

BOARD OF SELECTMEN

Natick Town Hall

June 16, 2014

6:15 p.m.

The meeting was called to order by the Chair Joshua Ostroff at 6:15 p.m.

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

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

WARRANTS: Payroll warrants were signed by the Board of Selectmen on June 16, 2014 in the amount of \$1,139,803.23. This figure was included in total warrants signed by the Board of Selectmen of \$3,035,075.19.

EXECUTIVE SESSION

Mr. Hughes, seconded by Mr. Mabardy, moved to enter into executive session to discuss matters pertaining to litigation, and executive session minutes. A roll call vote was unanimous in favor of the motion. At 6:15 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 litigation in open session would have a detrimental effect on the Board of Selectmen's negotiating position.

The open session was reconvened at 7:05 p.m.

ANNOUNCEMENTS

1. The release of the MetroWest Visitors Bureau Recreation Guide for 2014.
2. The Board was looking for volunteers to fill various boards and committees.
3. A public meeting was scheduled for June 19 to discuss conceptual design for the MBTA station in Natick Center. Public input was welcome.
4. Mr. Ostroff announced the passing of Harold Rosen, former Natick High School principal. Anyone who knew him knew he was a kind gentleman very dedicated to the education of the community.

CITIZENS CONCERNS

a. Public Correspondence

Julian Munnich raised a concern about public records as constituted by official correspondence. On January 15 MassPort sent out correspondence to four Town boards regarding the relocation of Logan Express.

Mr. Ostroff interjected that the Board would be discussing this under agenda item 3, but Mr. Munnich countered that he was not speaking on the merit. He was speaking on the process. On January 16 the packets arrived at Town Hall. The Planning Board did not receive and there was no evidence of the Board of Selectmen, Board of Health, or the Conservation Commission receiving such correspondence.

Public records had to be taken care of. There was a reason the records were sent out. It was to be a public process and it was the responsibility of the Boards to respond. Mr. Munnich noted that his request was that the Board of Selectmen consider and implement an investigation under MGL as to what happened. This was not a single instance. There were other times the Town defaulted on its rights and other correspondence from state agencies that were not acted on and the Town lost its ability to protect its interest.

Asked if he were speaking as a citizen or a member of the Planning Board, Mr. Munnich replied both. He clarified that he was not speaking on behalf of the Planning Board. He was speaking as one member.

b. Fourth of July Celebration

Peter Mundy, Co-Chair of the Natick Friends of the Fourth, announced that the Ordway family had been named as the Grand Marshalls of the July 4<sup>th</sup> Parade. The theme was proud to be from Natick.

Mr. Mundy advised that several local organizations stepped up and went above and beyond. Mutual One has agreed to sponsor Voice on the Common and Middlesex Savings has agreed to sponsor Family Night.

The concern was monetary and raising the funds. About \$21,000 was committed to the parade and unfortunately upfront payments had to be made.

*c. Big Heart Little Feet Volunteers*

Patrick Conaway spoke of his goal of Natick being the first trash free town in Massachusetts. He distributed a trash picker, bag, map of Natick trails, and plastic gloves to each member of the Board and encouraged all residents to volunteer 30 minutes a month to pick up trash.

WHAT'S NEW: AWARD TO DPW FROM NE CHAPTER OF AMERICAN PUBLIC WORKS ASSOCIATION

Richard Merson, Needham DPW Director and Officer of the New England Chapter of the American Public Works Association, read the pronouncement of the Special Achievement Award presented to Natick at the Association's luncheon. Mr. Merson noted that the award was not often presented, but the Association felt it warranted consideration this year. The award acknowledges the excellent performance of DPW personnel.

As a resident of Natick, Mr. Merson stated that he was very proud of what the men and women of the Natick DPW did in the wake of the McDaniel tragedy. It was not easy to sustain a loss and came not only from the leadership but the fortitude of the DPW Department.

Ms. White congratulated the DPW. She recognized Tom Collins, Deputy Director, who was serving as Acting Director at the time of the accident, and the Department as a whole for standing up and doing the job that needed to be done.

Mr. Ostroff thanked Mr. Merson and the Association for this honor.

TREASURER/COLLECTOR - DEPUTY TOWN ADMINISTRATOR FOR FINANCE

*a. Award of Bonds*

Treasurer/Collector - Deputy Town Administrator for Finance Jeffrey Towne along with Lynne Foster, the Town's Financial Advisor from UniBank presented a request for the Board to award bonds in the amount of \$11,298,750 which consisted of \$6,083,750 in new debt and refunding debt in the amount of \$5,215,000.

Mr. Towne noted that the refinancing of the Wilson Middle School debt would save about \$60,000 every year from being added to the tax levy. The total savings was \$694,000 with \$617,000 going back to the taxpayer. The Town received a premium of \$1,087,343.92 which will be used to cover the issuance costs of the bond sale a portion would be amortized over the remaining 1-years of the refunding debt, and the balance would fall to free cash.

Ms. Foster reviewed the 9 bids received. The winning bid was from Fidelity Capital Markets with a 1.77% net interest cost. Ms. Foster complimented the work of Mr. Towne and Comptroller Virginia Cahill. The Town retained its AAA S&P rating and got an upgrade in financial management assessment going from good to strong which meant policies and procedures were in place that the rating agencies had confidence that should there be a change in management, the financial status would still be good.

