

BOARD OF SELECTMEN

Natick Town Hall

April 1, 2013

6:00 p.m.

The meeting was called to order by the Chair Paul R. Joseph at 6:10 p.m.

PRESENT: Paul R. Joseph, Carol A. Gloff, Charles M. Hughes, Joshua Ostroff, Nicholas S. Mabardy.

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

WARRANTS: Payroll warrants were signed by the Board of Selectmen on April 1, 2013 in the amount of 1,619,250.24. This figure was included in total warrants signed by the Board of Selectmen of 4,261,240.17.

EXECUTIVE SESSION

Ms. Gloff, seconded by Mr. Hughes, moved to enter into executive session to discuss matters pertaining to litigation and real property negotiations. By roll call vote the Board voted unanimously to enter into executive session. At 6:10 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 litigation and real property negotiations 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.

NATICK SOLDIERS SYSTEMS COMMAND CENTER

a. Appreciation for Veterans Council Contribution

Colonel Sobchak of the Soldiers Systems Center thanked the Veterans Council for the gift presented to the NSSC for their single soldiers program. The gift enabled soldiers to get out to the movies, go into Boston, etc. Members of the Veterans Council were presented with Coins of Excellence.

b. Kansas Street Closure

Colonel Sobchak informed the Board of a gate closure at the NSSC for the period of April 22-December 31, 2013. Rather than entering through the current location, the entrance will be at the end of Kansas Street. This was the backup gate to bring in trucks, etc.

Ms. White noted that initially Safety Officer Lt. Brian Lauzon had some concerns but he subsequently spoke with the personnel at the NSSC and some modifications were made alleviating his concerns. They have agreed to relocate the vehicle inspections area so that it was inside the gate and sufficiently away from the traffic flow.

c. 5K Race

It was Mr. Ostroff's understanding that the NSSC was looking to do a 5K race using part of the abandoned CSX right-of-way. He noted that he had been unsuccessful in getting a return call from CSX and would put them in touch with Colonel Sobchak.

Mr. Joseph suggested a date of May 18.

INTERVIEWS FOR NOMINATION TO LEONARD MORSE GRANTS PANEL

Mr. Joseph announced that both Kerry Conley and Elizabeth Rigby had withdrawn their names from consideration.

a. Ed Neilan

Dr. Neilan stated that he was a 14 year resident, had two children, and was a staff pediatrician at Children's Hospital and instructor at Harvard Medical. This opening appealed to him as a way of getting back into the community and doing something more local.

As to particular areas where he would encourage grant applicants to apply, Dr. Neilan thought it would be presumptuous to think he knew which areas to prioritize most without having attended a single meeting. He would take a little time to see how the organization worked. Some areas that concerned him were access to care especially the elderly and low income families. He was also concerned with some issues his teenagers were starting to face such as peer pressure, drugs, and bullying.

Mr. Ostroff inquired if he had had grant making experience and Dr. Neilan responded that he had never served on a grants panel of this sort. He was a competitor for research grants and was familiar with formal grant proposals and their review. He also reviewed other people's proposals for projects within Children's Hospital and things that have been submitted for publication.

b. Virginia Seery

Virginia Seery told the Board she was a 20 year resident and an oncology nurse practitioner in Boston. Like Dr. Neilan she had an interest in becoming more involved in the community. With her medical background she was interested in the Grants Panel and had had some limited involvement in evaluating clinical trials and could perhaps evaluate some of the grants being applied for.

Asked about specific areas she wanted to focus on, Ms. Seery responded that one area on which she wanted to focus was the aging population. She was interested in trying to promote health. Working with adolescents and underserved was important, but she looked forward to working with keeping the aging population healthy.

A motion was made by Mr. Ostroff to forward the names of Cynthia Kroue, Virginia Seery, and Ed Neilan to the MetroWest Health Care Foundation for consideration for appointment to the Leonard Morse Grants Panel.

Documents - Letters of interest and resumes submitted by Cynthia Kroue, Virginia Seery, and Ed Neilan; letter from Martin Cohen, President of the MetroWest Health Care Foundation

CAROL KRENTZMAN: REQUEST TO CLOSE STREET - COMMUNITY MOSIAC PROJECT

Carol Krentzman appeared before the Board to request the closure of both sides of one block on Court Street from Main Street to the corner of Adams Street on April 20, 2013 from 9:30-11:00 a.m. for a dedication celebration of the completion of the community mosaic project.

Ms. Krentzman advised that she met with Sgt. Paul Thompson and an arrangement was worked out.

Ms. Krentzman had submitted a notice signed by the neighboring businesses in support of closing Court Street on the date and time requested. Mr. Mabardy thanked Ms. Krentzman for doing the project and complimented her on reaching out to the people in the area so they knew what was going on.

A motion was made by Mr. Mabardy to approve Ms. Krentzman's request. Seconded by Mr. Ostroff and unanimously voted.

Document - email from Carol Krentzman; email from Lt. Brian Lauzon; copy of petition signed by neighboring businesses

NORDSTROM: AMEND ALCOHOL LICENSE - EXTENSION OF SUNDAY HOURS

Representing Nordstrom was the manager, Rebecca Serio.

Ms. Serio told the Board that Nordstrom's was looking to amend their alcohol license to begin service of alcohol on Sundays at 11:00 a.m. to accommodate brunch guests.

The Board unanimously voted to amend Nordstrom's alcohol license for Sunday serve to begin at 11:00 a.m. The vote was taken on a motion by Mr. Hughes, seconded by Mr. Ostroff.

Document - Application from Nordstrom

PUBLIC HEARING: ACCEPTANCE OF MAIN STREET

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

Town Engineer Mark Coviello referred to plans of the unaccepted portion of Main Street from Route 135 to the railroad tracks. He pointed out that these plans were the same that were before the Board last fall. Fall Town Meeting voted the article to accept Main Street, but an alternate motion to accept limited the Board's ability to formally take the layout.

He explained that after Town Meeting votes and authorizes the Board of Selectmen to take the area within the layout, there was an order of taking filed by the Board of Selectmen, but the motion passed by Fall Town Meeting took that ability away. The language now before the Board was exactly the same as presented last Fall.

