

BOARD OF SELECTMEN

Natick Town Hall

January 13, 2014

5:00 p.m.

The meeting was called to order by the Chair Carol A. Gloff at 5:10 p.m.

PRESENT: Carol A. Gloff, Joshua Ostroff, Nicholas S. Mabardy, Richard P. Jennett, Jr., Charles M. Hughes arrived at 5:15 p.m.

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

WARRANTS: Payroll warrants were signed by the Board of Selectmen on January 13, 2014 in the amount of \$1,234,766.74. This figure was included in total warrants signed by the Board of Selectmen of \$1,918,485.04.

EXECUTIVE SESSION

Mr. Ostroff, seconded by Mr. Jennett, moved to enter into executive session to discuss matters pertaining to litigation, executive session minutes, real property, and to discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual. By roll call vote the Board voted to enter into executive session. Ms. Gloff, Mr. Ostroff, Mr. Mabardy, Mr. Jennett all voted in favor of the motion. Mr. Hughes had not as yet arrived and did not vote. At 5:10 p.m. the Board entered into executive session after announcing that the meeting would return to open session. The Chair further announced that discussion of these items in open session would have a detrimental effect on the Board of Selectmen's negotiating position.

The open session was reconvened at 7:10 p.m.

INTRODUCTION OF NEW POLICE OFFICER: AXEL

Police Chief James Hicks recalled that in June he came forward with a proposal to allow the Police Department to start a K9 program. The Board approved and a grant was received through the Stanton Foundation. Other donations from local businesses were received as well and Chief Hicks expressed his appreciation of all the donations to support the program.

He explained the process for selecting a handler and the subsequent academy training for both the officer and the K9. The 14 week training at the academy was completed December 30 and Officer Michael Mabardy and Axel have now been on the streets for one week. The purpose of tonight was to introduce the newest member of the Department and to ask the Board to accept Axel as a member.

Officer Michael Mabardy introduced Axel as a 1-1/2 year old German Sheppard with a good temperament. He described Axel's living arrangements and working conditions.

Asked how Axel rated with the other dogs at the academy, Officer Mabardy noted that he only received Axel two days before the start of the academy where other officers had their dogs for five weeks and some had started training. Their bond came through the training and in the end Axel did well in class and passed everything on the first try. The things Axel lacks were attributed to being young and with maturity they will be fine tuned.

Knowing that Officer Mabardy spent a lot of time working with the dog over and above what's required, Mr. Mabardy asked if he felt he could continue to put that kind of time in for Axel to continue to progress.

Officer Mabardy responded that he did. He wanted to be the best and if he had felt he couldn't give 100%, he wouldn't have applied. Axel needs to work every night and every night he tried to do different training.

The Board unanimously voted to accept Axel as a new member of the Police Department. The vote was taken on a motion by Mr. Hughes, seconded by Mr. Mabardy.

Document - Memo from Police Chief James Hicks

PUBLIC HEARING: TRANSFER OF ALL ALCOHOL PACKAGE STORE LICENSE FROM POWERS PACKAGE STORE, INC. TO SLJ BEVERAGE, INC. d/b/a D&L LIQUORS

Representing D&L Liquors were Attorney Joseph Hamlin, Peter Dion Director of the Corporation, and Joseph Dion the proposed manager and president of SLJ Beverage.

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

Mr. Hamlin told the Board that the operators came from a long line of liquor store operators with two stores in Waltham and one in Woburn. They take the sale of alcohol very seriously and have an impeccable record and no violations. Mr. Dion has over 10 years experience working for the business and this was an opportunity to open in the Natick community at a location licensed for a number of years.

Mr. Hamlin advised that the premises will essentially remain the same. D&L has a big focus on wine sales. The purchase price was \$325,000 with \$15,000 in construction costs, mostly cosmetic.

Mr. Ostroff inquired if they would be selling nips and Joseph Dion responded that they had a small selection. It was not their focus, but something a store had to carry. They didn't cater to the person that came in every day to buy a nip.