Ms. Foster noted that the bonds were sold in a competitive market with 9 other sales that day and Natick traded better than most that day.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's \$12,640,000 General Obligation Municipal Purpose Loan of 2004 Bonds dated April 15, 2004 maturing on and after April 15, 2015 (the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further voted that the sale of the \$11,298,750 General Obligation Municipal Purpose Loan of 2014 Bonds of the Town dated June 18, 2014 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$12,363,285.13 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on the dates and in the principal amounts and bear interest at the respective rates, as follows:

Date	Amount	Interest Rate	Date	Amount	Interest Rate
4/15/15	\$1,308,750	2.00%	6/15/23	\$805,000	3.00%
6/15/16	1,270,000	5.00	6/15/24	775,000	2.25
6/15/17	1,255,000	5.00	6/15/25	125,000	2.50
6/15/18	1,235,000	5.00	6/15/26	125,000	2.625
6/15/19	1,200,000	4.00	6/15/27	125,000	2.75
6/15/20	1,045,000	4.00	6/15/28	125,000	3.00
6/15/21	975,00	4.00	6/15/29	120,000	3.00
6/15/22	810,000				

Further voted that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 28, 2014, and a final Official Statement dated June 4, 2014 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further voted that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further voted that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further voted to authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further voted that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Prior to the vote Mr. Mabardy asked about the refunding and Ms. White explained that it actually wasn't a refund but it was a lesser burden to the taxpayer because the bond was reduced.

Mr. Hughes inquired as to how much of the premium was reducing debt cost and how much was going to free cash.

Mr. Towne responded that the \$1.087 million premium was for the new money. Ms. Foster added that generally the premium was prorated for the projects and basically applied to the first interest payment. It was used to reduce debt service.

The Board and the Town Clerk signed the bonds.

Document - Memo from Jeffrey Towne, Collector/Treasurer - Deputy Town Administrator for Finance; copy of bid analysis; copy of S&P rating

**b. Acceptance of Donation - Natick Soccer Club**

With enthusiastic appreciation Mr. Hughes moved to accept a \$350,000 donation from the Natick Soccer Club for the Cole North project. Seconded by Mr. Ostroff and unanimously voted.

Mr. Towne advised that the Soccer Club has made a financial commitment of up to \$600,000 of the \$1.2 million the Town voted for the Cole soccer fields.

Documents - Letter from Cliff Browning, President Natick Soccer Club; enlarged copy of the check

**LOGAN EXPRESS RELOCATION**

Mr. Ostroff reported that Logan Express was relocating from Framingham to Natick for about a year while the terminal in Framingham underwent major reconstruction. While in Natick it will be relocated on the largely vacant Boston Scientific lot. MassPort sent notification to four Natick Town boards and they have stated they have evidence the forms were received, but no one has a recollection of having seen them.

Mr. Ostroff noted that he spoke with a couple of people in the MassPort Environmental permitting as has Community Development Director Patrick Reffett. One issue was the process and how can it be that legal notice was sent to the Town and there was no record of it and the second issue was how was the Town's best interest served. The people at MassPort have said it was not uncommon for a town to be silent upon receiving notification.

Ms. White told the Board that the first her office heard of this relocation was last week.

Patrick Reffett, Community Development Director, reported on his interaction with MassPort. He spoke with David Doane(sp?), Senior Project Manager and he said they verified that the documents were sent to the Town. Mr. Reffett said he requested 20 copies and those will be provided in the next two days.

Mr. Reffett noted Mr. Doane was asked and agreed that MassPort would conduct a public hearing and it was left that Mr. Reffett would get back to him with a preferred date. The questions he (Mr. Reffett) posed were largely traffic oriented and Mr. Doane said the majority of the answers were within the document being sent to us.

Mr. Mabardy was concerned with what happened to this mail. He called the Deputy Director and the Deputy Director said the mail was sent. His (Mr. Mabardy's) question was who signed for it - did it get lost, waylaid.

Mr. Reffett responded that it had been mishandled and we should be in possession of those documents.

Mr. Ostroff thought it would be helpful to coordinate any request to MassPort and whoever heard back from them to communicate with the Town Administrator so everyone's time was being used wisely.

Once the documents were received, Mr. Mabardy asked if there would be a discussion on the issues and concerns with this location. Mr. Reffett's reply was yes. MassPort would attend a public meeting and likely bring consultants.

Mr. Connolly stated that he was told someone within the building signed for the document, but it was being said that the documents were never received. He thought the project was underway.

Mr. Ostroff advised that Logan Express in Natick would be open for business a week from today.

Asked by Mr. Connolly how long MassPort has been doing this change, Mr. Ostroff said several months. Mr. Connolly questioned why the documents were needed if they were already doing it and why was MassPort doing it if the documents weren't approved.

Ms. White explained that the document that was distributed was an environmental notification and not a document the Town would have approved. That was sent seeking comments, but comments were not required and MassPort assumed the Town didn't have any comments.

Mr. Connolly asked if building permits had been issued, but as Ms. White interpreted it, they were using the parking lot so no permits were needed. Mr. Ostroff, however, noted they were adding onto a structure in the parking lot, and Mr. Reffett confirmed that would be the subject of a building permit.

Mr. Connolly found the situation odd and Mr. Ostroff responded that this was the first meeting to discuss what happened and probably not the last.

Mr. Ostroff reiterated there were two issues: 1) identify the problem as to the documents; 2) the Town wants to make sure the effect of the project was minimized.

Mr. Jennett asked if the Community Development office had no idea this was going on, and Mr. Reffett responded that he was not aware.

As to Natick having no idea at all, it was Mr. Jennett's understanding that Natick's Environmental Compliance Officer was a member of the Framingham Conservation Commission. Mr. Jennett found it interesting that Natick would have no idea about the project.

Mr. Reffett noted that it was not really a project in the traditional sense. They were occupying a pre-existing parking lot. He confirmed that the

individual to whom Mr. Jennett referred was a resident in Framingham and a member of the Framingham Conservation Commission and that he had definitely not spoken to him about this matter.

With respect to the documents being delivered, Mr. Jennett felt it was an operation problem and something that needed to be addressed.

