

**BOARD OF SELECTMEN
EDWARD H. DLOTT MEETING ROOM - NATICK TOWN HALL
OCTOBER 26, 2015
5:45 PM**

Chairman Charles M. Hughes called the meeting to order at 5:55 p.m.

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

ALSO PRESENT: Town Administrator Martha White, Deputy Town Administrator Jeff Towne, and Executive Assistant Trish O'Neil

EXECUTIVE SESSION: Chairman Charles Hughes, seconded by Mr. Ostroff, moved to enter into Executive Session to discuss matters pertaining to real estate negotiations, Executive Session minutes, and litigation, with the Chair announcing that discussion of Executive Session matters in Open Session would have a detrimental effect on the Board of Selectmen's negotiating position. By a roll call vote, Mr. Ostroff, Mr. Mabardy, Mr. Connolly, Mr. Jennett, and Mr. Hughes all voted in favor of the motion. At 6:00 p.m., the Board entered into Executive Session after announcing that Open Session would resume at approximately 7:00 p.m. Executive Session adjourned at 6:55 p.m.

Open Session reconvened at 7:00 p.m.

ANNOUNCEMENTS :

The town issued solicitor permits to ATO Marketing/Spark Energy. Many complaints have been received. Anyone with a complaint or concern should contact Natick Police at 508-647-9500.

A public meeting entitled Capital Conversations will be held Wednesday evening, October 26th, at 6:00 PM in the Dlott Meeting Room with the MA Department of Transportation regarding long-term planning for transportation projects. Anyone in the region with an interest can attend or participate online. Refer to the town website for information.

WHAT'S NEW:

1. DPW Director Jeremy Marssette summarized the ongoing hydrant flushing project, which occurs twice a year (fall and spring) and will continue through the end of November. Unidirectional pipe flushing clears the water distribution systems and cleans out sediment. Nighttime flushing (done Sunday through Thursday) minimizes the impact on residents. This project increases the service life of our water infrastructure, improves water quality, and ensures proper hydrant operation.

Residents who see sediment should run the cold water tap until it runs clear, and if sediment remains a problem, contact Tony Comeau at 508-647-6557. The flushing project schedule is on the town website. Mr. Mabardy stated there was an issue last year with sediment getting into people's hot water systems for which plumbers had to be hired. Mr. Marsette said that continued use of unidirectional flushing will resolve this issue because the pipes will become cleaner and cleaner by removing all of the debris.

CITIZENS' CONCERNS:

Mr. Connolly addressed the Board in his capacity as citizen regarding his concern about ballpoint pens in the shape of hypodermic needles that are being sold in novelty stores in Natick. Not only do they promote desensitization to the heroin epidemic in our country but they pose a danger to children in that a child could find a genuine hypodermic needle and want to play with it, thinking it is a pen.

APPOINTMENTS WITH THE BOARD OF SELECTMEN :

2. **Town Engineer: Lake Street Drainage Project Update.** Town Engineer Mark Coviello stated that the Town is committed to repairing the section of sidewalk that Mill Creek claims the Town had agreed to do anyway. Left in question is the top coating of the remaining section of Lake Street to the intersection of LaGrange Street. Mill Creek Project Manager Bill Endicott projected a \$20,000-30,000 additional cost to perform this work. Mr. Coviello disagreed, estimating the projected cost to be between \$5,000-\$8,000. Mill Creek Development Associate Jim Lambert stated that Mill Creek has been asked by the Town to do several extra things (in addition to repairing problems caused by the project) and that their budget has reached its limit. Mr. Hughes thanked Mr. Connolly and Mr. Mabardy for attending the resident meeting when a public Board of Selectman meeting could not be held due to the lack of handicapped accessibility. Mr. Connolly distributed a written summary of the meeting and indicated he had a "wish list" for Mill Creek from residents negatively impacted by the project, suggesting that Mill Creek should honor these requests as a gesture of good will. Mr. Lambert pledged that Mill Creek will work with each individual homeowner regarding repairs that need to be done and that Mill Creek's Jeff Bouchard, Superintendent, will be administering those repairs. Each affected resident will also receive \$3,500 from Mill Creek. Lake Street resident Ann Boas stated that this is inadequate compensation, amounting to \$6 per day of inconvenience, while the Town will generate income through receipt of property taxes and Mill Creek will generate profit from their housing development. Town Resident Pam Hebert expressed concern that the Conservation Commission be on site to ensure compliance with wetland restoration, which Mr. Coviello assured her will happen. Mr. Connolly suggested Lake Street residents choose a neighborhood representative. Mr. Ostroff moved that the Town consider a proposed a two-year property tax abatement for affected residents. Mr. Hughes stated it was outside the agenda for this evening and requested that Ms. White speak to the Town Counsel,