For historical reasons if someone wanted to check out the basement because it may have been part of a train station, Mr. Ostroff asked if that could be arranged. Mr. Dion's reply was, "yes".

Mr. Ostroff acknowledged Mary Ann Powers the owner of Powers Package Store who was in the audience.

Mr. Hughes inquired if the store would be closed while doing the construction and if so for how long. Mr. Dion responded that it would be opened as soon as possible. He wanted to start doing business. The construction would consist of paint and new floors

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

A motion was made by Mr. Hughes to approve the transfer of the all alcohol package store license held by Powers Package Store, Inc. to SLJ Beverage, Inc. d/b/a D&L Liquors for premises at 4 South Avenue. Seconded by Mr. Jennett and unanimously voted.

Document - Application and supporting material filed by D&L Liquors

APPLICATION FOR TRANSFER OF CLASS II LICENSE FROM ADVANTAGE AUTOMOTIVE REPAIR, INC. TO INTERNATIONAL AUTO WORKS, INC:

Representing International Auto Works, Inc. was the owner Joseph Gagliardi.

Mr. Gagliardi told the Board he purchased Advantage Automotive at 9 Middlesex Avenue. There would be no change in his property at 55 Middlesex Avenue. The expansion was just for more space.

A motion was made by Mr. Ostroff to transfer the Class II license held by Advantage Automotive Repair, Inc. to International Auto Works, Inc. for premises at 11 Middlesex Avenue with the same restriction of no more than 3 vehicles on display for sale at one time. Seconded by Mr. Hughes and unanimously voted.

Document - Application with supporting documents submitted by Joseph Gagliardi; copy of Advantage Auto Repair License

PROCUREMENT OFFICER: AWARD CONTRACT MEMORIAL FIELD SOFTBALL LIGHTING INSTALLATION

Procurement Officer Peter Roche requested the Board award the contract for the installation of new lighting at the Memorial School Softball Field to the lowest bidder Island Lighting and Power, Inc. He explained that this contract was for the installation only. The materials were being purchased without bid via the State Bid List.

Mr. Roche noted that the bidder being recommended was significantly lower than the other five submitted, but the company providing the material via the State Bid list has dealt with Island Lighting and Power in the past and

considered them to be highly qualified for this type of installation.

The Board unanimously voted to award the contract for the installation of new lighting at the Memorial School Softball field to the low bidder island Lighting and Power, Inc. in the amount of \$57,500. The vote was taken on a motion by Mr. Hughes, seconded by Mr. Ostroff.

Document - Memo from Peter Roche Procurement Officer

COMMUNITY AGGREGATION UPDATE

Ms. White prefaced the presentation by noting that the Board authorized Community Aggregation as a means of bidding electrical supply with the goal of saving money and acquiring cleaner electricity. Environmental Compliance Officer Bob Bois, she, and the consultant have been going through the permitting process. Approval of the plan was received but during that timetable the DPW changed a key rule and she wanted to make sure the Board still wanted to move forward.

Representing the consultant Bay State Consultants were Susan Shortsleeve, John Shortsleeve, and Paul Gromer of Peregrine Energy Group.

A power point presentation began with an updated schedule:

The aggregation plan was completed	
DOER/DPU Review	April-May
Competitive solicitation for supplier	May
Customer education, including opt-out letter	June-July
Begin service	August 2014

Mr. Shortsleeve explained that the DPU rule change complicates the six month approach. The new rule eliminates an on again off again approach. Towns were no longer allowed to move back and forth. The Town could terminate the program and return to standard service, but if the Town later wanted to resume aggregation it would to go through the permitting process again.

Mr. Shortsleeve advised that Natick was getting closer to having approval from the DPU and getting closer to going out for an electrical supplier. An eight week lead time would be required to put a plan in place and there will be a one month lag. The basic service rate would be found out the end of May a six month supply would run from August-January.

Using a charge to show the difference in pricing for different periods, Mr. Shortsleeve pointed out that in general a six month period was more expensive. There was also a chart comparing Nstar rates for six months vs longer. In a rising market short-term rates were more expensive while in a fall market the reverse was true. He thought the trend was to a rising market.

