

**BOARD OF SELECTMEN
EDWARD H. DLOTT MEETING ROOM - NATICK TOWN HALL
NOVEMBER 9, 2015
5:30 PM**

Chairman Charles M. Hughes called the meeting to order at 5:30 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 and Executive Assistant Trish O'Neil

Mr. Hughes, seconded by Mr. Ostroff, moved to enter into Executive Session to discuss matters pertaining to Executive Session minutes, real property, litigation, non-union personnel negotiations, and collective bargaining, 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 5:35 p.m., the Board entered into Executive Session after announcing that the meeting would return to Open Session at approximately 7:00 p.m. Executive Session adjourned at 7:12 p.m.

Open Session reconvened at 7:14 p.m.

ANNOUNCEMENTS

Chairman Hughes announced that he will not be seeking reelection to the Board of Selectmen in March of 2016. He thanked the citizens of the Town, the other Board Members, and the Town Administration, and gave special thanks to Sue Shea of the Recreation and Parks Commission. Mr. Ostroff commended the Chairman and expressed appreciation for his service. Mr. Connolly thanked the Chairman for his service and wished him the best. Mr. Jennett expressed great respect for Mr. Hughes and appreciation for his great care for the community. Mr. Mabardy expressed admiration of Mr. Hughes' dedication and devotion to the Town of Natick. Mr. Hughes was given a standing ovation by the public present at the meeting.

WHAT'S NEW

"Fill the Cruiser" Event. Ms. White introduced Police Chief Hicks and Greg Tutuny, Executive Director of the Natick Service Council, regarding an event to be held in support of the Natick Food Pantry on November 14 from 10:00 a.m. to 3:00 p.m. in the Roche Bros. parking lot. The "Fill the Cruiser" event was conceived by Lt. Brian Grasse. The hope is that several cruisers will be filled with food items that will then be donated to Natick families over the Thanksgiving Holiday. Mr. Tutuny discussed other upcoming charity events sponsored by the Natick Service Council.

CITIZENS' CONCERNS

None.

APPOINTMENTS WITH THE BOARD OF SELECTMEN

1. **Proclamation for Resident Sophie Orlow.** Mr. Mabardy read a proclamation honoring and congratulating Mrs. Sophie Orlow on her upcoming 101st birthday. Mrs. Orlow's friends and family were present.
2. **Sepal Natick LLC: Application for Common Victualler's License.** Chief Hicks spoke for Lt. Brian Lauzon who does oversight of requests such as this. Lt. Lauzon did not recommend granting this application because there were two issues on the CORI check that could not be shared in the public meeting. Chief Hicks advised that the applicant speak with Lt. Lauzon. On a motion by Mr.

Ostroff, seconded by Mr. Hughes, the Board voted unanimously to table this item until the November 23 BOS meeting.