Mr. Hughes clarified that this article was taking anybody else's land other than land the Town already owned.

No one was present wishing to speak.

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

Mr. Ostroff moved to accept the layout of Main Street. Seconded by Ms. Gloff, and unanimously voted.

SCHOOL COMMITTEE: KENNEDY MIDDLE SCHOOL STATEMENT OF INTEREST

William Hurley, Director of Fiscal Services for the Schools, referenced a resolution in the packet required by MSBA to ensure the Board of Selectmen and School Committee has had a chance to review the intent before getting into the MSBA pipeline. The statement was to try to determine the actual deficiencies and need of the Kennedy Middle School and to propose a long-term solution.

Mr. Hurley noted that out of a possible eight there were four priorities identified: 1) replacement or renovation of a building which is structurally unsound or otherwise in a condition jeopardizing the health and safety of school children; 2) elimination of existing severe overcrowding; 3) replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; 4) replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent

with state and local requirements.

Mr. Hurley advised that the School Department was working with the architectural firm of Dorn & Whittier to submit the application. The application was due April 10. It will then take the MSBA awhile to determine which applications were the most severe. Once the Schools heard that the project was chosen, they would be back before the Board of Selectmen in the fall for funding approval for a feasibility study. He expected to hear from the MSBA in July or August.

Mr. Hurley stressed there was no obligation to the Town by submission of the statement. It was just saying there was an interest in going forward with the process.

Mr. Hughes inquired if Mr. Hurley saw the request being to renovate or replace. Mr. Hurley responded that Kennedy was built in the 1960's and in today's environment it didn't suit the flow of a modern school. The Schools' view was that the best solution would be to build a new school, but the whole process of statement of interest was for the MSBA to hire a firm to study the best possible solution and the most economically feasible and that maybe renovation.

Asked about the cost of a feasibility study, Mr. Hurley advised that feasibility studies were currently in the range of \$700,000-\$1 million.

Mr. Hurley acknowledged that the state may not say go ahead and do a feasibility study. There will be more demand than supply. The MSBA window was open annually for 3-4 months and those districts not previously approved will probably be back.

Mr. Hurley confirmed that the Schools were not asking this Town Meeting for a feasibility study.

If the MSBA did not accept this project, Mr. Mabardy asked if there were some plans in place to address some of the deficiencies. Mr. Hurley responded that currently 8 modular classrooms were being leased and they were looking at the options.

A motion was made by Mr. Hughes, seconded by Mr. Ostroff, to submit a statement of interest to the MSBA for consideration in FY2013 for the Kennedy Middle School. Unanimously voted.

Document: Copy of draft resolution for submission to MSBA

FACILITIES MANAGEMENT CORP: AMEND LEASE WILLIAM CHASE ARENA

Ms. White noted that funding was received from Town Meeting to expand the DPW facility. As part of the design review process the Fire Department reported that because the Chase Arena was physically attached to the DPW it had to comply with fire protection regulations and that results in an \$110,000 cost. A fair amount of time was spent trying to identify a solution and approached Facilities Management Corp and through negotiations got them to agree to fund those costs if the Board would authorize the first of two five year extensions to their lease and they (FMC) will fund those costs.

If approved tonight Ms. White anticipated the design being done by the Town's contractor but Facilities Management would pay the contractor directly. It would be one contract but the cost for the rink would be isolated and billed to FMC. This puts the cost on the management of the skating rink and the DPW project will proceed as envisioned.

Ms. White thanked Jon Marshall, Director of Recreation & Parks who conducted most of the negotiations with FMC and DPW Director William Chenard who worked diligently on the project.

A motion was made by Mr. Hughes to exercise the first of two five year extensions to the lease with Facilities Management Corporation for the William Chase Arena. The extension to run from July 1, 2021 through June 30, 2026. Seconded by Ms. Gloff and unanimously voted.

Document - Draft of Amendment to Lease; copy of estimate for sprinkler system at the William Chase Arena; memo from DPW Director William Chenard; memo from Town Administrator Martha White

DISCUSSION REGARDING UPCOMING BALLOT QUESTIONS

Ms. White noted there had been a lot of confusion about the ballot questions on the upcoming warrant. The Board of Selectmen did a mailing as required by law when Charter changes were on the ballot. The language of that mailing was very limited with no advocacy of any type permitted.

The two ballot questions were very similar. One asked if the voters would approve changing the Charter to remove reference to the Police Chief being under Civil Service and the other was removing reference to the Fire Chief. The confusing part was that those positions were already out of Civil Service. The Police Chief position was not in Civil Service and the next Fire Chief will be out of Civil Service. Voters weren't being asked to remove either position from Civil Service. That has already been done. Voters were being asked to change the Charter so it matched the current law.

Ms. Gloff added that those changes couldn't be made until the legislature took the position out of Civil Service. If the voters voted the ballot questions down, it didn't change anything other than to make the Charter in non-compliance with MGL.

If it couldn't be explained in the letter, Mr. Mabardy questioned why it could be explained now.

Ms. White responded that according to Town Counsel a specific formula was required. The second important principle was that public officials were allowed to give an explanation but not allowed to use public funds to advocate for a position. The mailing was a use of public funds.

Mr. Mabardy commented that quite a few people have brought this confusion to his attention. It appeared as though there was a conflict between the Charter and the legislative action. Ms. White confirmed that to be correct and noted that was what was trying to be remedied.

Ms. Gloff reviewed the process for the charter changes and she too noted that it was very restrictive as to what could and couldn't be said in the mailing the Town is required to send to the voters. She understood it was confusing but the Town was not allowed to give an explanation. The mailing using public funds can't appear to advocate for or against.

Mr. Mabardy didn't see this as advocacy only as an explanation and if it was good enough to put on the web site, why can't it be included in the mailing.

Again Ms. Gloff noted that that was the requirement. If the Board wished to have a letter to the editor that said what has been said here - that because of the home rule petition the current chief was not in Civil Service and the next Fire Chief will not be in Civil Service and the words just need to be changed to clean up the Charter.

Mr. Ostroff's personal opinion was to encourage people to vote yes.

On a motion by Mr. Hughes, seconded by Mr. Joseph, the Board unanimously voted to send a letter to the newspaper.