When going over the opt out provision, Mr. Shortsleeve was asked if a resident could opt out at any time, and Mr. Gromer advised that they could. A customer could rejoin at any time but if they left and tried to come back, they would not be guaranteed a long-term price. They would get the market price at the time they joined.

A summary was provided comparing the six month vs the longer term. The six vs longer term had more expensive months, higher administration burden, less competition, lowest savings, and diminished the opt-out value. Mr. Shortsleeve stressed the program stability a longer term would provide.

In conclusion Mr. Shortsleeve advised that the strategy was to test the market and present full-priced options to the Town. They were not here tonight asking the Board to decided on a term. They would get real prices and put them in front of the Board and a decision could be made at that time.

Mr. Hughes inquired if the Town had an obligation to notify residents of any change in Nstar rates should the Town decide to go with a long-term plan. Mr. Shortsleeve responded that it would be the Town's choice. The Town had an obligation initially but would not have an ongoing obligation to announce Nstar rates.

Mr. Ostroff asked about a track record where people want to opt out 5-6 months into a 24 month term. Mr. Shortsleeve noted that the Cape initially experienced some significant load migration but that stabilized.

In response to Mr. Ostroff's query as to how it would work for consumers on a budget plan, Mr. Gromer advised that the budget plan would continue on the distribution portion - not for the supply component. That was very important for consumers to know. There was also a discount for low income consumers which was a state qualification.

Mr. Shortsleeve had gone over the difference in price depending on the timing of the term - beginning in January vs beginning in July. Mr. Ostroff questioned if the start date would make much of a difference if a long term was done. Mr. Shortsleeve noted that initially the Town would have to start either late May or early June or late November early December, but if the Town went long term, the procurement could take place whenever the Town wanted.

Asked if there were concerns that could be addressed in the legislature, Mr. Shortsleeve thought the DPU saw the six month on six month off as being disruptive and there was a strong push to get out of that. Mr. Gromer added that this restriction was similar to the restriction in place for large customers. The DPU was looking to create stability.

Ms. White inquired as to how Natick has fared since Bay State was procuring for municipalities. Mr. Shortsleeve noted that there were ups and downs since 2003, but the overall savings was about \$100,000.

The question of timing once bids were received was raised, and Mr. Shortsleeve advised that on the day the bids were received, there would need to be a Board meeting. Often communities will delegate acceptance to the Town Administrator.

Document - Power Point presentation

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

Mr. Jennett, a member of The Center for Arts Board of Directors, recused himself

Both Ms. Gloff and Mr. Ostroff stated they were members of TCAN with no financial interest.

Mr. Hughes moved to grant The Center for Arts in Natick four (4) one day beer & wine licenses for performances at 14 Summer Street on January 17, January 18, January 25, January 31, 2014. Seconded by Mr. Ostroff. The motion passed on a 4-0-1 vote. Ms. Gloff, Mr. Ostroff, Mr. Mabardy, Mr. Hughes voted in favor of the motion. Mr. Jennett abstained.

Document - Letter from David Lavalley, TCAN Executive Director

SPRING ANNUAL TOWN MEETING WARRANT ARTICLES

Ms. White reviewed the list of potential warrant article.

Mr. Hughes inquired as to how the one-to-one stabilization fund would work and was told by Ms. White that it hadn't been discussed with the School Committee as of yet, but funds would be added as available.

When the program was established, it was Mr. Hughes' understanding that the computers would be sold to the seniors and he would like to know if that has been successful. Ms. White advised that she was trying to schedule a meeting with the Superintendent to discuss that.

Town Meeting had previously enacted a by-law change on contracts, but the Attorney General's office was asking for non-substantive changes and there was an article on the list to address those changes for the AG.

Another article was to change the Article number for the Civil Fingerprinting By-law from 54 to 55. Ms. Gloff noted the by-laws were being codified and wondered if this could wait until the codification. Ms. White agreed to look into it.

