experienced operator.

Mr. Lemanski stated that he had 25 years' experience in the hotel business. He was TIPS certified as well as being a certified trainer.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to approve the request for a change in manager to Edward Lemanski.

Document - Application submitted by the Hampton Inn along with supporting documents

BUILDING COMMISSIONER: INCREASE IN PLUMBING & GAS FEES

Building Commissioner David Gusmini appeared before the Board to recommend an increase in plumbing and gas permit fees, noting that the fees had not been increased in ten plus years. A fee study was done in 2008 and the recommendation at that time was to raise fees, but that was never done. He noted that the proposed fees were consistent with other communities, but pointed out that those communities adopted fees such as was being proposed in 2008 and they were starting to make adjustments upward.

Mr. Jennett felt the proposed fees were fair. He didn't want the fees at the top nor did he want them at the bottom.

Citizen Larry Forshner applauded Mr. Gusimini for looking at these fees. Code enforcement was all about public safety and the goal was to have the inspectors in the homes as often as possible so he encouraged the Board to keep the fees low.

Mr. Ostroff had received an inquiry from resident John Magee wondering if this was an opportunity to provide an incentive for people to use the low flow fixtures.

Mr. Gusimini responded that the fees for plumbing fixtures weren't a huge benefit to the Town and if the Board wished to waive or lower the fees he would not be opposed. Other than that he couldn't think of any other program the Town could do.

Mr. Mabardy supported the proposal. Those fees went into the general fund and at some point he would like to know how much money was in the general fund.

Mr. Gusmini advised that the fees collected were listed in the annual report.

A motion was made by Mr. Mabardy to approve the following plumbing and gas fees. Seconded by Mr. Connolly and unanimously voted.

PLUMBING

Residential - New \$100/5 fixtures - \$8 each additional fixture
Over 3 Units - \$150/5 fixtures -\$ 8 each additional

Residential Alterations: \$50/3 fixtures - \$4/each additional fixture
Over 3 Units \$75/5 fixtures - \$5 each additional

Commercial - New: \$150/5 fixtures - \$8/each additional fixture
Over 3 Units \$200/5 fixtures - \$8 each additional

Commercial Alterations: \$65/3 fixtures - \$8/each additional fixture
Over 3 Units \$70/5 fixtures - \$8 each additional

GAS

Residential Only Replacement Hot Water Heaters: \$20 Gas and \$20 Plumbing

Residential - New: \$60
Over 3 Units \$150/5 fixtures - \$8 each additional

Residential - Alterations: \$40
Over 3 Units \$80/5 fixtures - \$3 each additional

Commercial - New: \$75/5 fixtures - \$5 each additional
Over 3 Units \$100/\$5 fixtures - \$8 each additional

Commercial Alterations: \$50/3 fixtures - \$4/each additional
Over 3 Units \$60/\$5 fixtures - \$5 each additional

Asked about the effective date, Mr. Gusmini noted that the department had just started a new permitting software and he would need a thirty day notice.

Mr. Jennett moved to make the new fees effective November 1, 2014. Seconded by Mr. Connolly and unanimously voted.

Documents - Copy of advertisement of proposed fees; copy of existing fees

DEPUTY TOWN ADMINISTRATOR FOR FINANCE: REPORT ON INVESTMENT INCOME FOR FISCAL 2014

In accordance with the Financial Management Principles, Deputy Town Administrator for Finance/Finance Director Jeffrey Towne presented the Board with a report on the investment income as of June 30, 2014.

He reported that upon being appointed as interim Town Treasurer he met with most of the banking institutions where the Town had accounts already established and once he had access began to move funds and make investments putting the Town's money to work. Funds not needed immediately for operating expenses were moved to higher earning interest bearing accounts.

Mr. Towne noted it took a great deal of work to close the books this year due to a number of absences in key staff positions and recognized the remaining staff for all of their assistance in pulling not just their weight but someone else's as well.

Mr. Towne advised that more movement of funds has occurred after June 30th to diversify the portfolio of investments, to earn more interest and to move funds to the proper amounts in the various funds. His goal, working with the Town's new Treasurer/Collector Stephen Price, was to reduce the amount of accounts the Town presently has and further to maximize the return on investments while maintaining liquidity and safety at the same time. In today's investment market, towns were limited to the length of term in which funds could be invested and interest rates were still very low.