John Flynn, regarding whether 1) the Town can be the proponent to request an abatement on property the Town does not own and 2) whether such would be defensible so that any future discussion would be based on reliable information.

3. **Director of the Department of Public Works: Water & Sewer Consulting Engineering Contract.** DPW Director Jeremy Marsette requested the Water & Sewer Consulting Engineering contract be awarded to Haley & Ward, Inc. Engineering. This consultant was selected during two prior RFPs and has had two three-year terms.

During Mr. Market's presentation, Mr. Connolly left the meeting.

Mr. Hughes asked why there would be no other RFPs and Mr. Marsette explained that the Town has been happy with their services, they are close by, they have a very competitive price structure, and they are involved in a number of active ongoing projects. Mr. Mabardy asked if they were involved in the Lake Street Project and Mr. Marsette responded that they had been asked to provide peer inspection services to ensure the project was being done according to the approved plans and town standards. Mr. Ostroff asked if Haley & Ward had any previous knowledge of problems with the project and was advised by Mr. Marsette that they did not. After Mr. Marsette's explanation and description, on a motion by Mr. Hughes, seconded by Mr. Jennett, the Board unanimously voted to award the contract to Haley & Ward Engineering.

4. **Procurement Officer: Award Contract for Cottage Street Roadway Engineering Services.** Town Procurement Officer Peter Roche encouraged the Board to award the Cottage Street Roadway contract to Green International Engineering in Westford at a cost of \$191,749.13 with this company having done favorable work on Oak Street and Route 9 in the past. Mr. Jennett stated he would like to see all of the bids that were submitted and Mr. Roche agreed. Following Mr. Roche's explanation and description, on a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to award the contract to Green International Engineering.
5. **Public Hearing: Ziti's Application for a Cordials & Liqueurs Permit.** Ziti's manager, Domenic Rando, requested upgrading Ziti's wine and malt license to include cordials and liqueurs. As requested by Mr. Hughes, Mr. Mabardy read the Public Hearing Notice concerning this change. On a motion by Mr. Mabardy, seconded by Mr. Ostroff, to open the public meeting, the Board voted unanimously to do so. Following Mr. Rando's explanation and description, and Mr. Mabardy's endorsement of the establishment, and Mr. Hughes' statement that that the police department has had no problems with this establishment or license, on a motion by Mr. Ostroff, seconded by Mr. Hughes, the Board voted unanimously to close the public hearing. On a

motion by Mr. Ostroff, seconded by Mr. Hughes, the Board voted unanimously to upgrade Ziti's wine and malt license to include cordials and liqueurs.