Ms. Gloff encouraged anyone who felt they really didn't understand to call a member of the Board or the Selectmen's office and speak with the Town Administrator or Deputy Town Administrator.

Document - Memo from Town Administrator Martha White

REQUEST TO SCHEDULE DOG HEARING

Ms. White told the Board that she received some complaints from neighbors in the Rockland Street area of dogs running loose. The neighbors have reached out to the Animal Control Officer but it was a matter of catching the dogs. The dogs have been problematic with a level of discomfort to the residents.

Bob Doherty of 18 Rockland Street stated that this has been a problem since he lived there which was a little over 10 years. The dogs were owned by Michael Dyer and were let out 3,4,5 times a day. He (Mr. Doherty) believed he made over 50 calls to Animal Control Officer Keith Tossi. Monetary fines did not seem to be a deterrent. He (Mr. Doherty) spoke with Mr. Dyer when his dog tore up some grass and his shed and Mr. Dyer said he would keep them in, but two days later he (Mr. Doherty) had to call Animal Control. He wrote a couple of letters to the Board of Selectmen asking for assistance.

Keith Tossi, Animal Control Officer advised that this has been a chronic problem since he has been with the Town. Nothing seemed to work. Mr. Dyer paid the fine or goes to court and pays the fine. The dogs weren't vicious and his (Mr. Tossi's) authority only went so far so he advised the neighbors to go another avenue to get some relief. The other issue was catching the dogs out and he tried to do what he could.

Resident Dan Traub stated that he has been living with the Dyer's dog for 16 years and the dog was a nuisance. There was also the issue with the Wright's dog which was constantly out.

Mr. Tossi advised that he was not aware of the Wright's dog to the same extent as he was with the other.

Mr. Ostroff inquired about holding one hearing involving both households, but Ms. White suggested two separate hearings.

Ms. Gloff was reluctant to schedule a hearing for the second dog (Wright's) as there was nothing in writing and Mr. Tossi was saying he hasn't had many complaints. Ms. White agreed adding that perhaps if a hearing were scheduled regarding the Dyer's dogs, it would be a deterrent for the other neighbors.

As both properties abutted his property, Mr. Mabardy stated that he could attest that these dogs run lose. Yesterday afternoon he was outside with his wife's niece who was 3-1/2 and the dogs came into the yard and the child was startled. He knew the second neighbor questioned why they should have to restrain their dog when the other neighbor didn't.

A motion was made by Mr. Hughes to schedule a dog hearing for the dog at 5 Presby Place and direct a letter to the resident of 3 Presby Place that their dog runs lose and should it come to the Board's attention again they were in danger of having a hearing. Seconded by Ms. Gloff and unanimously voted.

Mr. Hughes then moved to designate Ms. White or her designee as the hearing officer. Seconded by Mr. Ostroff. An amendment was offered to designate Ms. White and a member of the Board as the hearing officer. The amendment was accepted and the motion with amendment was unanimously voted.

Ms. White clarified that whatever the decision of the hearing officer would come back to the Board for ratification.

Documents - Letters from Robert Doherty; Complaint Log from Animal Control Officer Keith Tossi

CONFIRMATION OF APPOINTMENT OF JEMMA LAMBERT AS COMMUNITY SERVICES DIRECTOR

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to confirm the Town Administrator's appointment of Jemma Lambert as the Community Services Director.

FISCAL 2014 BUDGET

a. Budget Update

Ms. White informed the Board that the budget was in balance. One key vote the Board was being asked to make tonight was with respect to the position of Economic Development Planner.

Deputy Town Administrator/Finance Director Michael Walters Young reviewed a memo summarizing where we were and how we got there. Since February 25, 2013 the following changes have occurred:
Under Revenue - \$224,217 transfer of free cash to OPEB Trust

Under Expenses -\$(\$1,590,453) reduction of budget as per Schools
 (\$62,000) Elimination of Deputy Police Chief Request
 (\$175,862) Reduction of Health Care Rates
 (\$22,995) Reduction of Non-Union health Care Cost
 (\$152,867) Elimination of additional school positions
 (\$65,577) Facilities Management - elimination of duplicate
 Amount for substitutes
 (\$3,529) State & County Assessments Miscellaneous Charges
 \$224,217 Transfer of Free Cash to OPEB Trust

Mr. Walters Young then reviewed the split between the municipal government and the Schools and the list of new hires.

Mr. Joseph reported that the Financial Planning Committee met last Tuesday and voted to transfer the remaining balance of \$100,000 to cover two hires at the schools. Some money was held back to cover the Economic Development Planner.

Ms. Gloff added that the split was a formula but it was recognized that it was a starting point and it may not always be where we end up. Under the equation the municipal deficit would not be a deficit. It would be a \$395,000 surplus and the Schools would be in a deficit. On two occasions the Financial Planning Committee discussed and felt it made sense to move the excess based on the split to the School Department given their needs.

Mr. Ostroff inquired as to what would happen if Chapter 70 or other educational aid came in higher.

Mr. Joseph responded that it was predicated that if money for the Schools came in, there would be the ability to take that money back to keep the municipal budget in balance.

Mr. Ostroff pointed out that that was a recommendation and Town Meeting may have to make some adjustment.

Mr. Ostroff thought it was great helping the Schools but wanted to tie the willingness to do that with the recognition that the School budget was likely to face pressure in coming years with increased enrollment.

Ms. White noted that she was happy to support more money for the Schools but the formula was now providing less to the general government. There were needs on the municipal side and she didn't want to downplay those needs but some of them were being addressed and it seemed important to be prudent and not to bite off more than could be chewed.

The demographic shift and enrollment growth was most dramatic at the Schools, but there were other needs such as an aging population and the Police.

With regard to the Economic Development position, the administration believes this position was beneficial to the whole of government, schools included. The intent was for this position to help stabilize and grow the industrial base. She thought having someone dedicated to doing this was overdue and a high priority. A sample job description was included. Funding was available and she recommended the Board of Selectmen support the position.

The sample job description was from Brookline and Mr. Mabardy questioned if Ms. White was trying to compare Natick to Brookline. Ms. White's response was, "no", the job description was just being used as a sample. She wasn't trying to equate the two. They looked at maybe eight different job descriptions and felt this one emphasized the area she thought should be emphasized. This was not the final version.