Mr. Ostroff thought the Town was on a good track to at least have cooperation between the Town and MassPort to minimize the issues with traffic, etc. A request had been received to undertake an investigation under MGL, but he would rather table that until some of the facts were known.

Mr. Munnich noted there was one action the Board may wish to consider - enter into communication with Logan Express to look into police details at the intersections in sensitive hours. It was his understanding the Police could initiate detail work with the Mall at any time. People using Logan Express won't understand the traffic flow. The Town was facing a traffic challenge with Oak Street under construction, Kansas Street soon to be under construction, and now this on Speen Street.

Mr. Ostroff commented on asking Lt. Lauzon to be in touch with MassPort, but Ms. White stated that she would like to do it through herself and Mr. Reffett.

Document - Memo from Town Administrator Martha White

APPLICATION FOR JUNK DEALER'S LICENSE: DONALD MORRIS D/B/A FOUND

Donald Morris appeared before the Board to request a junk dealer's license to buy and sell antiques at 1 North Main Street.

Mr. Hughes moved to grant Donald Morris d/b/a Found a junk dealer's license for premises at 1 North Main Street. Seconded by Mr. Jennett and unanimously voted.

Documents - Application submitted by Donald Morris

MILL CREEK - KENSINGTON PLACE II, LLC: APPROVAL OF PERFORMANCE BOND, INSURANCE

Representing Mill Creek for the development called Natick Mews at the site of the former Natick Paperboard was James Lambert.

The request was for a performance bond for \$1 million for offsite work Mill Creek would be doing on Lake Street. A drain line would be installed from the Natick Mews site down along the lake to supplement existing storm water drainage.

Mr. Connolly inquired as to how long the bond would be in effect, noting that he had seen these bonds released too fast and there was no recourse.

Mr. Lambert advised that the bond would be in place until the end of the work which he believed would be in February.

Town Engineer Mark Coviello added that this performance bond was like any performance bond in conjunction with any street work, but this work was so significant that the Planning Board required the applicant to go to the Board of Selectmen as the Road Commissioners. Normally on a road project, it was a year from completion of the work.

In follow-up Mr. Connolly questioned what would happen if there was a problem 18 months after completion. Mr. Coviello guessed the Town would own it but Mill Creek will be the owners and managers of the site.

Mr. Connolly asked if the Lake Street residents would know what was going on and Mr. Coviello responded that there was a public meeting for all residents of Lake, Washington Avenue, LaGrange to talk about the work and schedule. The meeting wasn't as well attended as he thought it would have been but a number of people from Lake Street were there. All properties were being inspected both foundation and interiors before the work began.

Mr. Ostroff inquired if the new drainage would provide a benefit to the neighborhood. Mr. Coviello responded that it was a significant improvement for the whole town.

The Board unanimously voted to require a performance bond in the amount of \$1 million. The vote was taken on a motion by Mr. Hughes, seconded by Mr. Jennett.

Documents - email from Mill Creek; copy of Planning Board decision; memo from Town Engineer Mark Coviello

COMPTROLLER

a. Appointment of Virginia Cahill

Ms. White explained that when Virginia Cahill became a Town employee in February, to comply with the terms of the Charter, the Board appointed her as the Interim Comptroller for a term to expire June 30, 2014. The Charter stipulates that the Comptroller position was a three term beginning July 1.

Ms. White noted that prior to her appointment as an employee, Ms. Cahill had served quite a while as a consultant. She was a key member of the leadership team and introduced a number of efficiencies and managed the staff very well. Ms. White strongly and heartedly recommended the appointment of Ms. Cahill.

Deputy Town Administrator for Finance Jeffrey Towne also highly recommended the appointment of Ms. Cahill, adding that he couldn't do his job without her. She was probably one of the best in the industry that he ever met.

Ms. Cahill stated that she would love to accept the appointment. She has been an employee since February 1, 2014 and worked here in a different capacity since April 2010.

A motion was made by Mr. Jennett to appoint Virginia Cahill as Comptroller for a three year term to expire June 30, 2017. Seconded by Mr. Hughes and unanimously voted.

Mr. Mabardy thanked Ms. Cahill for taking this as a full-time employee.

In his eight plus years Mr. Ostroff said he had worked with six different Comptrollers and Ms. Cahill set a very high standard.

Document - Memo from Town Administrator Martha White

b. Quarterly Report - 3<sup>rd</sup> Quarter Fiscal 2014

Ms. Cahill presented the year-to-date expenditures and revenues for the third quarter of Fiscal 2014.

She reported that general fund revenues closed at 76.4% of budget as of March 31, 2014. Local receipts were at 86.97% of target as of March 31. The local receipts that were significantly below the 75% target and bore monitoring were identified as:

- Charges for services - trash disposal at 66.72%
- Rentals at 64.07%. This was partially due to the timing of some March Rental income being posted to April, but the FY budget also needed to be revised.
- Special assessments were at 38.73%. This amount would increase when the balance of assessments are collected with the fourth quarter tax bills due 5/1/14
- Investment income was at 41.93% of budget. The Treasurer/Collector did not start investing excess funds until directed to do so during March 2014

Other local receipts below or above target were as follows:

- Miscellaneous recurring. This line was 5.41% of target. The practice has been to budget this at \$100,000 each fiscal year. The actual receipts depend on a variety of factors and will fluctuate each year. The revenue collected in this line in FY14 was largely charges departments were allowed to collect for making copies, printing bills, or producing other documents
- Miscellaneous Non-recurring. Through the third quarter of FY14, Approximately \$92,000 has been collected, the majority from tax title collections. It also included the close out of special capital article small balances due to project completion, a bit of additional reimbursement collected for the February 2013 blizzard, and the balance credits due from vendors from prior years

State Aid received was as expected at 74.15% of projections.