As the Interim Treasurer/Collector, he (Mr. Towne) instituted the use of Veribanc, Inc's quarterly report on the financial well being of the banking institutions that the Town had investments with. This report was a great tool to use to make sure we have an independent view of the overall strength of each institution that we entrust the taxpayers' funds to.

Continuing, Mr. Towne stated that he has invested the Town's funds systematically in higher earning accounts and the proof was starting to show. A majority of the Town's funds were being invested at a rate of .01% to .1% on average last year. By changing investments, those same funds were averaging a return of .4% to .75% now. Some funds, such as stabilization funds were being invested last year at an average rate of .3% but now some were over 1%. There was still work to do to maximize return while maintaining safety but Mr. Towne believed it would get their shortly.

Mr. Jennett inquired as to what was meant by co-mingled funds and was told by Mr. Towne they were funds pooled to get a greater return.

Mr. Mabardy pointed out that because of the low interest rates, this wasn't talking about a lot of money. Mr. Towne agreed but \$85 million at .01% going to .07% was an astronomical return. That was real money just by putting the Town's money to work.

Mr. Connolly asked if Mr. Towne had any concerns, and he replied that there were still a lot of small accounts, i.e. student activity funds and he thought some of that money could be moved around. There was a need to make sure that each month the balance was tied to the general ledger and that was something on which they were going to focus.

Mr. Towne was thanked for a great report.

Document - Memo from Deputy Town Administrator/Finance Director Jeffrey Towne; investment income report

PROCUREMENT OFFICER: AWARD OF CONTRACT FOR ENERGY IMPROVEMENTS

Procurement Officer Peter Roche and Conservation Agent Robert Bois appeared before the Board to request the Board's approval of seven contracts related to the Green Communities grant. The contracts totaled \$297,406 with \$239,092 to come from the grant and \$57,314 from the NSTAR rebate program.

In separate votes all taken on motions by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to award the following contracts:

To the Peregrine Energy Group:

\$35,063 for Senior Center, Bennett, Hemenway School, Police and
Fire Stations - monitoring based commissioning and analysis

To Horizon Solutions:

\$54,434 for Morse Institute - EMS retrofit
\$10,405 for Morse Institute - Variable Frequency Drive motor upgrade
\$79,222 for Bennett Hemenway - EMS retrofit
\$13,382 for Bennett Hemenway - VFD motor upgrade
\$3,923 for Senior Center - Demand control ventilation
\$42,663 for Cole Recreation Center - EMS

Document - Memo from Procurement Officer Peter Roche; email from Robert Bois

TOWN OF FRAMINGHAM: REQUEST LETTER OF SUPPORT FOR MASSWORKS GRANT

Representing the Town of Framingham was Todd McDowell.

Mr. Ostroff explained that he had been asked by Framingham to send a letter of support to MassWorks for a grant Framingham applied for that would help build a road for the Danforth Green project. This was the same process Natick did for the Kansas Street intersection. A traffic study showed a negligible impact and the Natick Community Development Director was in support of the application.

Mr. McDowell added that Framingham was looking for a letter of support saying Natick was aware of the 353 housing units to be constructed, was not opposed to it, and supported the application.

To Mr. Jennett's comment that this was supporting housing being built in Framingham vs Natick, Mr. Ostroff responded that the project was already permitted and underway. This was to improve the road that leads to the development. The State's interest was in providing enough housing to support the work force needed to grow the regional economy.

A motion was made by Mr. Connolly to send a letter of support. Seconded by Mr. Jennett and unanimously voted.

Mr. Jennett inquired as to who would sign the letter and was told by Mr. Ostroff that it would be the Board of Selectmen.

Document - Draft letter of support

PUBLIC HEARING: ADOPTION OF GENERAL ON PREMISES RULES & REGS

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to open the public hearing.