Mr. Ostroff noted that he was asking the Board of Selectmen and Conservation Commission to put an article on the warrant that would transfer about 77 acres from the DPW to the Conservation Commission. It was surplus land around some homes that were developed and a potential future walking trail could be funded by the Conservation Commission. Land that has been of great beauty would be fully protected and the wells would be fully protected.

Mr. Jennett asked if Mr. Ostroff had spoken to the DPW and he responded that he spoke to the past Director and the interim DPW Director. They want to make sure whatever needs to be done to ensure the integrity of the well was done. That obligation wasn't being shed.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to sponsor an article for the transfer of 0 Bradford Road End to the Conservation Commission.

Ms. White reminded the Board that the next meeting was the last before the warrant closed.

Document - List of potential warrant articles; memo from Joshua Ostroff

BUDGET REVIEW

a. Emergency Management

Deputy Town Administrator/Finance Director Michael Walters Young advised that the Emergency Management budget was level funded at the FY2014 request. It maintains level services for the Town's emergency management functions. A lot of the cost was the cost for the Code Red.

b. Parking Enforcement

The Parking Enforcement budget was increasing 4.5% or \$5,493. The primary driver of the increase was the increase in lease costs for the St. Patrick's commuter lot.

c. Police Department

Mr. Walters Young highlighted the Police Department budget. The proposed budget increased staff by two full-time employees - one new patrol officer and one new dispatcher. This actually restored positions that were previously eliminated.

Salaries were increasing \$228,955 or 3.72% as the result of two new positions and contract salary increases.

Expenses were decreasing by \$22,000 or 9.53% as the result of no assessment centers being planned for FY2015.

The budget included two other Program Improvement Requests for maintenance contracts of existing equipment and assistance in moving the department toward accreditation.

Mr. Mabardy pointed out that the budget sheets didn't show any appropriation for the accreditation consultant from 2012-2014. The first time it was shown was FY2015.

Mr. Walters Young responded that this was a new request, but Mr. Mabardy thought the accreditation consultant had been ongoing.

Police Chief James Hicks noted that since he started there has been a consultant and those funds were being taken from left over grants. Those grants were winding down. He acknowledged that money has been spent for an accreditation consultant and it was now being appropriated in the budget.

With regard to the decrease in assessment centers, Mr. Hughes inquired if the hope was to develop a list good enough for a year or two. Chief Hicks advised that was the hope.

Mr. Mabardy asked if all the money in the Parking Enforcement budget had been spent in the past year and was told by Mr. Walters Young that \$113,000 plus had been spent in FY13 which includes paying all equipment. Some money was left.

It was noted by Mr. Mabardy that in 2012 parking fees were not suspended in December as was done in 2013. Ms. Gloff explained there was still a need to make certain people don't park more than two hours. There were the same expenses, just not the income. Mr. Walters Young added that money was not collected from the meters in December and that did affect revenue. Parking meter revenues was something that was appropriated separate and distinct and Town Meeting could only appropriate what was on hand. An increase from \$60,000 to \$80,000 was being proposed to augment expenditure of parking meter enforcement in Fiscal 2015.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to support the Emergency Management budget as presented.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to support the Parking Enforcement budget as presented.

Mr. Ostroff commented that one program improvement request not supported was for a Deputy Chief. The Chief wanted to work through a little more of the strategic planning process before that came forward

A motion was made by Mr. Ostroff, seconded by Mr. Jennett, to support the Police Department budget as presented.

Documents - budget book; memo from Town Administrator Martha White

d. DPW

Mr. Walters Young presented a summary of the DPW proposed budget. He noted that overall for all seven divisions there was a decrease of \$206,000 or 2.91%. Personnel services were increasing by \$242,366 or 7.66% and included 3 additional positions - 2 laborers in Highway and 1 in LFNR. That increase also included COLA adjustments for all employees per union contract.

Expenses were decreasing by \$392,688 or 17.26% accounted by the removal of Building Maintenance (\$358,400) being shifted to Facilities Maintenance) and reductions in tipping fees, waste bags, and recycling costs.

Energy was decreasing by \$56,024 or 3.71%. The largest drop was in electricity for street lighting as a result of the replacement of all street lights with LED lighting.