All Enterprise Fund revenue for both water/sewer and golf funds has been recognized and booked as of March 31.

100% of other available funds must be booked once Town Meeting was certified.

Real estate and personal property tax collection closed at an average of 75.74% of target for both types of taxes which was a good collection rate.

Ms. Cahill reported that general fund expenditures closed at 69% of the budget as of March 31, 2014. Overall the general fund was being well managed. There were specific departments within the overall budget that exceed 75% of the budget, but they fell into four expected types of categories.

For the Water & Sewer enterprise fund, Ms. Cahill reported that revenues were at 75.8% of target. User charges were running ahead of target at 76.8% and connection fee revenues were at 205.9% due to the early completion of some large projects including South Natick Hills and Hunters Hill. The Water/Sewer fund expenditures were at 69.7% of budget.

For the Sassamon Trace enterprise fund, Ms. Cahill reported that revenues were at 79.6%. Golf course fees were below target at 68.9% but this was to be expected with the winter months included in this quarter. Golf course expenditures were at 58.4% of budget.

Mr. Ostroff inquired if there were any implications for the larger picture of the budget. Ms. White pointed out that the Board was being asked to consider some transfers. All the budgets were running close to the budgeted amount, but some were running a little too close and were being supplemented. She didn't believe there were any other areas of concern.

Mr. Jennett noted that parking meter receipts came up as a discussion at two different committees on which he sat - the Economic Development and the Natick Cultural District - and the potential to use parking receipts for some district improvements. The hope was to have the Town Administrator look into it and what mechanism needed to be considered.

Mr. Ostroff advised that would be considered in the Parking Advisory Committee's recommendations.

*c. Update Walcott & Kennedy Trust Funds*

Ms. Cahill reported that the Walcott Trust Fund had a non-expendable principal balance of \$73,254.05. The Trust Fund also had an expendable portion which has been in deficit since Fiscal 2007. The interest credited over the years has decreased the deficit to \$9,237.79 as of June 30, 2013.

Noting the interest of \$3.37 on \$73,000 per year, Mr. Hughes thought there had to be something to invest in that would pay a little more.

Ms. Cahill responded that she talked to the Finance Director and half was in a very low interest bearing account and half in a low CD. It could all be put in a CD but it would still take years to recoup the deficit.

Ms. White advised that based on reading Town Counsel's opinion, donations could be accepted, but the use of municipal funds was not permitted.

Mr. Connolly was bothered by the situation and equated it to the money being stolen. He found it to be an insult.

Mr. Ostroff explained that the Comptroller made grants from the fund in line with the goals to help people who needed assistance, but too much was spent.

Document - Report prepared by Comptroller Virginia Cahill

*d. Kennedy Trust Fund*

Ms. Cahill reported that the Kennedy Scholarship Trust was in good shape with a non-expendable principal balance of \$167,421.42 and an expendable portion in the amount of \$3,540.43 as of June 30, 2013. During the first three quarters of Fiscal 2014 the only activity in the Trust fund was \$364.75 in interest bringing the expendable portion to \$3,905.18.

Document - Report prepared by Comptroller Virginia Cahill

TREASURER/COLLECTOR - DEPUTY TOWN ADMINISTRATOR - FINANCE

*a. Year End Transfers*

Deputy Town Administrator for Finance Jeffrey Towne advised that the operating budget was doing very well. There were two departments generally looked at - Fire overtime and the Veterans.

In February, Acting Chief White mentioned the overtime budget would probably be over \$100,000-\$110,000, but he was able to keep the spending down in other areas and a 3% rule transfer in the amount of \$60,000 was being requested to supplement the salary account. The account was not over-expended at this time, but the additional \$60,000 was anticipated to be needed.

Also requested was a \$6,000 transfer to Veteran Cash & Medical Benefits expense account under the 3% rule. The transfer may not be needed, but is being requested just in case there was an emergency case that may come up prior to the close of year end. There were two cases that came in last week and the thought was it was better to be safe.

Both transfers would come from Employee Fringe Benefits. Under the state, \$450,000 could be used from Employee Fringe Benefits and only \$66,000 was being requested.

Mr. Jennett inquired if the \$60,000 for Fire included any salary adjustments and retirements. Mr. Towne advised that was correct.

A motion was made by Mr. Hughes to transfer \$60,000 from Employee Fringe Benefits to Fire Department Salaries and \$6,000 from Employee Fringe Benefits to Veteran's Cash & Medical Benefits under the 3% rule.

Document - Memo from Jeffrey Towne, Deputy Town Administrator for Finance

NATICK CENTER CULTURAL DISTRICT ADVISORY COUNCIL: REQUEST RELEASE OF FUNDS  
Representing the Natick Center Cultural District Advisory Council was the Chair Steven Levinsky.

Mr. Levinsky updated the Board on the Council's activities. Four goals had been established and the status of those goals was as follows:

- 1) A five year strategic plan was completed
- 2) Three public art projects were funded and in progress. Installation on all was expected by October 2014.
- 3) Planning was underway for "Summer fun in Natick" during the week of July 14<sup>th</sup>
- 4) Marketing and branding will take three paths - website, phone app, and printed materials. A statement of work has been written and a vendor has been selected.

Mr. Levinsky then requested the release of \$16,900 to Natick Center Associates from the \$30,000 Town Meeting appropriation. The Board had previously voted the release of \$13,100 in February. The \$16,900 would be used for the purpose of:

- \$8,900 for the development of a brand and website
- \$2,500 for promotion support of "Summer fun in Natick"
- \$5,500 for staff support provided by Natick Center Associates

Mr. Ostroff disclosed that he was the Selectmen's representative to the Natick Center Cultural District Advisory Council, Ms. White sits on that board, and Mr. Jennett was on the Steering Committee.

