



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

Town of Natick Finance Committee
Meeting Date: September 2, 2014

The minutes were approved through the following action:

Motion:	Approval
Made by:	Jonathan Freedman
Seconded by:	Jerry Pierce
Vote:	13.0.0
Date:	9-18-2014

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

NATICK FINANCE COMMITTEE MEETING MINUTES

September 2, 2014

**Natick Town Hall
School Committee Meeting Room, Third Floor**

This meeting has been properly posted as required by law.

MEMBERS PRESENT:

James Everett, Chairman
Jimmy Brown, Vice-Chairman
Bruce Evans, Clerk
Jonathan Freedman
Christopher Resmini
Mark Kelleher
Edward Shooshanian
Patrick Hayes
Michael Ferrari
Catherine Coughlin
Mari Barrera
Jerry Pierce
John Ciccariello

MEMBERS ABSENT:

Cathleen Collins
Karen Adelman-Foster

ATTACHMENTS:

- A. Agenda for this evening's meeting
- B. Article 3: Appropriate Fed Ex Mitigation Funds for Traffic Engineering Services (2 pgs) 1 Exhibit B; copy of Planning Board: 30 Superior Drive Special Permit with Site Plan Approval (17 pgs)
- C. Article 12: Amend By-Laws Article 55: Civil Fingerprinting
- D. Article 21: Rescind Authorized, Unissued Debt

Meeting was called to order at 7:15 p.m.

The Chairman, James Everett, reviewed the evening's agenda and the materials included in the handouts.

Mr. Everett also announced that the warrant schedule this year is very tight and requested that sponsors try to keep initial presentations to ten minutes or less and that anyone from the public try to keep comments to five minutes per person. More time for more complex

issues will be available when necessary. He requested that the committee bring up research or facts they want to use in debate during the question part of the meeting so that the rest of the committee and the sponsors have time to respond to them if necessary. Please do not present new research or information during debate because the finance committee process is that once debate is entered, all input from the public and sponsors is finished. This is unfair to sponsors and the public as they cannot respond to new information once debate is entered by the committee.

He also invited members and attendees to discuss any items that are not on the agenda.

PUBLIC CONCERNS/COMMENTS:

Paul Griesmer of the Pleasant Street Zoning Classification Committee, invited anyone who wants to understand their presentation better to a public hearing on October 2, 2014, or to come to a meeting on September 10th with town counsel. At that time, town counsel will answer the many technical questions the committee had about town zoning laws.

John Ciccariello stated that as a member of the Finance Committee he finds it difficult to vote on Articles where committee members have not had the back-up information in time to research all the alternatives to some requests. He requests that sponsors and the public asking for decisions from the committee provide this information well in advance to be fair to the finance committee members.

Mike Linehan, Precinct 6: If members of the public want to provide input to the Finance Committee by email is there a specific email to use?

Yes. Fincom@natickma.org is the email address.

MEETING MINUTES:

Motion to approve July 10, 2014 meeting minutes. (Everyone in attendance except Mr. Ciccariello is eligible to vote. (*Ms. Collins not in attendance*)).

Moved/Motioned by:	Mr. Freedman
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote	11-0-0 favorable

OLD BUSINESS:

None.

NEW BUSINESS:

1. Warrant Article Hearing Process Review

Novus Agenda is a program that is used already in town by the Selectmen. The Finance Committee is working on getting this technology as well as hand-held tablets to run it on.

Ms. Martha White, Town Administrator related that the town is leaning toward using the Samsung tablet because of a particular program that is going to be used by certain departments. However, the Finance Committee can take a poll and decide between a Samsung or Apple device for members. Members are welcome

to use their own devices to access the Novus Agenda website.

Mr. Everett will get a decision from the Committee and revisit this matter at the Financial Committee meeting on Thursday, September 4th.