To the issue of increased personnel, Mr. Walters Young noted that the department has not added staff. Eleven people took advantage of the early retirement and these divisions have seen a long period of reduction over the last 25 years.

Ms. Gloff inquired as to the reduction in waste bags, and Deputy Town Administrator for Operations William Chenard responded that less bags were being used because there was more recycling. He agreed that would decrease revenue, but overall the tipping fees being paid to Millbury were going down. The actual fees were going up, but less tonnage was being sent.

Mr. Ostroff asked about plans for expanded curbside and what was contemplated for this fiscal year.

Ms. White advised that perhaps there may be some in Fiscal 2015 but there was nothing at this time. The Recycling Committee will be surveying some of the larger units to see what's going on.

With respect to the street lights, Ms. White explained this was Mr. Chenard's initiative and the total savings were significant although they were somewhat immeasurable since a lot of the savings were in reduced maintenance costs which were not known. This program was partly funded through grants.

Mr. Chenard added that the hope was to save over \$75,000. There was a 10 year warranty. Through grants and the savings, the program pays for itself.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to support the DPW budget as presented.

e. Water & Sewer

In the overview of the Water & Sewer budget, Mr. Walters Young advised that the budget maintains the same operations and services as FY2014. One new position of ISO Coordinator would be added and an increase of 5.8% for the MWRA assessment was factored in although that will be revised. Overall the budget increased by \$562,036 or 4.10%. The salaries include the additional position and COLA per the union contract and debt service. There were decreases in utilities, benefits, and indirects.

Mr. Walters Young gave an overview of the water & sewer capital budget. Over \$1.4 million in capital was proposed and would be funded by water & sewer debt, I&I Fund, and retained earnings. The use of retained earnings was projected at \$159,000. The largest projects were the sewer station generators (\$360,000) and ground wells (\$300,000).

Based on the budget, Mr. Walters projected a rate increase of 3.28%. For the average single family home that will mean an increase of approximately \$17.49.

Regarding the MWRA, Mr. Chenard advised that the MWRA doesn't set its rates until June, but the Town will get information along the way based on flow rates. Natick's flow rates were up substantially compared to other communities.

Mr. Walters Young confirmed that Mr. Mabardy was correct that rates were increasing this year and increased last year.

Mr. Jennett inquired as to why there was a reduction in benefits and was told by Mr. Walters Young that the number of individuals with individual plans increased and the number with family plans decreased.

With almost 800 units coming on, Mr. Hughes questioned if there would be no increase in usage. Mr. Walters Young responded that at this point there was no projected increase in usage. The only thing looked at was the amount required to fund the operation. Those types of adjustments will be done in April and May. If the usage went up, the only increase was to the service for the MWRA. Staff was not being added.

Mr. Jennett wanted to clarify that the FY2015 rate was not being set tonight. Mr. Walters Young noted that the budget was structured so there were no surprises in April or May.

A motion was made by Mr. Hughes to support the Water & Sewer budget. Seconded by Mr. Jennett and unanimously voted.

In discussion of the motion, Mr. Ostroff commented that he supported the budget. The operation of a safe, reliable water system was the highest priority.

Mr. Jennett inquired as to how the revenue was trending and Mr. Chenard responded that he hadn't looked for awhile but early in the year the revenues were trending up.

Mr. Jennett thought the budget approach was a smart approach trying to maintain not having big spikes and other years huge retained earnings.

Mr. Ostroff asked about sidewalk improvements and Mr. Walters Young noted that it was a line item in the DPW budget. The emphasis was when the road was redone to do the sidewalks. The goal with the capital plan was as debt came off, to add \$1.5 million for roads and sidewalks. On the maintenance standpoint, he thought the two additional personal would free up staff to focus more on sidewalk maintenance than now. He wasn't going to promise that all of the issues pointed out would be resolved but he thought additional resources could begin to fix them. In the DPW efforts have been taken to create long-term plans.