Mr. Ostroff inquired if any of these expenditures fell under public bid laws. Ms. White's response was, "no".

Mr. Jennett moved to release the \$16,900 to Natick Center Associates as requested. Seconded by Mr. Ostroff and unanimously voted.

Speaking to his motion, Mr. Jennett stated that a lot has taken place. The Steering Committee has been meeting for many months on a weekly basis and had a membership that brings in restaurants, businessmen, bank presidents. It was a collaborative effort to create a focus on downtown and with that effort he thought the Cultural District Council had a structure that would make good use of these monies and create a much better downtown environment.

Mr. Ostroff noted that the requested use was consistent with the vote of Town Meeting. This was good for Natick Center and would drive the revitalization.

Document - Memo from Steven Levinsky, Chair of the Natick Center Cultural District Advisory Board

DPW DIRECTOR: HOW ROADWAY IMPROVEMENT PROJECTS ARE DETERMINED  
DPW Director Donald Ouellette gave a power point presentation explaining how the streets for roadway improvement were determined.

To Mr. Connolly's point about nothing being said about unaccepted roads, Mr. Ouellette noted that the estimated cost to bring the unaccepted roads up to standard for acceptance was approximately \$4 million. The DPW couldn't legally work on an unaccepted road.

Mr. Connolly disagreed, noting the road had to be passable and safe. The citizens on unaccepted roads paid the same taxes. He also spoke to someone who couldn't recall the last time Lincoln Street Extension had a full service and that was an accepted street.

Ms. White advised that the DPW maintained that exact standard to unaccepted ways. They were kept passable but by law they weren't treated the same as accepted roadways.

Mr. Connolly felt the citizens deserve a certain amount of attention.

Mr. Ostroff agreed it was an important issue, but pointed out that the \$4 million didn't account for the amount that would have to be incurred to provide ownership.

Mr. Ouellette agreed 100% with Mr. Connolly as far as the obligation, but reiterated that legally he couldn't make a commitment on a private road.

Ms. White asked about the timing for the DPW to bring an updated five year road plan to the Board.

The latest one was revised February 2014 so Mr. Ouellette thought probably sometime after the first of the year.

Ms. White wanted to get in the habit of having that come to the Board on a regular schedule and asked that Mr. Ouellette and Town Engineer Mark Coviello work that out.

Document - power point presentation

#### STATUS OF TRANSPORTATION PROJECTS

Community Development Director Patrick Reffett updated the Board on the various transportation projects around town.

Marion Street Bridge - The estimated cost to replace was \$4.8 million and was to be funded by the State. Because of the historical nature of the bridge the Massachusetts Historical Commission must sign off on a new design, which the Natick Historical Commission has recommended. The design level was currently at 25% and a project bid date was set for November 29, 2014. Construction was anticipated in the spring of 2015.

To Mr. Connolly it seemed like a real long time before it would be completed.

Mr. Reffett didn't have a complete date from the State. He was only reporting what was happening, but understood that it has taken much longer than anyone wanted it to.

Mr. Connolly questioned if it was possible to make the State more aware of how annoyed the Town was about the bridge being out.

Mr. Ostroff responded that the bridge was in design now and it had to be remembered there were bridges in other communities that were just as critical that would not be designed by the time this one opened. When the Marion Street bridge was closed it didn't have funding, but the design was started anyway. Design can take some time and now that there was funding the State was moving to expedite the bridge replacement.

Mr. Connolly didn't think that was the best the State could do. The citizens were livid and he thought they had good reason.

Route 27 - The project was currently on the TIP and awaiting 25% design approval. The project will provide a complete redesign of the roadway to improve travel conditions, pedestrian and bicycle access, drainage and safety. The estimated cost was \$13 million and qualified for state and federal funding. An RFP has been prepared for design services to address the many design implications of moving and rebuilding the historically significant Felch House at Bacon and North Main which was a requirement of the Natick Historical Commission. Staff will begin meeting with other affected property owners at the locations where turning lanes and other right-of-way requirements would be needed.

9/27 Interchange and Bridge Replacement - The project was currently on the TIP and awaiting 25% design approval. A public hearing was likely this summer/early fall. The project completely redesigns the interchange for safety and improved traffic movement and replaces a deteriorating bridge structure. The estimated cost was \$20.7 million and qualified for state and federal funding. No hard schedule has been set at this stage.

Main Street - A request will be made to Fall Town Meeting for an appropriation for design funding to improve safety, appearance and to better accommodate all users. Design work will commence in 2015 and include an extensive public participation process inclusive of abutters, Natick Center Associates, nearby property owners, and the general public. Construction funding may ultimately be joined to the Route 27 project or pursued separately.

9/Oak Street - The project was proceeding to completion mid 2015. The new intersection will be largely functional fall 2014 with some utility work additions into 2015 to complete the project. The \$6.2 million project was funded by the state, federal funds as well as mitigation funds from the MathWorks Apple Hill Expansion project (\$980,000).

Bridge Preservation Work, Route 9/Speen Street - The state was undertaking bridge preservation improvements which will be funded by the state and federal government at an estimated cost of \$16.5 million. There was currently no contract date.

Cochituate Rail Trail - The Town was preparing to submit a 25% design to Mass DOT who will hold a public hearing later in 2014. The project was approved by the MDOT District 3 Project Review Committee and was also now on the TIP to qualify it for state and federal construction funding at an estimated cost of \$6.9 million. Fall Town Meeting will be asked to appropriate Planning Board mitigation funds for additional design work. Once the project was at 75% design, the Town can conclude a P&S with CSX who currently owned the right-of-way. Our legislative delegation was successful in obtaining state funding authorization to supplement local conservation funds for acquisition.

