



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 11, 2014**

The minutes were approved through the following action:

Motion:	Approval
Made by:	Jonathan Freedman
Seconded by:	Jerry Pierce
Vote:	10.0.0
Date:	9-18-2014

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

Finance Committee Meeting Minutes – September 11, 2014

Page 2

NATICK FINANCE COMMITTEE MEETING MINUTES

September 11, 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
Cathleen Collins
Catherine M. Coughlin

Bruce Evans, Clerk
Michael Ferrari
Jonathan Freedman
Patrick Hayes

Jerry Pierce
Edward Shooshanian

MEMBERS ABSENT:

Mari Barrera
John Ciccariello
Karen Adelman Foster
Mark Kelleher
Christopher Resmini

ATTACHMENTS:

- A. Agenda for this evening's meeting
- B. Town of Natick Finance Committee Public Hearing Schedule dated September 7, 2014
- C. Natick Finance Committee Standard Warrant Article Questions – Article #: 7; Date: 9/8/14; Title: Ban of Single-Use Plastic Carry-out Bags w/Handles; Sponsor(s): B. Patrick Conaway and John F. Moran
- D. Natick Finance Committee Standard Warrant Article Questions – Article #: 8; Date: Sept. 11-14; Title: Amend By-Laws: Adoption of a Ban on the Use of polystyrene (Styrofoam); Sponsor(s): Robert Rowe
- E. Natick Finance Committee Standard Warrant Article Questions – Article #: 9; Date: Sept. 11, 14; Title: Amend By-Laws: Adoption of a Ban on the Use of Pesticides - Lawns, Fields
- F. Memorandum to Board of Selectmen; Finance Committee; School Committee; Planning Board; Conservation Commission from Karen Adelman Foster and Joshua Ostroff, dated September 3, 2014, Re: Strategic Planning Review Committee Report and Recommendations

Meeting was called to order by Mr. Everett at 7:31 p.m.

The Chairman reviewed the evening's agenda and suggested guidelines for presenters, members and public input.

PUBLIC CONCERNS/COMMENTS:

Mr. Frank Foss, Town Moderator, announced that he would be appointing a Charter and By-Law Review Committee, in accordance with Section 7-6 of the Town’s Charter, to review the current charter and bylaws and recommend amendments or revisions which the committee may determine to be necessary or desirable.

OLD BUSINESS:

Subcommittee Updates:

Mr. Hayes reported that the Community Services, Committees and Technology Subcommittee would meet in the School Committee Meeting Room at Town Hall at 7 p.m. on September 15, 2014 to review Articles 5, 15, 16 & 17.

Mr. Brown said effort was underway to set up a meeting of the General Government Subcommittee.

Public Hearing FY 2014 Fall Annual Town Meeting Warrant Articles:

A motion was made, at 7:38 p.m., to open the public hearing on the FY 2014 Fall Annual Town Meeting Warrant Articles.

Moved/Motioned by:	Mr. Hayes
Seconded by:	Mr. Freedman
Motions or Debates:	None
Vote:	10 – 0 – 0 (unanimous)

Article 7 – Amend By – Laws: Adoption to Ban Single Use Plastic “T” Shirt” Bags

The Chair welcomed Mr. Pat Conaway and Mr. John Moran, sponsors of Article 7, to the podium to present information in support of this Article. The members were referred to the responses to the Standard Questions for this Article (Attachment C) included in the meeting handouts.

Mr. Brown and Ms. Coughlin both stated they were owners of businesses which used the item in question but did not believe this would have a financial impact on these businesses.

The presenters gave an overview of the objectives and rationale for this Article, as detailed in Attachment C.

In response to questions raised by Mr. Everett concerning the relationship between the wording of the Article on the Warrant and the motion proposed by the proponents, Mr. Foss noted the absence of direct reference to any by-law change in the Article language and suggested that an important consideration was to work within the parameters of what potential actions the public may have been notified to anticipate. He further added, in response to another member’s question, that it was the specific text of the Article, not including additional language which might appear in the Article’s title which, in his opinion, determined the scope of the Article.

Member questions and discussion included the following:

- Questions were raised as to whether there were applicable legal definitions related to the specific type of bag proposed to be banned and how “single use” would be defined.
- It was suggested that the environmental impact and costs associated with production and disposal of alternatives to the single-use plastic carry out bags were not insignificant.
- The proponents have not yet met with any of the town’s retailers who would be affected by this.

Finance Committee Meeting Minutes – September 11, 2014

Page 5

- Questions were raised regarding how potential re-use of these bags by individuals would be viewed; several members cited examples of how the bags are re-used multiple times.
- There were requests for additional data to further quantify potential costs to local retailers and households as well as potential savings.