Mr. Ostroff advised that Attorney David DeLuca of Murphy, Hesse, Toomey & Lehane had looked at the draft rules & regs and TCAN had seen them, but Mr. Hughes, who was absent from tonight's meeting, had a few things he would like to tweak and would like the Board not to finalize the rules & regs tonight. Mr. Ostroff also thought Mr. Hughes would prefer to wait on making a decision on the TCAN license application, but he (Mr. Ostroff) preferred to act on it tonight.

In reviewing the draft, Mr. Ostroff suggested that one thing not in the rules that might be helpful may be a provision to allow for a temporary approval of an area not in the actual licensed premises. Occasionally there may be a need for TCAN to use the second floor or a tent and if there was no allowance for that provision, they would only be allowed to use the licensed area.

Mr. Ostroff also noted that in his view the paragraph stipulating that food must be available did not mean there had to be a six course meal, just some type of food.

As to the hours of operation, Mr. Ostroff pointed out that the regs were not specific to show times. It was the intent of TCAN to stop serving after a performance but there may be times when it was a little later or when the facilities was rented out for a function.

After stating that he was a member of the TCAN Board of Directors and that he had filed a statement with the Town Clerk, Mr. Jennett commented that he thought the proposed changes to the prior draft were excellent. As to Mr. Hughes' concerns, Mr. Jennett thought Mr. Hughes had already put them forward and the Board could open a public hearing at any time to make an adjustment in the future. The proponent was brought back tonight with the understanding of moving forward this evening.

Mr. Ostroff explained that these rules & regs came together last week in a little bit of a rush and Mr. Hughes felt he would like an opportunity to reflect on them until September 22.

Mr. Jennett indicated that he was OK with that, but didn't necessarily think it was being very fair to the applicant.

Mr. Mabardy stated that he would like to go forward on the license application, but honor Mr. Hughes' request relative to the rules & regs.

Chair of The Center for Arts in Natick Steven Levinsky thanked the Board for accepting TCAN's input and advised that the TCAN Board found them fair and reasonable.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to continue the public hearing to September 22.

Documents - Draft General On Premises Rules & Regs; email from Attorney David DeLuca

PUBLIC HEARING: ADOPTION OF LICENSE FEES FOR GENERAL ON PREMISES LICENSES

On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board unanimously voted to open the public hearing.

Mr. Connolly noted that the TCAN Executive Director said that he didn't plan on having just beer and wine and he (Mr. Connolly) wondered if an all alcohol was something the Board was locked into.

Mr. Ostroff advised that because of the way the home rule petition was written, the Board could not restrict the license to beer & wine. Consideration could be given to having one fee for a general on premises beer & wine and one for the all alcohol.

Mr. Jennett commented that he was not aware that TCAN intended to serve just beer & wine.

The Chair of the TCAN Board of Directors, Steven Levinsky, told the Board that the intent was to pursue an all alcohol license. He thought Mr. Ostroff's statement that they would just serve Beer & Wine at the outset but shortly thereafter would include all alcohol was a good way of stating it.

Mr. Ostroff pointed out that TCAN was currently paying \$1,500 per year in thirty one day licenses. He proposed \$2,000.

Mr. Jennett noted that unlike other licenses, TCAN was not an active operation but rather an amenity; however, the fee was being set for a general on premises license and he didn't think \$2,000 for a license was out-of-line and he would support that number.

On a motion by Mr. Connolly, seconded by Mr. Mabardy, the Board unanimously voted to set the fee for a general on premises license at \$2,000.

Document - A list of current license fees; hearing notice

CONTINUED PUBLIC HEARING: THE CENTER FOR ARTS IN NATICK (TCAN): APPLICATION FOR ALL ALCOHOL GENERAL ON PREMISES LICENSE

As a member of the TCAN Board of Directors, Mr. Jennett recused himself from discussion and vote on this item.

Mr. Ostroff asked for the pleasure of the Board in making a decision tonight or waiting until the rules & regs were finalized.

A motion was made by Mr. Connolly, seconded by Mr. Mabardy, to close the public hearing. The motion passed on a 4-0-0 vote. Mr. Jennett had recused himself and did not participate in the vote.

Mr. Connolly then moved to grant The Center for Arts in Natick an all alcohol General On Premises license for premises at 14 Summer Street. Seconded by Mr. Mabardy. The motion on a 4-0-0 vote. Mr. Jennett had recused himself and did not participate in the vote.