Mr. Joseph felt that the Economic Development Planner would need to wear many hats. There was no business data base and the community has been lacking in its ability to reach businesses because of the lack of data.

Mr. Hughes inquired as to staff support for this position and was told by Ms. White there would be no staff support. She acknowledged that starting the systems from a blank piece of paper would be a challenge but it was a different environment with the technology where a lot of department head level personnel don't require staff support. This was the first step and she saw this effort growing over time.

Mr. Joseph pointed out that this needed to be somebody experienced enough to sit down with a landlord and/or tenant. Many communities were investing heavily in this kind of thing and every year the Town waited, five years were lost.

Ms. Gloff recalled that a few years ago the Town hired a Housing Planner. Having the Housing Planner has made a huge difference toward fair housing and affordable housing and she couldn't imagine what kind of a difference an Economic Development Planner could make for this community in a positive way.

Mr. Ostroff appreciated the touch on the link between the schools and this position (Economic Development Planner). The Town was very fortunate to have the CDAC and the School Committee was actually doing a great job promoting residential investment in Natick. Natick was hot on the residential side and a lot of growth was being seen in the schools because of the job done in building an attractive school system. If the residential market was strong, but not enough was being done to encourage commercial and industrial investment there may be a slight shift in the base and people would be hit with higher taxes as a result. The Town couldn't just react. It had to be proactive to steer the kinds of investment wanted for the community. Adding this position was getting in the driver's seat to help bring in millions of dollars.

Mr. Mabardy didn't want to see the Town miss the boat, but what was being proposed was a Brookline job description although he understood there was no attempt to compare Natick to Brookline. What was Town Meeting being asked to do?

Ms. White responded that Town Meeting was being asked to fund the position of Economic Development Planner within the Community Development budget.

In follow-up Mr. Mabardy asked if there would be a job description prior to Town Meeting voting. Ms. White advised that wouldn't necessarily happen. There was a process involving the Personnel Board and she wasn't sure the priorities went down that path between now and when the Finance Committee book was written.

Mr. Hughes inquired as to the salary and was told by Mr. Walters Young that it was \$85,000. Mr. Hughes pointed out that the Community Development Director told the Board it was \$65,000-\$70,000. Mr. Walters Young noted that \$85,000 was the planning number since January 1.

Ms. White added that the salary number wouldn't necessarily be Mr. Reffett's focus. The discussion with Mr. Reffett was more about responsibility and role.

A motion was made by Ms. Gloff, seconded by Mr. Ostroff, to support the funding to hire an Economic Development Planner at a maximum proposed cost that includes both salary and benefits of \$97,131. Unanimously voted.

Speaking to her motion, Ms. Gloff didn't know how Mr. Reffett came up with the number and she would suggest that Mr. Reffett, Ms. White, and Mr. Walters Young discuss that and if an adjustment should be made, do it before Town Meeting.

Mr. Joseph noted that proposal for the position had shifted from an administrator to a planner. In conjunction there had been discussion that in part the individual would be involved in some of the promotion for the Cultural District.

Mr. Hughes clarified that he wasn't suggesting that what was being proposed wasn't important but if the discussion was going to be had he would prefer to have the discussion with all five of the Board. He wanted to know what was going forward.

Ms. White pointed out that there was a job description in the packet and it specified that someone should have a Masters.

Mr. Mabardy supported the motion but didn't understand how it went from \$65,000-\$70,000 to \$85,000. He questioned if it were being rushed.

Ms. White apologized for the confusion, noting it slipped by her. As to it being rushed she didn't see the problem. It had been presented to the Board a couple of times. She understood the difference in salary but she didn't see that any other confusion exists. The expectations for the position have been constant.

b. Selectmen's Budget

Mr. Walters Young explained there was a placeholder for contractual settlements within the Selectmen's budget. Since a settlement has been reached with the Superior Offices and the money for that contract was embedded in this budget, it will have to be moved.

On a motion by Ms. Gloff, seconded by Mr. Hughes, the Board unanimously voted to reconsider the Selectmen's budget.

Ms. Gloff moved to recommend \$1,081,098 for the Selectmen's budget. Seconded by Mr. Hughes and unanimously voted.

Mr. Hughes moved to recommend a total of \$125,606,821 for Article 12 (omnibus budget). Seconded by Ms. Gloff and unanimously voted.

Document - Memo from Deputy Town Administrator Michael Walters Young and supporting budget documentation; sample job description for Economic Development Planner.

SPRING ANNUAL TOWN MEETING WARRANT ARTICLES

Article 1 - Fiscal 2013 Omnibus Budget

In a memo to the Board, Mr. Walters Young outlined the adjustments under Article 1.

Reductions:	Keefe Tech	(\$10,706)
	Contract Settlements (Selectmen's budget) for Dispatchers	(\$ 6,913)
	Finance Salaries. The Comptroller was still a contract employee. The money will be moved from salaries to expenses	(\$40,000)
	Other Personnel Services. The Town's health Insurance costs were running under budget estimates. This will cover costs elsewhere in the Town's overall operating budget	(\$ 2,494)
	TOTAL	(\$60,113)

Appropriation:	Police Salaries for Dispatcher settlement	\$ 6,913
	Selectmen's expenses to cover a mailing to To distribute Charter changes	\$ 4,000
	Finance expenses. To cover the Interim Comptroller contract	\$40,000
	Non-contributory Retirement to cover a Supplement bill	\$ 9,200
	TOTAL	\$60,113

Mr. Hughes moved support of Article 1 as presented. Seconded by Mr. Ostroff and unanimously voted.

Document - Memo from Deputy Town Administrator/Finance Director Michael Walters Young

Article 6 - Collective Bargaining

With the settlement of the contract with Superior Officers, Ms. White requested the appropriation of \$41,132 for the Fiscal 2013 budget.

Mr. Ostroff moved favorable action. Seconded by Ms. Gloff and unanimously voted.

Article 8 - Elected Officials Salary

The Board already voted to recommend \$75,000 as the Town Clerk's salary, but Ms. White wanted to make it \$76,000. She explained that non-union personnel were shifting their health care contribution rates to 75/25 and \$1,000 was being distributed per non-union employees receiving benefits. The \$1,000 offset the cost of the shift. For the unions part of their COLA was based on the health care. That worked because in the unions the salaries were pretty much within the range, but the non-union salaries were all over the place.