Public concerns and comments:

Mr. Mike Lenihan, a Town Meeting member from Precinct 6, and a member of the Open Space Advisory Board and the Recycling Committee, disputed the rationale presented to support this proposal noting the following:

- He considered the ecological impact on sea turtles and marine mammals irrelevant to Natick because the town’s trash is burned;
- He equated the carbon footprint of a plastic bag to be approximately one-fifth that of a paper bag due to energy used in transporting and composting paper bags, and said re-usable bags needed to be used approximately five times to equate to five plastic bags. In addition, he said their carbon footprint increased when reusable bags were washed.

He concluded that the proposed ban didn’t make sense for Natick and, if enacted, would represent government coercion which needed to be based on strong factual data.

Mr. Josh Ostroff, Chairman of the Board of Selectmen, speaking as a private citizen, disagreed with the previous speaker saying it was important to look beyond the town’s borders and take responsible actions to protect the wider environment. He said he believed there was significant public support for actions such as this, although he acknowledged the procedural issues which had been raised and suggested that referral would allow for proper formatting of the Article for a future Town Meeting.

Mr. Conaway responded that some of the information presented by a public speaker was misleading and he also believed it was necessary to look beyond just Natick. He also pointed out that not all of the bags made it into the trash which was sent to Millbury.

A motion was made, at 8:41 p.m., to recommend no action on Article 7.

Moved/Motioned by:	Mr. Brown
Seconded by:	Ms. Collins

A motion was made, at 8:42 p.m., to recommend favorable action on the subject matter of Article 7.

Moved/Motioned by:	Mr. Ferrari
Seconded by:	Ms. Coughlin

A motion was made, at 8:43 p.m., to refer the subject matter of Article 7 to the sponsor, the Board of Selectmen and the Board of Health for further discussion.

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Pierce

Motions or Debates:	1. Mr. Evans said he did not believe a ban should be enacted without having some alternative solution in place for vendors. He supported the goal but said more work was needed, including meetings with the Selectmen and the Board of Health as well as gaining the buy-in from the local merchants who would be affected by this. He said he liked the idea of Natick taking a lead and, although he agreed the town’s efforts wouldn’t directly benefit marine life he was in favor of the effect this could have in
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	<p>stimulating debate and discussion of these issues.</p> <ol style="list-style-type: none">2. Mr. Pierce echoed the previous speaker's comments and thanked the presenters for bringing this forward, saying he had seen the issue first hand through his participation in some of the clean-up efforts on Coolidge Hill. He said he wished the proponents had reached out to get some assistance before bringing this forward and felt that referral would allow them to get the needed input to move this initiative forward.3. Mr. Brown thanked the presenters for putting this important issue on the agenda saying the potential benefits this could have on the environment were very persuasive, but he wasn't sure Town Meeting could take the necessary action the way this was currently written, which was why he had proposed no action. He said the arguments for referral were on target and he would expect the same consultations would likely take place with a no action vote and thereafter, he would expect this to come back. Since he couldn't recommend favorable action on this to Town Meeting, however, he proposed no action.4. Ms. Collins said she re-used her plastic bags multiple times until they were no longer usable, at which point they were disposed of in the blue trash bags and excess bags were returned to the store. She said this was probably a good idea but she felt there wasn't enough information regarding the science as well as potential regulations, etc. She said she would like to see delineation of arguments both pro and con, as well as more clarity in definitions included in the proposal. She also pointed out that the way the Article was written limited what could actually be done at this time. She said a no action vote allowed for additional work and communication to be done, following which this could come back to a future Town Meeting.5. Thanking the proponents for bringing this forward and presenting the opportunity to discuss this, Mr. Ferrari said he wasn't sure he had heard that it wouldn't be possible to craft a positive motion under this Article and, if enacted by Town Meeting to move forward to establish a ban and enforce it through the appropriate town bodies. He felt that Town Meeting should be given the opportunity to fully debate this issue without procedural hurdles to prevent that. He said he considered this to be relatively straightforward saying many believed the potential environmental benefits were substantial and pointed out that, although Natick wasn't on the ocean, there were ponds and an Audubon sanctuary where this could still have significant impact. He noted that his Peace Corps experience had given him an opportunity to see the extensive pollution caused by plastic bags and if the state of California had managed to accomplish this he believed there were viable alternatives which should enable similar action here. He acknowledged there might be an impact on small businesses in the town, but said he was confident they could adapt. He said he saluted the sponsors for putting this forward.6. Ms. Coughlin pointed out that Natick's actions did have potential impact on marine life even though not an ocean-front community since the Charles River ran through the town and eventually
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	<p>emptied into the ocean. She stated, however, that she was someone who preferred to have all the t's crossed and the i's dotted and would therefore support no action. She stressed that none of the members had expressed opposition to this idea, only raised questions regarding how this would be accomplished and enforced. She said she agreed with the Town Moderator with respect to the issues associated with how the Article was written vs. the motion being proposed, which was more of a resolution, and said she would prefer something with "teeth." Saying no action or referral would allow the presenters to re-draft this and also get input from the necessary boards and others in town, she thanked the presenters for their work on bringing this forward and for the passion they held for this issue.</p> <p>7. Mr. Hayes said, because of the way this was written, he was afraid Town Meeting might vote in favor of a resolution – which was what was being requested, but in fact wasn't what the proponents really wanted – and any future Article(s) to refine the measures could create further confusion, so he didn't think favorable action was the way to go. He thought a referral motion would be ok, but would prefer to have partners join the effort voluntarily rather than compel their participation through the motion. He therefore felt a no action motion was the best alternative since it would give the proponents latitude to get the best help they needed and give the subsequent presentation to Town Meeting the greatest chance of achieving the proponents' desired result.</p> <p>8. Mr. Freedman said he also appreciated the intent and agreed this was a desirable goal, but agreed with previous speakers regarding issues with the process and lack of specificity. He suggested that further detail regarding the impacts on local merchants, households and other stakeholders was needed and said he also preferred an approach which encouraged, rather than mandated compliance, and felt that more discussion with other stakeholders could have an impact on what was eventually proposed to Town Meeting. He said he believed the referral motion would be appropriate, to include input from the two designated boards, and said none of the motions suggested would prevent a robust discussion at Town Meeting, but he felt more conversation was needed prior to that point. He said he thought this was a "winner" but how it went forward was the issue.</p> <p>9. Ms. Coughlin said she had not intended any disrespect to the two boards in stating her preference for no action vs. referral, only that the proponents had initiated this and she wanted them to have the latitude to proceed as they preferred.</p> <p>10. Mr. Everett said he thought there was unanimous agreement that this would have a positive impact on the environment and it was only the process by which this went forward which was at issue. He said he felt all understood and appreciated what the proponents were trying to accomplish but he believed the motion couldn't be acted on because of inconsistencies with the wording of the Warrant Article. He suggested the proponents consider looking at by-laws successfully passed in other towns to see if</p>
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	these could serve as models and pointed out that a no action recommendation by the Finance Committee didn't necessarily prevent debate at Town Meeting. He said he hoped other bags, in addition to the "single use" bag mentioned, might be considered for inclusion since those represented only a small percentage of all the plastic bags used; and said additional information regarding potential economic costs and benefits to the town and its taxpayers would also be helpful. He said he felt referral might be premature at this time whereas no action, to him, simply meant something wasn't ready to go forward.
Vote: (Referral)	3 – 7 – 0
Vote: (Favorable Action)	1 – 9 – 0
Vote: (No Action)	9 – 1 – 0