Following the vote, TCAN Executive Director David Lavalley, assured the Board that TCAN would live up to the trust put in them.

Document - Application submitted by TCAN and supporting documents

TCAN REQUEST FOR FOUR (4) ONE DAY BEER & WINE LICENSES

As a member of the TCAN Board of Directors, Mr. Jennett recused himself.

On a motion by Mr. Mabardy, seconded by Mr. Connolly, the Board unanimously voted to grant The Center for Arts in Natick a one day beer & wine license for performances on September 19, September 20, September 25, and October 18, 2014 at 14 Summer Street.

Document - Letter from David Lavalley, Executive Director TCAN

FALL ANNUAL TOWN MEETING WARRANT ARTICLES

Article 1 - Amend By-Laws: Prohibit Firearms on Public Property

Ms. White noted that the Board had agreed to co-sponsor the article to prohibit guns in public buildings or public property. She advised that regrettably, the Police Chief and she decided to recommend that Town Meeting take no action on Article 1.

They were surprised to find no other Massachusetts community that has prohibited guns in public buildings and/or on public properties. While she and the Chief maintain that firearms are inappropriate at such locations, it was prudent for to gauge other communities' interest and perhaps build consensus around this issue. There was also the concern that this discussion would be disruptive to Town Meeting completing its work on other important issues.

Mr. Connolly said he agreed in concept with the article but thought if someone wanted to come into Town Hall with a weapon, a bylaw won't stop them. The majority of crimes occurred with illegal gun owners, not legal plus it got very complicated if someone wanted to come in and had a gun and it needed to be stored.

Mr. Ostroff echoed the Town Administrator's concerns. The Board went along with sponsoring the article because if the Town Administrator and Police Chief felt it had merit, the Board would be supportive, but it had to be approached with eyes wide open. There was very little middle ground and it would be very difficult to get through Town Meeting if the gun debate became the main event.

On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board unanimously voted to support No Action on Article 1.

Document - Memo from Town Administrator Martha White

Article 21 - Rescind authorized, Unissued Debt

Deputy Town Administrator for Finance/Finance Director Jeffrey Towne explained that the purpose was to rescind authorized, unissued debt related to the DPW - Recycling Totes voted by Town Meeting on April 25, 2013. The original debt authorization was for \$570,000. The Town received a grant in the amount of \$140,745 for said recycling totes and, therefore, only had to issue debt in the amount of \$428,000. There was no need to carry the remaining amount of authorized, unissued debt and the request was for Town Meeting to rescind the amount remaining of \$142,000.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to support favorable action on Article 2.

Document - Memo from Deputy Town Administrator for Finance/Finance Director Jeffrey Towne

Article 11 - Amend By-Laws: Article 52: Solicitors - to Include Civil Fingerprinting Requirements

Police Chief James Hicks advised that this was an update to the Solicitors bylaw to give clear guidance to solicitors and to reference the civil fingerprinting bylaw.

Mr. Jennett inquired if the proposed bylaw had been compared to similar communities and Chief Hicks responded that 6-8 different comparisons were used. This followed the Winchendon format.

Mr. Connolly asked about individuals being Cori checked and Chief Hicks said yes.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to support favorable action on Article 11.

Document - Memo from Police Chief James Hicks; copy of proposed bylaw

Article 12 - Amend By-Laws Article 55: Civil Fingerprinting

Chief Hicks reminded the Board that at the last Town Meeting the bylaw number was retitled from Article 54 to 55, but there was an oversight in looking at the body of the article. This article corrects and changes the references so everything in the bylaw would be consistent. It also added "canvassers" to be consistent with the "Solicitors and Canvassers" bylaw.

Chief Hicks also noted there was some discussion regarding the \$100 fee. \$30.00 went to the Commonwealth and anything above that went back to the Town to operate the system. \$100 may be a little much considering the other fees some of the licenseholders were required to pay. Of particular concern were taxi drivers. He proposed a fee of \$50 out of which \$30 would go to the state.

On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board unanimously voted to support favorable action of Article 12.