Document - preliminary budgets; memo from Town Administrator Martha White

2014 LICENSE RENEWAL UPDATE

Ms. Challis reported that all of the December licenses had been renewed with the exception of the following common victualer's licenses:

DeliMax
Wendy's: West Central Street
Wendy's: Worcester Street
Nature's Nectar
Fresh City

Notices had been sent and late fees attached. In accordance with the Board's policy, the next step was to have letters hand delivered by the Police Department giving the licenseholder 3 business days to renew or close and they would then have to reapply for a license.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to authorize the next step of having letters hand delivered by the Police Department to the above license holders.

Document - Memo from Donna Challis

RFP FOR AUDITING SERVICES

Ms. White informed the Board that the contract with Sullivan, Rogers for auditing services expires June 30, 2014. At the end of that contract, Sullivan, Rogers will have served for six years. The Town was very happy with their service but it was advisable to bid every so often. She recommended asking for a three year bid.

The Procurement Officer will work with the Audit Advisory Committee and the RFP will be brought back to the Board.

Mr. Hughes noted that Sullivan, Rogers was purchased by a huge accounting firm and most likely the new firm would bid.

VILLAGE WAY: APPROVAL OF LOCAL INITIATIVE PROGRAM COMPLIANCE CERTIFICATE

Ms. Gloff explained that an individual qualified for and purchased an affordable unit on Village Way. That person wishes to sell, but cannot find a purchaser who meets the income to purchase that unit and they wish to sell to someone not eligible.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to sign the approval of the local initiative program compliance certificate for the sale of 3 Village Way, Unit 3VW#4.

Document - Certificate submitted by Brooks & Crowley, LLP

MINUTES

On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board unanimously voted to approve the minutes of the November 18, 2013 meeting.

On a motion by Mr. Ostroff, seconded by Mr. Hughes, the Board unanimously voted to approve the minutes of the December 30, 2013 meeting.

STRIVERS RUNNING CLUB: REQUEST FOR BANNER

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to approve the request from Strivers Running Club to hang a banner across Main Street for the period of April 28-May 5, 2014 in advertisement of the Mother's Day 5k Road Race.

Document - Letter from Colleen Phelps of the Strivers Running Club for Girls

SELECTMEN'S CONCERNS

a. MMA Annual Conference

Mr. Ostroff encouraged members to attend the MMA conference and noted that registration fees were less if done by Wednesday.

b. Holliston Water Department

In follow-up to a conversation at the last meeting concerning residents being notified of spikes in water usage, Mr. Ostroff said he spoke with the Holliston Water Department. Holliston has an open system and can use equipment from different vendors. Natick's was closed and didn't allow equipment from different vendors.

c. MBTA Schedule

Mr. Ostroff noted that the MBTA recently changed its schedule and there was one fewer rush hour stop in Natick. He spoke with Representative Linsky who has contacted the MBTA General Manager and wondered if the Board would send a letter asking the MBTA to restore the same level of service as before.

A motion was made by Mr. Hughes to send a letter of objection. Seconded by Mr. Mabardy and unanimously voted.

d. Street Lights

Mr. Mabardy inquired as to who to contact regarding streetlights. Ms. White explained that if it was a broken light, it could be reported on the web site. If someone was requesting a new light, they should contact the Safety Committee.

e. East Central Street

Mr. Mabardy asked about the signage to be erected on East Central. Ms. White responded that she spoke with the DPW and was told the weather was prohibitive, but now that it has warmed up she would send a reminder tonight.

f. Lights on the Common

Mr. Hughes reported that the lights on the Common were not lighting at night. The sidewalks in the interior of the Common were dark.

g. JJ Lane Park

From the report in correspondence, it looked to Mr. Jennett like the project was moving along but he questioned the intent not to make use of the park for rental until late in the Fall of 2014.

Ms. White said she spoke with some of the folks on the committee. Most of the park improvements will be completed this spring but the grass will not have an opportunity to get established. She didn't want a 90% completed park to be closed to the public, and the committee will look at things like roping off some seeded areas but allowing access to other areas.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.



Nicholas S. Mabardy, Clerk