Mr. Everett will put together a letter to all town meeting members from the Finance Committee enclosing the initial committee meeting schedule and asking whether they want to continue getting this information electronically. If they do they can email him at fincom@natickma.org and they will be added to the distribution list.

Also, in order to help sponsors and members of the public keep their meeting presentations brief and concise, Mr. Everett encourages the article sponsors to work with the Finance Committee sub-committees to review information prior to formal review with the full committee. Members of the full committee are encouraged to send questions to the sub-committee chairman and copying all other members so that members know that their questions are being asked. This review helps the sponsor prepare the answers that the full committee has requested.

Financial Committee Vice-Chairman, Jimmy Brown, is responsible to drive the sub-committee hearings and will post the sub-committee hearing schedule online along with the regular committee hearing schedule.

There is a new questionnaire form if anyone needs it.

Motion to open public hearing on 2014 Fall Annual Town Meeting Warrant Articles.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote	13-0-0 favorable

Article 2: Appropriate MathWorks Lakeside Campus Project Mitigation Funds for Cochituate Rail Trail Project, Sidewalk Construction on Superior Drive, and Route 30/Speen Street Traffic Engineering Services

Presentation by Patrick Reffett, Community Development Director:

At this time Article 2 has mitigation funds that have not yet been received. They are part of a development construction project known as the MathWorks Lakeside Campus Garage. Because that project has not taken place, at this time, he is recommending no action.

Member questions and discussion included the following:

Do you have any indication that the funds might be available for town meeting?

Mr. Reffett confirmed that the funds would not be available by town meeting date.

MOTION to for no action at this time on Article 2.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Ciccariello
Motions or Debates:	None
Vote	13-0-0 favorable

Article 3: Appropriate Fed Ex Mitigation Funds for Design of Route 30/Speen Street Intersection

Presentation by Patrick Reffett, Community Development Director:

Planning Board worked with Federal Express (FedEx) for a year on the design plans and traffic mitigation plans which involved extensive studies of many intersections that were affected by their operation. This project is done.

A requirement by the Planning Board that FedEx provide \$50,000 as a contribution to a planning study for long-term improvement to the town of Framingham to focus on traffic engineering in the general area of Route 30 and Speen Street because that intersection is so affected by the FedEx project. The \$50,000 set-aside was requested by the Natick Planning Board because they understood that the State and both Framingham and Natick would be continue to work towards solutions to ease the congestion in this area.

Similarly, \$25,000 was stipulated to be provided to the town of Wayland within that Planning Board decision for the intersection of Route 30 and Route 27.

That money is in a protected account with the Town of Natick and ready to be disbursed to Framingham & Wayland, upon approval of Town Meeting members.

Authorize the \$50,000 to Framingham for traffic study purposes as well as the \$25,000 to the Town of Wayland for traffic planning design construction.

Member questions and discussion included the following:

Is there any difference between the information being provided to the committee now and the information that was provided to the committee before?

Last year the language was not clear about the \$25,000 that was to go to Wayland That is why they broke out the numbers on the newly provided spreadsheet.

Please remind us what happened last year that this is coming back this year?

Finance Committee voted to recommend favorable action on this Article. When town meeting came around the money was not available, therefore, the only action item that could come up on town meeting floor was no action.

Is the total mitigation amount that the Town of Natick got \$1,350,000.00, or are those just cost estimates prepared by the consultants?

Those were cost estimates prepared by the consultants, but they do enumerate the total value of improvements that were being undertaken by FedEx.

Do you have a figure on what the total mitigation was on that project?

That total number is \$1,509,000.00.

Is it safe to say there is either a timeframe restriction or if the funds aren't used for the specific intended purpose they go back to FedEx?

Generally, mitigation funds are intended to be used in a reasonable timeframe. Typically mitigation funds should not remain with a community more than twenty years. And, if the town should decide not to do the planned project for which those funds were set aside, they must be returned to the entity that provided them.