Document - Copy of proposed by-law; memo from Police Chief James Hicks
Article 2- Appropriate MathWorks Lakeside Campus Project Mitigation Funds for Cochituate Rail Trail Project, Sidewalk Construction on Superior Drive, and Route 30/Speen Street Traffic Engineering Services

Ms. White advised that no action was being sought on this article. The mitigation funds have not been received and weren't expected to be received prior to Town Meeting.

On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board unanimously voted to support No Action on Article 2.

Article 18 - Codification of Town of Natick Home Rule Charter

Per the recommendation of Ms. White, Mr. Jennett moved to support No Action on Article 18. Seconded by Mr. Mabardy and unanimously voted.

Article 22 - Unpaid Bills

Ms. White advised there were no unpaid bills. Mr. Jennett, seconded by Mr. Connolly, to recommend No Action on Article 22. Unanimously voted.

Article 3 - Appropriate Fed Ex Mitigation Funds for Traffic Engineering Services

Ms. White advised that there were some inconsistencies with the amounts being proposed for appropriation. The number she had and the number the Community Development Director had were different and he was on vacation so she was unable to verify which number was correct.

The Board agreed to revisit this article at a later meeting.

Document - Copy of Town Meeting Warrant

Article 4 - Appropriate L.A. Fitness Mitigation Funds for Traffic Engineering Services

Ms. White explained that this article would appropriate a sum of money from the \$164,000 in mitigation funds from the L.A. Fitness project to upgrade Travis Road sewer pumping station.

Mr. Jennett inquired as to the Finance Committee recommendation and was told by FinCom Chair James Everett that it was heard and recommended by the committee.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to support favorable action of Article 4.

Document - memo from Town Administrator Martha White

Following a ten minute recess, the meeting was reconvened at 11:05 p.m.

ACCEPTANCE OF DRAINAGE EASEMENT: OFF WILLOW STREET

In a memo to the Board, Town Engineer Mark Coviello noted that the property owner at #23 Willow Street was granting to the Town an easement that was necessary for the proposed drainage improvements in the area of Willow Street and the CSX right of way. This was one of two easements that were needed by private property owners in order for the Town to continue with the planned drainage improvements. It was anticipated that the other property owner at #17-19 Willow Street will be granting an easement to the Town within the next two weeks. When both easements were secured and recorded at the Registry of Deeds the final construction documents will be prepared to bid this project over the winter for a spring 2015 start.

A motion was made by Mr. Jennett to accept a drainage easement for property at 23 Willow Street. Seconded by Mr. Connolly and unanimously voted.

Document - Memo from Town Engineer Mark Coviello; map of easement area

STRATEGIC PLANNING REVIEW COMMITTEE: REPORT AND RECOMMENDATIONS

Per the request of Mr. Hughes, the Board agreed to table discussion to the next meeting.

FIRE CHIEF SCREENING COMMITTEE UPDATE

a. Proposed Amendment to Municipal Resources, Inc. Contract

Ms. White reported that about 35 applications had been received and reviewed for the position of Fire Chief. Preliminary interviews would be held with 13-15 of the candidates next week. Based upon the interviews and evaluation of the essays, the candidates to participate in the assessment center will be determined. In accordance with the By-law, the Committee must submit 3-5 names of finalists to the Board of Selectmen by October 20.

Ms. White requested an amendment to the contract with MRI, the consultant hired to do the assessment center. She was seeking an additional \$1,895 because MRI would be participating in the preliminary screening interviews.

A motion was made by Mr. Jennett, seconded by Mr. Mabardy, to amend the contract with MRI for an additional \$1,895. The motion passed on a 3-1-0 vote. Mr. Ostroff, Mr. Mabardy, Mr. Jennett voted in favor of the motion. Mr. Connolly was opposed.

Document - Memo from Town Administrator Martha White; amendment to the contract

ACCEPTANCE OF RESIGNATION: OPEN SPACE ADVISORY COMMITTEE - MATT HELSER

On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board unanimously voted to accept the resignation of Matthew Helser from the Open Space Advisory Committee.