6. **Interviews for Appointments to the Affordable Housing Trust Fund and the Community Development Advisory Committee.** After short presentations by Ganesh Ramachandran and Erin Nihill, applicants for appointments to the Affordable Housing Trust Fund and Community Development Advisory Committee, the Board voted unanimously on a motion by Mr. Ostroff, seconded by Mr. Mabardy, to appoint Mr. Ramachandran, and again voted unanimously on a motion by Mr. Ostroff, seconded by Mr. Mabardy, to appoint Ms. Nihill, to both committees.
7. **Total Wine & More: Application for a Change in Manager and Request to Use Diversys Learning as a Server Training Program.** Trish Farnsworth, attorney for Total Wine & More, made a two-part request to 1) change LLC management from Mr. William Roche to Mr. Christopher Pinnix (with no change in ownership, just a change in a corporate officer) and 2) make a change in manager on the liquor license from Erika Rode (previously approved by the Board) whose personal situation has changed, necessitating appointment of a new manager, Jennifer Hotop. The store is planned to open on November 18th, 2015. On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to approve the LLC manager change to Mr. Pinnix. Ms. Farnsworth then introduced the new manager, Jennifer Hotop, who summarized her previous experience to the Board, which includes vast retail experience but does not include the sale of alcohol. Mr. Hughes pointed out that the Board takes the licensing of alcohol very seriously because laws regulating it are vastly different from those of other items. Ms. Farnsworth assured Mr. Hughes that Ms. Hotop has been training for some time with Total Wine & More and has the required experience. Attorney Farnsworth indicated that further consultation is needed with the Natick Police Department in reference to Total Wine & More's future use of the Diversys Serving Training Program, which is currently in use at their establishments throughout the country (17 states). For the sake of consistency within their employee training, Total Wine prefers to use one training program, Diversys, for any future hires. However, all of Total Wine's Natick employees are currently being trained and will be certified through ETips (which is a Natick Police Department approved program) by the time the store opens. Mr. Ostroff discouraged public posting of help wanted signs in the downtown area. On a motion by Mr. Ostroff, seconded by Mr. Hughes and Mr. Jennett, the Board voted unanimously to approve the change in management on the liquor license.
8. **Treasurer: Present FY 2015 Year End Treasurer's Cash Report.** Steve Price, Treasurer, provided a summary of the FY 2015 Year End Treasurer's Cash Report. As of June 30, 2015, the Town's balance was **\$82,182,726.66**. The Town's bank accounts are monitored on a weekly basis by the Town **Treasurer**. The Town Treasurer, Stephen Price, reviewed the handout with the Board of Selectmen. The

Treasurer stated that this reporting was required by the Financial Management Principles that require the Town Treasurer to report to the Board of Selectmen the cash and investments as of June 30th each year. The Board asked a few questions relative to individual accounts listed on the **handout**. **Every** Friday, Mr. Price looks at the accounts and invests money so that interest is **maximized**. The Town tries to invest excess funds in multiple banks for safety **reasons**. The Town Treasurer informed the Board that a quarterly report from Veribanc is utilized to monitor the health of all the banking institutions the Town invests funds **with**. No action need be taken - this is just a report.

9. **Natick Center Cultural District: Report on Cultural Assets.** Executive Director of the Natick Center Cultural District, India Young, discussed the new Cultural Asset Catalog, an electronic survey of Natick's cultural assets that will serve as a foundational database of artists, arts educational facilities, and cultural organizations associated with the Town that will be used to connect members of the cultural community, thereby fostering collaboration among and between members. The project was made possible by a \$10,000 grant to the Town of Natick from the State Department of Housing and Community Development through the Downtown Technical Assistance Grant Program. Data collection will be ongoing with quarterly updates, made possible with recent funding by the Adams Art Program for an additional two years. There is a cultural district app available online as well.

DISCUSSION AND DECISION

10. **Proposed RFPs for Solar Carports.** Sustainability Coordinator Jillian Wilson-Martin requested permission for RFPs to explore adding solar energy at town parking lots, explaining that solar electricity is currently saving Natick more than \$100,000 per year and that solar carports/canopies are a new option that would potentiate additional savings. School properties and town parking lots are being considered, with Natick High School the best candidate to begin with. Installation of a solar carport at that location could potentially save the town an additional \$40,000-\$80,000 per year. The developer would build, own, and maintain the carports so there would be no cost to taxpayers, and the Town would simply purchase electricity at a discounted rate from the developer. Mr. Hughes requested that Ms. Wilson-Martin attend the Selectmen's meeting again after new rates are issued in mid-November. On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board voted unanimously in favor of Ms. Wilson-Martin's request.
11. **Appoint a Representative to the MetroWest Regional Collaborative.** Mr. Ostroff's resignation from the MetroWest Regional Collaborative, a 6-7 member Board involved in regional planning issues, will create an opening on the committee that he encouraged a Board member to take up. Mr. Hughes suggested that the Board members take time to consider this, putting it on the November 9, 2015 agenda to be discussed again, at which time Mr. Connolly will be present.