On a motion by Ms. Gloff, seconded by Mr. Hughes, the Board unanimously voted to reconsider Article 8.

Ms. Gloff moved to support an appropriation of \$76,000 for Article 8. Seconded by Mr. Ostroff and unanimously voted.

Article 17 - Appropriation for Natick Center Cultural District

Sponsor of the article, Steven Levinsky, recalled that when he was last before the Board three issues were raised: 1) governance; 2) financial controls; 3) budget. The request at that time was for \$238,000, but tonight he was asking for \$178,500.

In response to questions posed by Board members, Mr. Levinsky advised that the Center Executive Director would be employed by the Natick Center Associates not the Town. The money being requested would go to Natick Center Associates and they would fund the payroll. The money would come from the proceeds of local option taxes.

Ms. Gloff clarified that an appropriation would be from wherever Town Meeting decided to take the money. The local option tax was the sponsors' suggestion.

Ms. White noted that at this stage of the budgetary process the thought was to withdraw it from free cash.

Deputy Town Administrator/Finance Director Michael Walters Young added that \$1.3 million was being projected for the local option taxes, but if the economy continued to rebound that was probably low. The practice has been to take the full amount and distribute it into the capital stabilization fund.

Ms. Gloff thanked Mr. Levinsky and Cultural Council members for making a serious effort to address the questions raised at the last meeting. At that time she questioned the amount of money being requested and has had a number of people say they were concerned about the amount of money. She appreciated the amount being lowered by \$60,000 but one thing that came to mind was if there was a way to do without a full-time person. The Town sponsored the application to become a cultural district and needed to invest some money in this, but she wondered if for the first year the Economic Development Planner could work with the Cultural Council, Natick Center Associates, and the Town to sort out what would be

needed. She recognized it would slow down the process but that may happen anyway and sometimes it was better to take things a little slower.

Mr. Ostroff saw the Economic Development Planner working with companies looking to invest in Natick. This was more for a consumer targeted promotion of Natick. It was definitely not the same job. For him the biggest priority was shoring up the commercial tax base and he wouldn't want to short-change the former for the later.

Ms. Gloff responded that she was hearing from a number of people that they thought it was still a lot of money and she was looking for ways to bring things forward but bring the money down.

In terms of value, Mr. Joseph believed you would get out of it what was put in. Without somebody's full time focus he thought the Town was putting itself at the risk of lost opportunities. Some people thought it should be more merchant driven but the Economic Development Committee voted unanimously to support the original number. What was being requested was one quarter of what one vendor has paid in hotel/motel tax.

Mr. Joseph reminded the Board that David Shamoian, owner of the Crowne Plaza, was very vocal at Town Meeting when the local option taxes were voted that he would like to see some of the money put into economic development. It had to be recognized that there was \$1.3 million coming from businesses that rely on people knowing Natick was relevant, interesting, and worth coming to. The request was for relatively little dollars and the proposed Economic Developer was a different position from the Cultural Center. The Cultural Center position was sales and marketing while the other was planning.

Ms. Gloff countered that she had been reminded by a number of people that they believed the vote previously taken was that the money was going to be used for capital projects.

Mr. Joseph responded that he was just building a case to invest in the community.

Mr. Ostroff thought that many people that participated in Natick Center Forward were keen on the cultural attractions - TCAN, Morse Institute Library and the Town Common and he would be supportive of something that could be marketed on the condition of a memorandum of agreement between the Town and Natick Center Associates where the Board would have an opportunity to provide specific benchmarks. He didn't want to micro-manage but there had to be some safeguards. People have worked hard to have that district designation and the people involved have brought a certain amount to carry forward that investment. He would like to see it tried for one year.

A motion was made by Mr. Ostroff to support favorable action of Article 17 in the amount of \$178,500 subject to a memorandum of agreement. Seconded by Mr. Hughes and unanimously voted.

Speaking to the motion, Mr. Mabardy noted that he saw this money being spent on the Cultural District and an Economic Development Planner and yet there was still no parking garage. Maybe if that money was put into a garage that has been talked about for years, it could attract people.

Mr. Joseph pointed out that building a parking garage didn't necessarily mean that people would come, but if a stimulus was built they would come. He would support the motion and encouraged the Board to be intellectually honest about the measurements.

Mr. Mabardy responded that he believed there were things that could be done, but if the parking garage was there, it would provide so much more of an incentive for people to come in with a development.

Mr. Ostroff agreed the case for a garage was strong and also felt the more done to market Natick Center the better.

Following a 10 minute recess, the meeting was reconvened at 9:50 p.m.

Article 40 - Civil Fingerprinting By-Law

Police Chief James Hicks advised that in 2010 the law was passed to allow a little more in-depth check of certain licenseholders such as alcohol managers, junk dealers, etc., but a by-law must be passed. Computer checks were only as good as the data put in, but fingerprint information was data used for any arrest or prosecution and he felt that would be better especially for anybody going door-to-door or transporting people in cabs.

Chief Hicks explained that the application would come to the Police station and the Department would run the fingerprints through the data base. The information would only be forwarded for the purpose of license consideration and it was not saved. Anyone denied a license still had the right to appeal.

Mr. Hughes inquired if the proposed \$100.00 fee was standard and Chief Hicks advised that under the law \$25.00 would go to maintain the data base and anything above and beyond that would go to the Town.

It was pointed out by Ms. White that sometimes some of these licenses have other fees. For instance a liquor licenseholder applying for a change in manager would mean a \$200.00 fee to the ABCC, a \$100.00 fee to the Town, and an additional \$100.00 fingerprint fee.

On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board unanimously voted to support favorable action of Article 40.