Document - email from Matt Helser

SIGN ORDER OF TAKING: SHAW PARK

Before the Board was a document from Town Counsel for the friendly taking of Shaw Park. The eminent domain taking was authorized by the Spring Annual Town Meeting because the deed could not be located.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to approve the order of taking. The members would sign in front of a notary.

Document - Order of Friendly taking for Shaw Park

TOWN OF MEDWAY: REQUEST FOR NOMINATION AS MPO REPRESENTATIVE

In a letter to the Board, the Town of Medway asked that Natick consider nominating the Town of Medway as an MPO Representative.

Mr. Jennett moved approval and authorized the Chair to sign the ballot nominating the Town of Medway. Seconded by Mr. Connolly and unanimously voted.

Document - Letter from the Medway Board of Selectmen Chair; MPO nomination papers

PROPOSED RENAMING OF KANSAS STREET TO GENERAL GREENE AVENUE

At the last meeting the Board was asked to support the renaming of Kansas Street, but there were no specifics. Mr. Ostroff advised that he spoke with Lt. Colonel Scott Rice of the Natick Soldiers Systems Command Center, and Colonel Scott was in agreement that it would be appropriate to rename the street to General Greene Avenue in honor of the former NSSC commander killed in the line of service in Afghanistan. Mr. Ostroff asked that the Board schedule a public hearing for November 3, 2014.

Mr. Jennett inquired as to why the Veterans' Council was not involved and Mr. Ostroff responded that he talked to them and they were in support of what was being proposed.

Mr. Mabardy inquired as to the number of residents who would be affected by a change and was told by Mr. Ostroff there were two addresses. Mr. Ostroff acknowledged it could be an inconvenience for those residents.

On a motion by Mr. Connolly, seconded by Mr. Jennett, the Board unanimously voted to schedule a public hearing for November 3 to consider renaming Kansas Street to General Greene Avenue.

Document - Memo from Joshua Ostroff

TOWN CLERK: REQUEST FOR FREE PARKING AT CERTAIN METERS DURING STATE PRIMARY ELECTION AND NOVEMBER ELECTION

Per the request of the Town Clerk, the Board unanimously voted to provide free parking by covering the parking meters during the election on September 9, 2014 and November 4, 2014 at the following locations:

- Meters on East Central Street in front of the library
- Meters in the first row of the Town Hall parking lot closest to library
- Meters on both sides of Washington Street to the end of the block where the library was

The vote was taken on a motion by Mr. Jennett, seconded by Mr. Connolly

Ms. White noted that for the November election she planned to order special bags that specified free parking was only for voters.

Document - Memo from Town Clerk Diane Packer

MINUTES

On a motion by Mr. Mabardy, seconded by Mr. Jennett, the Board unanimously voted to approve the minutes of the May 20, 2013 meeting.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to approve the minutes of the February 20, 2014 meeting.

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to approve the minutes of the April 24, 2014 meeting.

COUNTRYSIDE ROAD: BLOCK PARTY

On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board unanimously voted to approve the request of Mary Erickson and Rich Mullane to close Countryside Road on September 13, 2014 (rain date September 14) from 3:00-8:00 p.m. for a block party subject to the conditions of Lt. Brian Lauzon.

Document - Letter from Mary Erickson & Rich Mullane; email from Lt. Brian Lauzon

FLUTIE 5K ROAD RACE: REQUEST PERMIT

On a motion by Mr. Jennett, seconded by Mr. Connolly, the Board unanimously voted to approve the Eastern Bank Flutie 5K Road Race's request to hold a fund raising race on the public ways of Natick on October 5, 2014 subject to compliance with the recommendations of Lt. Brian Lauzon.

Document - Letter from JJ Larner, Race Director; Map of race route; email from Lt. Brian Lauzon

SELECTMEN'S CONCERNS

- a. Senior Citizen Tax Work Off Program

Mr. Connolly requested to have a discussion of the Senior citizen Tax Work Off program on an upcoming agenda.

- b. Selectmen's Association Conference

Mr. Ostroff advised there would be a conference of the Selectmen's Association on October 25 in Franklin.

ADJOURNMENT

The meeting was adjourned at 11:40 p.m.



Nicholas S. Mabardy, Clerk