12. **Master Planning Steering Committee Update.** Mr. Ostroff stated that the Planning Board decided not to take any action at their last meeting on October 21, 2015. They intend to reappoint current committee members who want to remain. Mr. Ostroff suggested discharging or sunseting the existing committee upon establishment of the new committee and to take no further action. It is the Planning Board's call as to who is appointed. On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to discharge the Master Planning Steering Committee when the Master Planning Advisory Committee is appointed. Mr. Ostroff requested that a letter be sent to MPSC members to thank them for their service.
13. **Adoption of Financial Management Principles.** Regarding Adoption of Financial Management Principles, Mr. Hughes suggested that this should be placed on the agenda for discussion at the next BOS Meeting on November 9, 2015 when all Board Members are present.
14. **2016 License Fees.** On a motion by Mr. Ostroff, seconded by Mr. Hughes, the Board voted unanimously to maintain all current licensing fees for the year 2016.
15. **2016 Parking Permit Fees.** Ms. White recommended maintaining the current parking permit fees. On a motion by Mr. Hughes, seconded by Mr. Mabardy, the Board voted unanimously to maintain the current business parking permit fee for 2016. On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board voted unanimously to maintain the current senior citizen parking permit fee for 2016. Mr. Ostroff did not participate in discussion regarding commuter permit fees since he purchases a commuter permit fee. On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board (excluding Mr. Ostroff) voted unanimously to maintain current commuter parking permit fees for 2016. The fees are as follow:

Business Permits:		\$325 (290 permits currently in use)
Senior Citizen Permits:	\$2	(seniors park for free downtown; 2-hr limit)
Resident Commuter Permits	:	\$615 (85 resident permits currently in use)
Nonresident Commuter Permits:		\$725 (8 nonresident permits currently in use)

Estimated revenue from permits is about \$58,000. Parking permit fees cover rent and, depending on amount of snow removal needed, maintenance. We currently have a waiting list of 44. Mr. Mabardy stated clarification is needed regarding who should park where. Mr. Hughes suggested inviting Paul McKinley from the Parking RFP Committee to the next BOS meeting to clarify such and requested that he be invited to attend. Mr. Jennett stated that there have been complaints regarding the height of the meters. Ms. White indicated that Chief Hicks from the Police

Department will attend the next BOS meeting on November 9, 2015 to discuss parking meter changes that have been implemented and that that would be a good time to raise the issue about the height of the meters.