Article 19 - Amend By-Laws Article 24: Personnel Board

Ms. White reviewed the red line changes proposed for Article 24. The major changes were:

- 1) A reduction of sick leave accrual to one day per month where it was presently 1-1/4 depending on the date of hire
- 2) Elimination of sick leave buy back program as it exists but there would be a grandfathering clause for anyone stating their intention to retire in five years
- 3) For those that accumulated sick leave but were not retiring in five years, they would be paid out at 75% of their eligibility
- 4) A long term disability plan would be purchased at the Town's expense. The bid for such a plan was \$18,000 which was believed to be a more cost effective approach and a more reliable annual cost.
- 5) Elimination of the sick leave bank

Ms. White noted that this was generally what was done with the unions but with the unions there was an increase in longevity payments for the elimination of the sick leave buy back. Non-union employees don't have longevity and it was felt the long-term disability plan would be fair.

Mr. Hughes inquired as to the theory behind getting rid of the sick leave bank and Ms. White responded that the sick leave bank was considered to be mythological. It was an unfunded liability and the days put in may never be used by the person putting them in and someone who did not build up sick leave on their own may be tapping in.

Mr. Hughes asked if the long-term disability policy would kick in after 100 days, but Ms. White advised that it was 90.

A motion was made by Mr. Hughes to support favorable action of Article 19. Seconded by Mr. Mabardy and unanimously voted.

Article 12 - Personnel Board Pay Plan

Ms. White informed the Board that it had been brought to her attention by the Chair of the Personnel Board that the salary of \$85,000 for the Economic Development Planner exceeds the pay grade the position would be put in. The top pay under the pay grade was \$80,000. Some quick research was done of comparable jobs and there weren't a lot of comparable jobs.

The Board's vote for the Economic Development Planner was OK because the vote was not to exceed \$85,000, but the vote taken for Article 12 included the \$85,000 salary and she would ask that the Board vote a salary of \$80,000.

Mr. Ostroff moved to reconsider the recommendation of Article 12. Seconded by Mr. Hughes and unanimously voted.

Mr. Hughes moved to recommend favorable action in the amount of \$125,601,821 under Article 12. Seconded by Ms. Gloff and unanimously voted.

Article 20 - Rescind Authorized, Unused Debt

In a spreadsheet, Deputy Town Administrator/Finance Director Michael Walters Young provided the Board with a list of all authorized but unissued debt. He noted that most of the unissued outstanding debt as of 12/31/12 would be issued in May when the Town next went out to market or had already been automatically rescinded. The recommendation was to rescind \$750,000 for the Community Senior Center project.

Mr. Walters Young pointed out that one large number on the list was for the high school, but the language of Article 6 stated specifically that any amount received from the MSBA would automatically reduce the balance.

Mr. Hughes inquired if there had been any discussion by the School Committee to use the additional unused borrowing for other uses.

Mr. Walters Young didn't know if there had been any discussion by the School Committee, but he had not been notified.

In follow-up Mr. Hughes questioned if assuming the school construction was complete and the fields were complete if there was any legal justification for using that money based on the vote of Town Meeting for something else. Mr. Walters Young advised that was unclear. The question had been posed to bond counsel.

A motion was made by Mr. Hughes to support rescinding \$750,000 in authorized unused debt for the Community Senior Center project under Article 20. Seconded by Ms. Gloff and unanimously voted.

Document - Spreadsheet prepared by Michael Walters Young

Article 21 - Rescind Authorized Water & Sewer Capital Projects

Mr. Walters Young explained that this article was a request to rescind authorized Water & Sewer Enterprise Capital Projects approved for funding at the 2012 Spring Annual town Meeting and funded with retained earnings. This was an unusual request as the need for capital investment in the Water & Sewer infrastructure remains as acute as it did when the request was approved by Town Meeting, but the request was necessary to maintain the fiscal health of the fund.

According to the adopted Water & Sewer Enterprise Fund Financial Policies, the goal of the fund is to maintain a 10% reserve in retained earnings at anytime. At the time of the capital request in 2012 the belief was that those policies were being adhered and appropriating \$1.7 million should have maintained a healthy retained earnings balance. The problem was that it didn't. Revenue growth that the fund had witnessed in year-end fund balance did not materialize in FY12 creating a situation where retained earnings were well short of anticipated and recommended levels.

Mr. Walters Young noted that the Finance Department and DPW set out months ago to determine why anticipated revenues did not meet targets. The result was mixed. On one hand revenues in FY12 were significantly lower than budgeted estimates. That was not unusual, but the degree of severity of the FY12 shortfall was alarming. Expenses were lower than budgeted estimates as well which allowed the revenue shortfall to be mitigated somewhat.

The reasons for the revenue shortfall were numerous: 1) a combination of the water ban when rain was scarce and then a subsequent arrival of Hurricane Irene lowered overall usage by over 5% from the prior fiscal year; 2) several large accounts which had consumed large amounts of water in previous years took steps to promote water conservation and thus did not consume and pay for water in FY12 like they had in previous years; 3) the effect of averaging condominiums and apartment buildings was fully implemented in FY12 causing lower than anticipated collections from those previously high revenue generation complexes. The net effect was a revenue deficit of nearly a million dollars.

The good news was the fund was recovering in Fiscal 2013.

The recommendation was to rescind \$375,000 in authorized capital expenditures and that money will close at the end of the year to the retained earnings balance.

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to recommend \$375,000 be rescinded under Article 21.

Document - Memo from Michael Walters Young

Article 25 - Establish a Fee for Food Trucks

Mr. Ostroff had provided the Board with a memo and revised food truck policy. He noted that Town Meeting sets fees for food trucks with a cap of \$100 per year. The draft policy suggested a higher number that was not supported by law.

As recommended by Mr. Ostroff, Mr. Hughes moved to set the fee for a food truck at \$100.00 with no fee for restaurants holding a Natick Common Victualer's license. A daily fee to be set at \$50.00. Seconded by Ms. Gloff and unanimously voted.

Documents - Memo from Joshua Ostroff, draft Food Truck Policy

Article 26 - Reauthorization of Revolving Funds

Ms. White advised that the proposal was to re-authorize all of the current revolving funds with the exception of the Conservation revolving fund. Conservation and Planning peer review funds have been handled as an agency fund and it seemed silly to have an authorization that wasn't utilized.

With respect to the Community Senior Center program fund, Ms. White noted that it was first created at Fall Town Meeting with an authorization of \$35,000 for half a year. Given the activity the proposal was to fund at \$90,000. Also being increased to \$40,000 was the DPW surplus vehicle fund.