Natick Center MBTA Station - The Town was nearing completion of a feasibility study and conceptual design using a Town Meeting appropriation with a public meeting scheduled for June 19. The Board will be asked to approve a Purpose and Needs Statement and other materials to request the project be incorporated into the MBTA's capital plan and be eligible for future federal funding.

Speen Street/Route 30/I-90 Interchange Project - Mr. Reffett advised that he discovered that some of what he had stated in his memo was correct and he would have to get a further update.

Kansas Street Roadway Improvements Project - the Town received a MassWorks grant of \$2.5 million a year ago to rebuild and improve Kansas Street from its intersection with North Main Street to its end at 3<sup>rd</sup> Street. The Board approved awarding of a construction contract for this project which includes full depth repaving, upgraded utilities, pedestrian improvements and signalization improvements at North Main Street.

Ms. White thanked Mr. Reffett for the comprehensive update and advised that she would work to get the memo up on the web site.

Mr. Reffett attributed him being able to do all of this to the Town voting an override a few years ago that funded help for affordable housing.

Document - Memo from Community Development Director Patrick Reffett

DEPUTY TOWN ADMINISTRATOR FOR OPERATIONS: DEP REGS & WATER PERMIT

Mr. Ostroff preferred to hold this item and discuss at the June 30 meeting.

NATICK PEGASUS LICENSE

At a prior meeting the Board reviewed the draft license with Natick Pegasus. Comments from that meeting were incorporated and the final agreement was before the Board for approval.

Mr. Jennett noted that he would be interested in requesting the financials. Mr. Chenard pointed out that was added under Item 17 and included Pegasus' capital plan.

A motion was made by Mr. Hughes to approve the license agreement with Natick Pegasus to expire June 30, 2017. Seconded by Mr. Jennett and unanimously voted.

DISCUSSION OF PROMOTION TO POLICE LIEUTENANT

The Board was in receipt of a memo from Police James Hicks that discussed various staffing levels and concerns for making sure there was adequate staff in the patrol rank and looking for guidance for promotion to Lieutenant. The Lieutenant's list was a short list with two names.

Mr. Ostroff preferred not to make a promotion without the Chief present, but the Board could have a discussion.

Mr. Mabardy didn't believe the current list was the one with two names. He believed the current list was the list with one name.

It was Ms. White's understanding there could only be one list at any given time and she was under the impression the list with two names was not an active available list. The date of the list with one name expires and the other becomes active and that date was imminent.

Mr. Mabardy inquired as to when it was known that the Police Chief was not available for tonight's meeting and Ms. White answered Friday. Without the Chief being here, Mr. Mabardy noted that questions couldn't be asked and it was difficult to appoint anybody without the Chief's recommendation.

Ms. White agreed, noting she wouldn't recommend considering such an action without the Police Chief's recommendation.

Even if the current list with one name expired and went to a two candidate list, Mr. Mabardy pointed out it was still considered a short list. The question was what was the Board going to do. This has been going on for some time. As assessment center was held and it cost people \$250 to file for an exam. He recalled that when the provisional appointment was made last December, it had to be made right away, but now the provisional appointee has retired.

From his conversations with the Chief, Mr. Ostroff thought the Chief's recommendation was to hold off on a provisional until the end of the summer after peak vacation. When the Board made the last provisional appointment it was after declaring the list with one candidate a short list and the Board deciding not to appoint from a list of one. At this point he (Mr. Ostroff) wasn't sure if the two lists could be merged.

Mr. Ostroff asked the members how they wished to proceed.

It seemed silly to Mr. Connolly to have a discussion if Chief Hicks wasn't here. His preference was to wait for Chief Hicks. Mr. Connolly added that he was of the mindset that another lieutenant wasn't needed. He thought it was top heavy and had questions of the alignment of the lieutenants. Having heard all the lieutenants were on duty from 8:00 a.m.-4:00 p.m. all week including the Chief, he didn't know what they did.

Mr. Hughes too didn't see how the Board could make a decision without the Chief here. Plus there seemed to be a question about which list was available which maybe Town Counsel or HRD could answer. It was his recollection that the Board had voted not to pick off the list of one.

Mr. Jennett wasn't sure there was a new list and he wanted to better understand what was available about the people being evaluated for lieutenant. He wasn't sure what he could ask for and what information he could use.

Mr. Ostroff thought it would be useful for the Chief to attend and have some conversation with the Board members and he also agreed some clarity was needed on whether the list that was to expire in March could still be considered and if to make a provisional appointment. If the Board wanted to call for a new exam, it was a lengthy process and costly to the applicants.

President of the Superior Officers Union Sergeant Robert Dunlop told the Board that the short-list had always been dealt with in Natick. It was a huge change to go from 4:00 p.m.-2:00 a.m. to a Monday-Friday job which cut down on the number of sergeants wanting to take the test. Those who take it and pass the test should be afforded the opportunity on their merit. A provisional appointment was just avoiding the issue. The young officers going through the ranks see it and feel it is pointless.

Reverend Jon Strand recommended the promotion of Sgt. St. Hillaire to lieutenant, noting that his first-hand observance led him to this conclusion.

John Crisafulli agreed with the prior two speakers, but expressed his disappointment that the Board would be taking this up now when it was past 10:00 p.m. with all these people waiting when the Board knew that nothing was going to happen tonight.

Mr. Ostroff offered his apologies.

Ed Jolley, President of the Natick Veterans Council, spoke in favor of promoting Sgt. St. Hillaire. He found Sgt. St. Hillaire a great individual to represent the Town as far as the Police force. He thought the Chief should be here and should make a decision to appoint Sgt. St. Hillaire either as a provisional or a permanent lieutenant.