The Chair called a brief recess at 9:13 p.m.

The Chair called the members back to order at 9:20 p.m.

Article 8 – Amend By – Laws: Adoption of a Ban on the Use of Polystyrene (Styrofoam)

Mr. Everett welcomed Mr. Robert Rowe, sponsor of Article 8, to the podium.

The members were referred to the responses to the Standard Questions for this Article (Attachment D) included in the meeting handouts.

Mr. Rowe outlined the goals, background and rationale for his proposal, as detailed in the Attachment and the floor was opened for questions.

Member questions and discussion included the following:

- Questions were raised regarding which specific items were intended to be included in the proposed ban.
- It was noted that the word "ban" although appearing in the title of the proposed by-law (Attachment D: "Article 85"), did not appear in the wording of the motion.
- Several suggestions for editorial changes were offered to clarify or correct wording of the proposed by-law to be consistent with Natick's structure, by-laws and practices.
- It was noted that the proponent had not spoken directly with any local merchants who would potentially be affected by the proposed ban.
- There were requests for additional data including comparisons of energy use and costs associated with recycling of paper alternatives; number and types of establishments in town currently using these products

Public concerns and comments:

Mr. James White, Director of Public Health, saying he was speaking from his own perspective, and not on behalf of the Board of Health, said although he believed this concept had merit, he felt the process would have proceeded more smoothly if there had been prior consultation with his department and that Board as there could be other alternatives to achieve the desired objectives.

A motion was made, at 10:11 p.m., to refer the subject matter of Article 8 to the Board of Health, the Board of Selectmen and the sponsor.