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to support favorable action of Article 26 as presented.

Document - Memo from Town Administrator Martha White

Article 35 - Organization of Natick Town By-Laws

Ms. Gloff recalled that about two years ago Town Meeting voted \$100,000 to get the Charter and by-Laws codified. Article 35 dealt with the by-laws and put forth a reorganization.

The idea was to provide Town Meeting with what was expected to be done with the by-laws. The intent was to have the by-laws in a more logical system for someone not familiar with the Town's by-laws. This article was asking Town Meeting to approve the organization and the next step would be to put the by-laws into this process.

On a motion by Mr. Hughes, seconded by Mr. Mabardy, the Board unanimously voted to support favorable action of Article 35.

Article 36 - Typographical Changes to the Natick Charter

Ms. Gloff advised that there was no plan to reorganize the Charter. The consultant, General Code, felt the Charter was very well organized but did identify some other things that may be considered typos.

A motion was made by Mr. Hughes to support favorable action on Article 36. Seconded by Ms. Gloff and unanimously voted.

Article 37 - Reorganization of Zoning By-Laws

As Chair of the Zoning By-Law Oversight Committee, Mr. Hughes advised that the Committee struggled not to make any changes but just to get the Zoning by-laws in some order. In the fall they would be back with the more difficult changes.

The Board unanimously voted to support favorable action on Article 37. The vote was taken on a motion by Ms. Gloff, seconded by Mr. Ostroff.

Article 38 - Amend General Bylaws: Medical Marijuana MoratoriumArticle 39 - Amend Zoning Bylaws: Medical Marijuana Moratorium

Mr. Hughes moved to support favorable action of the proposed moratorium under Articles 38 and 39. Seconded by Ms. Gloff and unanimously voted.

Article 41 - Street Acceptance Main Street

A motion was made by Mr. Hughes, seconded by Ms. Gloff, to recommend favorable action on Article 41. Unanimously voted.

Article 43 - Committee Article

Mr. Ostroff informed the Board that the MBTA Advisory Committee would have a short report.

On a motion by Ms. Gloff, seconded by Mr. Hughes, the Board unanimously voted to support favorable action on Article 43.

VETERANS WORK OFF POLICY

Mr. Ostroff reported that he had received input on the draft Veterans Work Off Policy from Moira Munns, Human Services and Council on Aging Director; Director of Assessment Jan Dangelo; and Veterans Services Officer Paul Carew and there were a few tweaks to the previously presented policy.

The issue was trying to keep a limit on the total number and it was felt a total of 60 was reasonable because there were fewer than 30 participants now in the Senior Tax Work Off program.

Mr. Ostroff pointed out that where this differed from the legislation was that this policy proposed an income gap. The income qualifications that applied to seniors would apply to veterans of any age. The reason was that that would target the program where it would do the most good. The income guidelines were not hard and fast because extenuating circumstances were allowed to be considered.

Otherwise the policy was similar to Senior Tax Work Off.

Mr. Ostroff noted that this was intended to be a trial.

A motion was made by Mr. Hughes to adopt the Veterans Work Off Policy contingent upon passage of the article by Town Meeting. Seconded by Ms. Gloff and unanimously voted.

Document- Draft Policy

TOWN ADMINISTRATOR REVIEW

As Vice-Chair of the Board, Ms. Gloff prepared a consolidated review of the Town Administrator for the period of July 2011-June 30, 2012. The Town Administrator's performance on the 22 goals adopted by the Board was rated on a scale of 1 to 5 with one being poor and 5 being exceptional. She noted that in general the Town Administrator had done quite well.

For the top priority goals, the median for one was a 3 and the others were between 4 and 5. The lowest score any individual member gave was a 3. Ms. White did get a 3 on the Rewrite of the Zoning By-Laws and she acknowledged it was something that did not get started as fast as she and others would have liked.

The mid priority goals ranged from a high of 5 to a low of 2. The 2 was making the web site more functional and the Board agreed there was a need to figure out how to get it more functional.

The low priority goals didn't move along as well and there were median scores of 2 and 2.5.

On the general position responsibilities, Ms. White was given high marks.

Ms. Gloff felt this was overall a good to excellent evaluation. There were places where the Town Administrator could improve and the Board will be working on a set of goals for the coming fiscal year.

Mr. Ostroff too felt this was a fairly strong review and thought the Town was well served by the Town Administrator. He felt the Town was in a strong position because there was a good team of professionals and leadership.

Mr. Ostroff commented that his disappointment was that it was April 1 and the Board was just doing the Town Administrator's review for last June 30. One way to be accountable to the public was for the Board to set goals and make an evaluation and everyone would be better served if the Board were to do this on a timely basis.

Mr. Hughes thanked Ms. Gloff for preparing the consolidation. He too felt the Town was well served by the Town Administrator and believed that this evaluation showed that 22 goals were way too many. It was clearly a measure of how much work the Town Administrator did not just on the top priority but the 5-6 goals at the end.

Mr. Joseph echoed everything that had been said, adding that his frustration was how long it had taken to complete the review. It was a strong review. Mr. Joseph assumed responsibility for this being done April 1, noting that he was trying to infuse metrics as a culture. The administration needs lead time from the Selectmen to set goals for the department heads and get the support of the Board. 22 goals were a lot. This year there were 13. He wasn't sure of the right number of goals but the Board needed to be ahead of the process and he urged the Board to be proactive.

Mr. Joseph continued that during his three years on the Board trying to get bigger more articulated goals had protracted the process. As a citizen he was grateful for what he got for the tax dollars and he thought the Board owed it to the administration to be proactive and determine how to measure what was being done.

Mr. Joseph expressed his disappointment at not having a chance to review the Fiscal 2013 Goals before leaving the Board.

On a motion by Mr. Ostroff, seconded by Ms. Gloff, the Board unanimously voted to accept the Town Administrator performance appraisal for Fiscal 2012.

Documents - Consolidated review prepared by Ms. Gloff

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

Mr. Ostroff, Ms. Gloff, and Mr. Joseph all disclosed they were members of TCAN with no financial interest.

On a motion by Mr. Hughes, seconded by Mr. Mabardy, the Board unanimously voted to grant The Center for Arts in Natick four (4) one day beer & wine licenses for performances at 14 Summer Street on April 6, April 12, April 13, and April 18, 2013.