Of the \$1.5 million worth of value, it looks as though some of activities are being undertaken by FedEx and some are being funded by FedEx for the town of Natick to undertake – is that correct?

Yes. The items being funded and carried out by Natick are very small in value – which would be the \$50,000 and at some later point, \$20,000 which will allow us to review off-site traffic plans and whether or not the improved products did what they were intended to do, related to the Planning Board decision.

So, at this time, the administration is requesting that \$25,000 be appropriated so we can give it to Wayland, and \$50,000 be appropriated so we can give it to Framingham so they can do their portion of this project. Correct?

Yes, correct.

What about the portion that is being done in Natick? Is that what Federal Express is undertaking or is there future funding that we will have to ask the town to appropriate so DPW can do its thing?

Actually all those projects are either already done by FedEx, or in the process of being undertaken. One of the reasons why it's been protracted is that one of the intersections that had been affected by their project are under Mass DOT control. Anytime you affect Mass DOT's capital or jurisdictional areas they take a

significant amount of time to evaluate what is being proposed for those areas or intersections. What would typically take us six months takes them two years.

The reason that we have to take this action is because the property itself is within the town of Natick, so it’s the Natick Planning Board’s order of conditions that prevail?

Yes.

So under this project FedEx cannot directly fund the towns of Natick or Framingham, right? It has to go through the town of Natick?

Because FedEx reviewed and secured approval of its plans with the Natick Planning Board, FedEx felt it was appropriate to provide those funds to Natick, for us to then disburse it to our neighboring communities for the intended purposes.

MOTION for favorable action for \$75,000 to be appropriated from mitigation funds from the FedEx Speen Street Project: \$50,000 to be appropriated for the purposes of providing that to the Town of Framingham and \$25,000 to be provided to the Town of Wayland, as stated in Article 3.

Moved/Motioned by:	Mr. Freedman: This seems to more of an administrative or housekeeping item. My biggest concern was whether there was any difference between the articles we previously voted and to make sure that the town itself was not being disadvantaged or being held up. My questions have been answered.
Seconded by:	Mr. Pierce: I can attest that Route 30 and 27 do need attention as I travel that area quite a bit. Route 30 and 27 together are very busy – specifically the left turn from Route 27 onto Route 30 has an ineffective light that causes a major traffic hazard.
	Mr. Evans requested that Wayland be influenced to make a left turn light on Route 30 as not having one is a serious hazard.
Motions or Debates:	None
Vote	13-0-0 favorable

Article 12: Amend By-Laws 55: Civil Fingerprinting

Presentation by Martha White, Town Administrator sponsoring this article at the request of Chief of Police:

This is a request to correct typographical and administrative problems within the By-Law passed by Town Meeting. This by-law was first approved at the 2013 Spring Annual Town Meeting. It was modified under Article 40 of the 2014 Spring Annual Town Meeting.

The first time it was passed as Article 54 of the by-laws. However, there had already been an Article 54 passed but because the by-laws were not yet codified, this detail was missed So at that time civil fingerprinting needed to be modified to become Article 55.

Now we've come to realize that some references to the article by-law number occur within the body of the by-law and they refer to Article 54 rather than Article 55. Those also need to be corrected here.

In addition, in Section 2, the list of occupational activities, we need to insert the word "canvassers" after the word "solicitors."

Further, in Section 6 we propose to amend the license fee. We have not yet settled on a new license fee. Presently the by-law imposes a fee of \$100, \$30 of which goes to the State of Massachusetts. Some businesses in town are burdened by this fee as they have a high turnover of employees that are subject to the finger printing by-law. The minimum fee the town can charge is \$30 as the State needs to be paid. The suggested new fee amount is \$50.

Member questions and discussion included the following:

Discussion arose around the redline copy of proposed changes of the article provided to the Committee prior to the meeting.