Moved/Motioned by:	Mr. Brown
Seconded by:	Ms. Collins

<p>Motions or Debates:</p>	<ol style="list-style-type: none">1. Mr. Brown said he appreciated that a great deal of work had been put into this and there was much in place to support a recommendation to Town Meeting but several questions and issues had arisen during the question and answer period which he felt needed to be addressed to tighten this up. He said he was confident that, with a bit more work and consultation with others in town, this could proceed to go before a future Town Meeting.2. Ms. Collins said she would support referral. She said she also appreciated the work done by the sponsor but in her opinion this was not ready to go forward. She cited reference to the trademarked term “Styrofoam” which she did not believe should appear in a by-law; the ambiguity regarding definitions of exactly what would be covered under the by-law and to whom it would apply; inclusion of the section (4) on “Findings” which she felt inappropriate to include in a by-law; and references to state laws and regulations which were not available for clarification of what appeared in those documents.3. Mr. Freedman said he appreciated the intent and applauded the work done by the proponent but agreed with comments made by the previous speaker. He said he wasn’t sure he was fully behind this yet, as he was reluctant to regulate such a widely used product that was fully legal without knowing more about the impact it would have and what alternatives existed. He also felt some of the language was flawed, not least of which was the absence of wording to establish the proposed ban. In terms of process, he said this would have been enhanced by prior consultation with appropriate town boards including the agency which would be charged with enforcing it, as well as the merchants who would be affected. He said he would like to see this further fleshed out with input from these areas and with cost data to aid in evaluating its potential impact. He reiterated that he was not totally against this but felt it was not ready for public action.4. Mr. Shooshanian agreed with comments by the previous speaker and said he was not prepared to impose a ban on these materials before gathering input from the affected business community. He suggested that most companies were eager to implement strategies to “go green” and he felt that offering positive incentives would be far more effective than hitting them over the head with restrictions without exploration of alternatives.5. Mr. Evans said he also appreciated the sponsor taking on this initiative but agreed that the proposal needed tightening up. He suggested getting additional sponsors and/or allies and exploring the possibility of grants to assist and encourage participation by merchants.6. Mr. Everett thanked the sponsor for his efforts and presentation noting the evident support for the concept expressed by the members. He characterized the Finance Committee review as a learning process and said he hoped it was now clearer what the Committee looked for, stressing the importance of vetting proposals such as this with other boards on which it would have an impact.
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Finance Committee Meeting Minutes – September 11, 2014

Vote:	10 – 0 – 0 (unanimous)
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Article 9 – Amend By – Laws: Adoption of a Ban on the Use of Pesticides – Lawns, Fields
The members were referred to the responses to the Standard Questions for this Article (Attachment E) included in the meeting handouts.

Mr. Rowe outlined the goals, background and rationale for his proposal, as detailed in the Attachment and the floor was opened for questions.

Member questions and discussion included the following:

- It was suggested the proposed by-law language of the motion might be outside the scope of the Warrant Article as written and therefore only a no action or referral recommendation would likely be appropriate.
- There were suggestions as to how the proposed language might be revised to be consistent with the scope of the Article.
- The Health Department Director advised that the Board of Health is empowered to establish reasonable regulations such as these under Massachusetts General Law. This Article will be presented to that Board on September 15. Efforts in this area in the past have included education and encouragement for individuals and commercial entities to convert to organic products.

A motion was made, at 10:56 p.m., to recommend no action on Article 9.

Moved/Motioned by:	Ms. Collins
Seconded by:	Mr. Evans
Motions or Debates:	<ol style="list-style-type: none">1. Ms. Collins said she was not sure the public had been properly noticed regarding the intent of this Article and therefore she didn't believe Town Meeting would be able to take positive action on this. She also pointed out that, as the Board of Health was already empowered to address this, she believed that process was now initiated and the objective could be accomplished with a resolution at Town Meeting without the complexity of a by-law amendment.2. Mr. Evans concurred with the previous speaker saying a resolution could include some of the points mentioned by the Health Department Director related to education and consciousness-raising regarding better organic alternatives which he viewed as the intent of the Article.3. Mr. Hayes expressed his appreciation for the efforts of the Article's sponsor acknowledging the challenges inherent in the process of sponsoring a citizen's petition. He said, regardless of the outcome, the ideas put forward were commendable and he hoped Mr. Rowe would not be disheartened as there were other avenues available to continue to pursue these initiatives.4. Mr. Everett agreed, thanking Mr. Rowe for his hard work, and also urging him not to be discouraged. Although he acknowledged there were significant scope issues, he pointed out that since the Board of Health was already able to address this matter, he was confident the objectives of this proposal could be achieved via that route.
Vote:	10 – 0 – 0 (unanimous)

ADJOURN (11:02 P.M.):

Finance Committee Meeting Minutes – September 11, 2014

Page 11

A motion was made to Adjourn at 11:02 p.m.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	10 – 0 – 0 (unanimous)