Document - Letter from David Lavalley, Executive Director of TCAN, dated 3/27/13

RENEWAL OF LICENSES

a. Junk Dealers

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to renew the following Junk Dealers licenses for 2013/14:

Almaari Jewelers, Samer Almaari dba
Natick Collection
1245 Worcester Street, suite 4048

Best Buy Stores LP
Best Buy Mobile #1666
Natick Mall
1245 Worcester St.

Cherished Antiques, LLC
Pamela Lane
Jason Ridenour
132 East Central Street

EcoATM, Inc.
Natick Mall
1245 Worcester Street

Friends of Natick Senior Center, Inc.
117 East Central Street

Game Stop 647
1298AA Worcester Street

Game Stop 315
1245 Worcester Street
Natick Mall

Gold Buyers at the Mall
Daniel Baruch
Natick Collection
1245 Worcester Street

Gold Rush, Inc.
Ronen Rubinov
85 Worcester Street

GRS Jewelry, Inc. d/b/a Stucchi Brothers
3 Main Street

H. Brandt Jewelers, Inc.
31 Main Street

Kay Pee Jewelers
Raj Parwani
251 West Central St., Suite 12

Long Jewelers
323 Speen Street

Macy's Retail Holdings, Inc.
Macy's East
1245 Worcester Street

Music Go Round
Phil Cherin
Rt. 9/27 Shopping Plaza
Worcester Street

Newbury Comics
Natick Mall
1245 Worcester St.

Record Time, Inc. d/b/a FYE #863
Natick Mall
1245 Worcester Street

Southwick Fine Jewelry Consignment
Randi Amber Southwick
5 South Avenue

Time Square, Jewel time, Inc. d/b/a
Kul B. Jain
Natick Collection
1245 Worcester Street - Suite 2040

b. Taxi Licenses

On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board unanimously voted to renew the following taxi licenses for 2013/14:

Natick Cab
Jamms Auto Corp dba
18 North Main Street
12 Cabs

JFK Transportation
4 Mechanic Street
16 Cabs

c. Billiards

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to renew the following billiards licenses for 2013/14:

Amvets
Prime Parkway
2 tables

American Legion
13 West Central Street
2 tables

BOARD COMMITTEE ASSIGNMENTS: ECONOMIC DEVELOPMENT COMMITTEE, YOUTH ADVISORY BOARD, NATICK TOGETHER FOR YOUTH

Mr. Joseph noted that as he was stepping down he mentioned that he had an interest in remaining actively involved in the Economic Development Committee, Youth Advisory Board, and Natick Together for Youth. The EDC membership stipulates that it be a member of the Board.

Ms. Gloff advised that it was her plan to put forth a proposal on April 22. She felt there should be somebody on the Board as the EDC representative, but would propose expanding the membership by one.

MINUTES

On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board unanimously voted to approve the minutes of the January 7, 2013 meeting.

CHRISTA MCAULIFFE 5K RACE: REQUEST PERMIT

Mr. Hughes moved approval of the McAuliffe Regional Charter School's request to hold a 5K Race on May 11, 2013 subject to compliance with the recommendation of Lt. Brian Lauzon to hire two police details. Seconded by Mr. Ostroff and unanimously voted.

Document - email from Bob Moore, Christa McAuliffe race coordinator; email from Lt. Brian Lauzon; map of race route

SOUND & SPIRIT: REQUEST TO HANG BANNER

On a motion by Ms. Gloff, seconded by Mr. Hughes, the Board unanimously voted to approve Sound & Spirit's request to hang a banner across Main Street for the period of May 6-May 12, 2013 in advertisement of an upcoming concert.

Document - email from Lisa LaVallee, Marketing Director Sound & Spirit

EMBRACE A FAMILY: REQUEST PERMIT FOR BOSTON MARATHON

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to Embrace A Family's request to sell bottled water during the running of the Boston Marathon on April 15, 2013.

Document - email from Carol Brayman of Embrace A Family dated 3/25/13; email from Lt. Brian Lauzon dated 3/25/13

TREMONT SCHOOL: REQUEST PERMIT FOR BOSTON MARATHON

On a motion by Mr. Hughes, seconded by Ms. Gloff, the Board unanimously voted to approve the Tremont School's request to set up a table along the Boston Marathon route on April 15 to offer some fun activities/giveaways for families and to promote awareness about the school.

Document - email from Kathy Trogolo dated 3/27/13; email from Lt. Lauzon dated 3/28/13

TOWN ADMINISTRATOR NOTES

a. Nstar Gas

Ms. White noted that she and the Chair received an email about Nstar Gas needing to replace leaking gas mains. The streets with the leaks were not a problem, but because of the five year moratorium the streets where the connections were were a problem. She authorized that work to proceed and confirmed with the Town Engineer that Nstar Gas was notified of the work on Floral and Speen Street.

Ms. White proposed that Nstar Gas be a future agenda item to discuss the need for better coordination.

SELECTMEN'S CONCERNS

a. Office Hours

Ms. Gloff announced that she would be at Town Hall on Thursday from 6:30-7:30 p.m. for office hours.

b. Town Election

The Town Election was next Tuesday (April 9), and Mr. Hughes encouraged everybody to get out to vote.

c. Appreciation of Paul Joseph

Mr. Mabardy thanked Mr. Joseph for what he did as Chair and as a member of the Board of Selectmen - Economic Development and Facilities Management to name a few.

Mr. Ostroff spoke of Mr. Joseph's commitment to things in which he was interested and he would miss having Mr. Joseph on the Board.

d. MetroWest Regional Collaborative

Mr. Ostroff announced that the MetroWest Regional Collaborative was holding a legislative breakfast at the Morse Institute Library on April 12.

e. Expression of Appreciation

Mr. Joseph stated that he had learned a lot on this job and was overwhelmed by the support each of the members had given him. It was an honor to serve. He thought the Board did a lot of good things over the last few years of which he was proud. He appreciated all the time everyone puts in and felt that everyone that works for the Town did a great job.

ADJOURNMENT

The meeting was adjourned at 11:30 p.m.



Charles M. Hughes, Clerk