To Mr. Crisafulli's point, Mr. Connolly noted that had somebody made a recommendation to alter the agenda he would have voted against it because he received a call saying don't alter the agenda.

Bruce Whitney saw this as a fairness issue and felt not making an appointment now was just kicking the can down the road. He read a letter in support of appointing Sgt. St. Hillaire.

From his experience in local government, Mr. Ostroff thought there was nothing more sensitive or problematic than personnel and hiring decisions. It was not an easy job to choose that candidate and it was not vetted in public out of respect. For folks advocating for Sgt. St. Hillaire he asked that they rely on the fact that Board members had reasons for making the decisions they make and they were working under a very regimented process.

Mr. Ostroff continued that getting people to advocate or having people send letters did nothing for him. He would base his hiring decision on what was best for the Town.

Following a 10 minute recess, the meeting was reconvened at 10:40 p.m.

APPOINTMENT OF PARKING CLERK

Ms. White advised that she was trying to identify an employee to whom the parking clerk duties could be assigned. The Board appointed Bonita Legassie as Parking Clerk, but there was no budget to keep Ms. Legassie and the appointment was temporary. While she continued the search, Ms. White recommended extending Ms. Legassie's appointment to July 18.

Mr. Hughes moved to extend the appointment of Bonita Legassie as Parking Clerk to July 18, 2014. Seconded by Mr. Jennett. The motion passed on a 4-1-0 vote. Mr. Ostroff, Mr. Hughes, Mr. Mabardy, Mr. Jennett voted in favor of the motion. Mr. Connolly was opposed.

Document - Memo from Town Administrator Martha White

APPOINTMENT TO HISTORICAL COMMISSION: ANNA MANCINI

The Board of Selectmen unanimously voted to reappoint Anna Mancini to the Historical Commission. The vote was taken on a motion by Mr. Hughes, seconded by Mr. Jennett.

Document - email from Anna Mancini

DISTRIBUTION OF BOSTON MARATHON FUNDS

Ms. White had provided the Board with a spreadsheet showing a breakdown of her recommendations for the distribution of this year's \$65,000 received from the BAA for the Boston Marathon. The money would be used to cover the expenses incurred by the DPW, Police, and Fire from the Marathon and fund a couple of Recreation projects.

A motion was made by Mr. Hughes to allocate the \$65,000 from the BAA as follows:

Fire Department	\$ 6,760
Police Department	19,790
DPW	14,750
Recreation Program Supplies	5,000
Recreation/Capital - Fitness Equipment	
For JJ Lane Park	15,000
BAA Reserve Funds	200

Seconded by Mr. Jennett and unanimously voted.

Document - Spreadsheet prepared by Ms. White

PLEASANT STREET CHANGE OF ZONING CLASSIFICATION STUDY COMMITTEE: APPOINTMENT OF SELECTMEN REPRESENTATIVE

Town Meeting had voted to form a committee to study the Pleasant Street zoning classification change proposed in Article 42. The Committee was to be appointed by the Town Moderator with one of the members to be a representative of the Board of Selectmen.

As none of the members expressed an interest, Mr. Hughes suggested asking a member of the Recreation & Parks Commission to represent the Selectmen. He felt that Commission was missed when the composition was decided.

A motion was made by Mr. Hughes to solicit someone from Recreations & Parks Commission as the Selectmen's representative. Seconded by Mr. Mabardy and unanimously voted.

Document - Copy of Article 42; copy of Town Moderator's posting of the vacancy

BOARD OF SELECTMEN POLICY REVIEW: COMMUNITY SENIOR CENTER RENTAL POLICY

Ms. White noted that a question had come up with respect to renting the Community Senior Center facilities. An individual was looking to rent for a birthday party that included the service of alcohol. It did not qualify for a one day liquor license, but she felt strongly the Board of Selectmen should review all applications in which liquor was involved.

Mr. Jennett inquired if there had been any discussion or concerns with even serving alcohol at the Center. Ms. White advised that this would be the first time, but in designing the Center there was talk of renting the facility for small weddings, reunions and she thought at a minimum it was understood alcohol would be served at those events.

A motion was made by Mr. Hughes, seconded by Mr. Jennett, to amend the Community Senior Center Rental Policy so that any rental with the service of alcohol involved would require the Board of Selectmen's approval. Unanimously voted.

Document - Memo from Town Administrator Martha White; draft amended policy

RELOCATION OF SCHOOL ACHIEVE PROGRAM TO EAST SCHOOL

Ms. White informed the Board that a highly advantageous idea had emerged regarding the reuse of the East School and one she strongly recommended be put into action without delay. Specifically, the Natick School Department's Achieve Program which provides continuing education and life skills training for developmentally disabled young adults aged 18-22 was leasing space from the Housing Authority for \$30,000 per year. A tour of East School has determined that with some minor modifications the building was well suited for this program.

The proposal was to relocate the Achieve program to the East School beginning with the upcoming fall school season. All the necessary work would be accomplished by the Facilities Management Department with funding from the School budget.

Since the Achieve Program only needs about 1/4 of the available space within East School, it was Ms. White's vision that the remaining space be rented to area non-profit organizations with a priority given to organizations that can offer job training or other complementary benefit for the Achieve Program participants. The Superintendent envisions that the development of a program offering such advantages would be of interest to other communities, thus providing the potential to generate tuition income.

Ms. White noted this vision may not necessarily produce the maximum revenue from this property, but it did save the School Department \$30,000 per year and would generate rental income from non-profits. Other benefits included the support of non-profit organizations that provide services to residents of Natick and area communities, retained the property for future use by the Town, and would continue to provide some recreational space for residents of East Natick.

To pursue this program for the re-use of East School would require Town Meeting to remove the conditions voted in Article 15 of the 2010 Fall Town Meeting. No Town Meeting action was required to proceed with the relocation

of the Achieve Program as no lease was required.