Ms. White stated that the red-line copy provided tonight was updated with all changes except the actual updated fee amount. Mr. Chenard added that he and Police Chief Hicks had established the fee at \$50 in a meeting that day. The Committee decided that these changes are minimal enough to consider during the meeting and decided not to table this Article.

This was presented at Town Meeting already?

Twice.

So, the only changes are: 54 to 55; \$100 to \$50, of which \$30 goes to the state; and adding "canvassers?"

Yes.

Don't the Selectmen usually have control over fees?

Ms. White stated that it varies greatly – sometimes fees can even be set by department heads or by other boards. Other fees are established by by-law/town meeting. I believe who has the authority is generally established in State law. But, once town meeting sets a fee, only town meeting can change a fee.

Questions from the public

Just a question on Section 6. If the \$30 is a State-defined, if they change that, do we have to go back to Town Meeting and change this again, or would it be better to phrase this as \$20 more than the amount specified by the state?

Ms. White replied that the gentleman has a point, but this is how the by-law has been passed twice by Town Meeting and, therefore, this is the language we are putting forward.

Motion by Mr. Freedman to approve change to Article 55 including: changing the article number from 54 to 55; approving the change to the second item, Section 2, so that it reads “hawkers, peddlers, solicitors and canvassers;” and change the dollar amount in Section 6 from \$100 to \$50.

Moved/Motioned by:	Mr. Freedman: I do agree with the resident, in terms of the way this might be phrased to save us some angst further down the road. That’s where I was going with my questions around setting fees. But at this point, it would be a lot of trouble to ask the Town Administrator to go back and wordsmith it in the middle of the process. It seems to be housekeeping and although I would personally probably word it differently, if we get to the same point, and we have to bring it back to Town Meeting in the future because M.G.L changes – 351 towns have to do the same. It may not be the best of all worlds here but I’m comfortable with it.
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote	12-1-0 favorable

Article 21: Rescind Authorized, Unissued Debt

Presented by Jeffrey Towne, Deputy Town Administrator of Finance:

Each year we come before the FinCom and Town Meeting to clean up the Authorized Unissued Debt, the monies that are set aside when Town Meeting approves warrant articles for bond issuances those funds are called “unauthorized amount.” The funds remain as a result of projects that have been approved and completed using less funds than anticipated. This cleans up the list and provides future bond-investors and current bond holders a more accurate picture of Natick’s debt financing requirements and usage. Rescinding unused debt helps improve their opinion on the town’s overall financial condition.

In this particular case, we authorized \$570,000 for the recycling totes. We received a grant of \$140,750, and we issued \$428,000. So, the remainder is \$142,000 that we request be rescinded.

Member questions and discussion included the following:

Where did the grant come from?

The grant came from Mass DEP.

Do you have a status on the High School and MSBA and their audit - will this be a candidate for rescinding at some point?

Mr. Towne replied “Yes, the final audit was just released this past month, so that will be coming to the Finance Committee and Board of Selectmen soon. We received a final payment just over one million dollars and the final payment from MSBA. There will be an easy-to-understand report that we will provide to the Finance Committee and we will be back in the spring to rescind the rest of that debt which is approximately \$9.7 million.

Motion by Mr. Ciccariello recommending favorable action on Article 21 to rescind authorized, unissued debt.

Moved/Motioned by:	Mr. Ciccariello: I’m very happy that we’re doing these as projects close out. In the past some of these have laid around for a long time and I’m glad the administration is getting to these as soon as possible. And, thank you for getting the grant.
Seconded by:	Ms. Coughlin
Motions or Debates:	None
Vote	13-0-0 favorable

Motion by Mr. Ciccariello to close Warrant Hearing.

Moved/Motioned by:	Mr. Ciccariello
Seconded by:	Mr. Pierce
Motions or Debates:	None
Vote	13-0-0 favorable

ADJOURN:

Motion by Mr. Pierce to adjourn.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Hayes
Motions or Debates:	None
Vote	13-0-0 favorable

Meeting adjourned at 8:50 p.m.