16. **Boston Marathon.** Ms. White stated that there are 22 invitational entries (running permits) for the 2016 Boston Marathon that will be used for Natick nonprofits to raise funds and that the Town is looking for proposals from Natick charities. Last year, runners raised approximately \$100,000. Each runner is expected to raise \$4,000. Ms. White prefers to focus on charities close to home. No action is needed on this item.
17. **Renewal of Liquor Licenses for 2016.** Mr. Hughes requested that liquor license renewals be on the next agenda. In the meantime, letters pertaining to renewal of liquor licenses for establishments that failed the Police Department compliance check must be sent indicating that compliance failure will affect their ability to renew their licenses. Other liquor licenses should be issued by the end of November 2015. Mr. Ostroff suggested that with the level of noncompliance, compliance checks should be done more often.
18. **Proposal for December 1, 2015 Town Meeting.** Discussion was held regarding whether a Special Town Meeting should be held on December 1, 2015. One item on the Warrant would be acquisition of Pegan Lane, the purchase of which will fall under the purview of the BOS. The owner has stipulated that if the Town is going to purchase the land, the transaction must be done by December 31, 2015. The request for appropriation will be one million dollars. Ms. White has a meeting scheduled with all of the involved parties on Wednesday, October 28, including town counsel, wherein additional information will be supplied. Two other matters may potentially be ready to be on the Warrant. One is funding of the Cochichuate Aqueduct Project, a 9C Gift of Land from the MWRA to the Town. The proposed appropriation is \$600,000. The other item involves Amaresco, the company we have partnered with for our solar projects and who has installed a solar array along the Mass Pike on land owned by the State in Natick, regarding establishing a structured tax agreement. We would have to advertise notice of the meeting 28 days prior to the meeting with the Warrant closing on Thursday, November 5 for a meeting date of December 1, 2015. Mr. Hughes suggested December 8 for a Special Town Meeting in order to have time to obtain more information about Pegan Lane. Mr. Jennett questioned the benefit of only one additional week's time. Mr. Mabardy questioned the expense of having a Special Town Meeting. Mr. Ostroff, seconded by Mr. Jennett, moved to set a Special Town Meeting date of December 8, 2015. The Board voted three members to one to schedule a Special Town Meeting on December 8, 2015 with Mr. Mabardy casting the negative vote. Ms. White indicated that there would need to be a special meeting of the BOS in order to approve the Warrant for the Special Town Meeting.

19. **Route 9 Oak Street Project Update.** Mr. Ostroff informed the Board that the contractor for the Route 9/Oak Street project was unavailable to attend tonight's meeting. Mr. Ostroff stated that they are addressing the concerns of the neighborhood, no debris is remaining, and there will be a new traffic pattern in a few days. Mr. Hughes would like the contractor to come to the next BOS meeting. Mr. Ostroff stated that the Town does not have the authority to have the contractor at the next meeting because the contractor does not work for us and is accountable to the Mass Department of Transportation. Mr. Ostroff suggesting having MDOT in instead of the contract. Mr. Hughes requested that we ask both parties at the meeting.
20. **Town Administrator Evaluation.** Mr. Jennett stated that he is working on a new evaluation form that will be available at the next BOS meeting. Ms. White indicated that she would like to provide a self-evaluation form to the Board. Mr. Hughes requested that this item be put on the agenda for the next meeting.
21. **Fall Town Meeting Article 21 Home Rule Petition - Utility Poles.** Regarding Fall Town Meeting Article 21 Home Rule Petition - Utility Poles, Consideration of Amended Motion: Mr. Ostroff had a conversation last week with a former employee of the utility company who said that the Town should have mandated access to the utility database and so added that language, but subsequently found that this was out of scope. He advised taking No Action.

Requested Action

22. **Carry the Fallen: Request for Parade Permit 11/14.** On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board voted unanimously to approve the Carry the Fallen Parade Permit for November 14, 2015.
23. **Mark Niedermeyer : Request a Block Party on Morse Street.** The request for a block party on Morse Street was withdrawn. No action was taken.
24. **Town Administrator Notes.** Ms. White indicated that there were no Town Administrator notes.
25. **Selectmen's Concerns.** No concerns were noted by the Selectmen. Mr. Ostroff thanked the Board for attendance at community events this past weekend.

CORRESPONDENCE

Selectmen's Correspondence.

Mr. Hughes mentioned the Veterans' Dinner at the Fire Department on November 11, 2015.

Town Administrator 's Correspondence.

There was no correspondence from the Town Administrator's Office.

On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously to adjourn the meeting at 10:59 p.m.

A handwritten signature in blue ink that reads "Nicholas S. Mabardy". The signature is written in a cursive style and is contained within a thin black rectangular border.

Nicholas S. Mabardy, Clerk

October 26, 2015 Minutes Approved by the Board of Selectmen on November 23, 2015

All documents used at this Board of Selectmen meeting are available at:

<http://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=194&MinutesMeetingID=31&doctype=Agenda>

po'n