Mr. Ostroff thought this was a good direction.

Mr. Mabardy supported the idea. The school used to be used for programs like this. He inquired as to the cost for the minor modifications.

Ms. White didn't have an estimate but it appeared to be almost suitable as it was now. The School Department was looking at 3-4 rooms, leaving 4-5 for rental.

A motion was made by Mr. Hughes, seconded by Mr. Mabardy, to support the relocation of the Achieve Program to the East School. Unanimously voted.

Mr. Hughes then moved to support the concept of renting the remaining space to non-profits. Seconded by Mr. Mabardy and unanimously voted.

Document - Memo from Town Administrator Martha White

TAXI FARES: RECONSIDERATION OF HEARING TO CONSIDER CHANGE IN TAXI FARES

At the previous meeting the Board voted to schedule a public hearing on the request of Natick Cab to increase taxi fares.

In a memo to the Board, Safety Officer Lt. Brian Lauzon requested the Board's reconsideration of the hearing in favor of a comprehensive review of the taxi rules & regs. He thought September would be enough time to complete the review and he would speak with both cab companies to explain what was happening.

A motion was made by Mr. Hughes to schedule a public hearing on amending the taxi rules & regulations including the fares for the second meeting in September (9/22). Seconded by Mr. Jennett and unanimously voted.

Document - Memo from Lt. Brian Lauzon

REQUEST FOR EXEMPTION FROM TOWN BYLAWS ART. 41, S.4: JARED LEE, BROOKE ALSTON

On a motion by Mr. Jennett, seconded by Mr. Hughes, the Board voted to exempt Jared Lee and Brooke Alston from Town Bylaws Article 41, s. 4 so that in addition to their employee with the School Department they could work part-time in Recreation & Parks. The motion passed on a 4-1-0 vote. Mr. Ostroff, Mr. Hughes, Mr. Mabardy, Mr. Jennett voted in favor of the motion. Mr. Connolly was opposed.

Document - Memo from Jon Marshall, Recreation & Parks Director; disclosure form filed by Jared Lee; disclosure form filed by Brooke Alston

MINUTES:

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to approve the minutes of the February 11, 2013 meeting.

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

HIGH STREET RESIDENT: REQUEST TO PUT POD IN PUBLIC WAY

Mr. Ostroff advised that Travis Crook had withdrawn his request to put a POD container in front of his home at 4 High Street during his move out-of-town. Mr. Crook has determined that he would be able to accommodate the POD in the driveway.

Document - Letter from Travis Cook

RECREATION & PARKS: REQUEST TO HOLD CONCERT ON COMMON

The Board unanimously voted to approve the Recreation & Parks Department's request to hold a concert as part of the July 4<sup>th</sup> celebration on the Common on June 27, 2014 on a motion by Mr. Hughes, seconded by Mr. Mabardy.

Document - Memo from Recreation & Parks Department Program Director

SELECTMEN'S CONCERNS

a. Nstar Pole

Mr. Connolly expressed his frustration at still waiting for Nstar to remove the dangerous pole in front of Honey Farms.

Ms. White responded that she had contacted Nstar numerous times and tomorrow morning she would take a picture and send it to our Nstar rep Joanne O'Leary.

Mr. Connolly suggested that he may go through the Town's public safety departments to get some action, but Ms. White didn't think that would be any more effective than what she has been doing.

Mr. Hughes had asked to have Nstar and the other utility companies in here to talk about double poles and Mr. Mabardy asked if that had been done. Mr. Ostroff advised that it was being scheduled, but he wanted to get a data base from them first.

*b. Listing of New Positions*

Mr. Connolly noted that he was still waiting for the list of newly created positions during the last four years along with the wages and job descriptions for each.

At the last meeting Ms. White had distributed a list of the new positions, but noted that she didn't know Mr. Connolly had asked for wages and job descriptions.

Mr. Connolly responded that he had asked at least three times.

Mr. Ostroff suggested that Mr. Connolly meet with Ms. White.

Mr. Jennett pointed out that the Board received the material as a handout, but he would like to go over it publicly. There were a lot of members of the public who would be interested.

*c. Economic Development Committee*

Mr. Mabardy had some questions and concerns with the Economic Development Committee and asked how it was going to be used in the future. He wondered if the Economic Development Planner could give a progress report. He also recalled a couple of years ago Town Meeting approving and ETA/EOA and wondered if there had been any follow up incentives.

Ms. White noted that would be initiated by a business seeking an incentive.

*d. Natick 360*

Mr. Mabardy asked if there was any follow up to the November meeting of the Natick 360.

Mr. Ostroff advised that the committee met last week and would be meeting again. A report would be provided.

*e. High School - paint in the front of the school*

Mr. Mabardy questioned the condition of the paint in front of the high school and was told by Ms. White that the School Department was aware of it and it was under warranty.

Mr. Jennett stated that he had been told that it was being fixed by the contractor.

*f. Facilities Maintenance Oversight Committee*

Mr. Mabardy noted that he was supposed to be on the Facilities Maintenance Oversight Committee, but as of yet had not received any notice of a meeting.

Ms. White advised that the committee met quarterly and the Director Paul Comerford had Mr. Mabardy's name.

*g. Economic Development Planner*

With respect to the Economic Development Planner, Mr. Hughes stated that he would like to hear about his plans here (in the Selectmen's meeting) before reading about it in the MetroWest Daily News.

Ms. White responded that that had been made clear.

*h. MetroWest Regional Collaborative*

Mr. Ostroff encouraged people to attend the upcoming MetroWest Regional Collaborative meeting being held at the Dolphin.

ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

*Nicholas S. Mabardy*

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*Nicholas S. Mabardy, Clerk*