3. **The Cheesecake Factory: Application for a Change in Manager.** Michael Brangwynne, attorney for The Cheesecake Factory, came before the Board to request a change in managers from Mark Murphy to Corey Dugan after receiving a letter from Senior Executive Assistant Donna Donovan indicating that the establishment had failed the Police Department's compliance check. It was determined at the BOS meeting that Mr. Dugan had been managing the establishment since the previous manager's departure five months prior, thus with a five-month lapse in application compliance. Atty. Brangwynne indicated there had been some mix-up and that this situation was an anomaly. Mr. Jennett, Mr. Connolly, and Mr. Hughes took great issue with what they termed a "weak argument" and the inexcusability of being noncompliant at all. Mr. Hughes indicated how seriously having a license to serve alcohol is taken in Natick and Mr. Connolly felt that, at a minimum, a letter of reprimand or admonishment advising them of the rules and regulations pertaining to an alcohol license should be sent. Mr. Hughes indicated that a disciplinary hearing is necessary for a letter of reprimand. The attorney expressed a desire to avoid disciplinary action since there had been only one incident of this nature but deferred to the Board's decision. On a motion by Mr. Ostroff, seconded by Mr. Connolly, the Board voted unanimously to send a letter of admonishment to The Cheesecake Factory indicating the possibility of a future disciplinary hearing. On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board voted unanimously to approve the change in managers.
4. **Total Wine & Spirits: Application for Change in DBA from Total Wine & More to Total Wine Spirits Beer & More.** Attorney Trish Farnsworth appeared before the Board to request a change in DBA from Total Wine & Spirits to Total Wine Spirits Beer & More. On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board voted unanimously to approve the change. The grand opening/ribbon cutting will be on November 18.
5. **Public Hearing: Fiscal 2016 Tax Classification.** Mr. Mabardy read the legal notice advertising a public hearing to consider the percentage share of FY 2016 taxes to be borne by each class of taxable real and personal property. Jan D'Angelo, Chairman of the Board of Assessors and Director of Assessing, assisted by Carl Marshall, Assistant Assessor, appeared before the Board to share information gleaned from the mandated, every-three-year revaluation for FY 2016, which the Board Members will use as a basis for their vote. Most of the revaluation process is now done in-house (rather than being outsourced as in the past) at a cost savings of approximately \$150,000 to the Town. The minimum residential factor is based on the makeup of the tax base, which factor allows the BOS to shift the tax burden to commercial and industrial taxpayers to a maximum of 150%. This percentage is then used by the Assessors to determine the tax levy paid by each class of property and calculate the tax rate. The maximum allowable levy for FY 2016 is \$99,819,851 and this includes the debt exclusion of \$4,215, 216. In FY 2015, 110 of 351 communities in Massachusetts elected to split the tax rate. Mr. Connolly asked for a summary from Ms. D'Angelo regarding why having a split tax rate is not a good idea. Ms. D'Angelo pointed out that Natick Mall is one of the largest taxpayers and the reason they are here is because the Town of Natick is commercial-friendly. As one of the top 10 taxpayers, Natick Mall contributes to 11% of the Town's total tax levy. Mr. Connolly conjectured that if the Town were to split the tax rate, there is a good possibility that commercial properties such as Natick Mall could potentially look for a new location to do business. Mr. Hughes pointed out that in order to lower the residential tax rate by \$1.00, the commercial tax rate would have to be raised by \$3.00. A bar chart presented by Ms. D'Angelo showed that Natick maintains the fourth lowest tax rate of 18 surrounding communities. Mr. Hughes explained that a split tax rate will not raise any money for the Town but will simply shift the burden among property classes, having a huge impact on smaller business, which may have less ability to pay as opposed to Natick Mall, which could probably pay without a problem. Ms. D'Angelo explained that the Board also has

the option to adopt a residential exemption and a small commercial exemption, which are typically adopted in communities that split the tax rate or have a large percentage of rental or absentee owners. Ms. D'Angelo asked for a vote from the Board to adopt a resident factor of 1.00 (a residential factor of less than 1.00 would result resulting in a single tax rate. Mr. Mabardy stated he was not in favor of a split tax rate. Mr. Hughes explained to the public that Town Meeting in April decides how much revenue will be raised in taxes for the following fiscal year and then the Board votes in November on whether to adopt a single or a split tax rate. Mr. Hughes asked if any of the public wished to be heard and none did. On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board voted unanimously to end the Public Meeting at 8:43 PM. Mr. Jennett, seconded by Mr. Ostroff, moved to set the tax rate at 1, maintaining a single tax rate. The Board unanimously voted to maintain a single tax rate.

Mr. Hughes requested a break at 8:45 p.m. The Public Meeting reconvened at 8:59 p.m.

6. **Police Chief: Safety Committee Recommendations**

- a. Chief Hicks requested erecting MUTCD-approved signalized pedestrian lights on South Main Street at Walcott in the area of the Johnson School. On a motion by Mr. Ostroff, seconded by Mr. Mabardy, the Board voted unanimously in favor of the new lights.
- b. Chief Hicks requested approval of installation of a “Turning Vehicles Yield to Pedestrian” sign on Washington Avenue as it intersects West Central Street. On a motion by Mr. Connolly, seconded by Mr. Ostroff, the Board voted unanimously in favor.
- c. Chief Hicks requested approval for a crosswalk on West Central Street. On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board voted unanimously in favor.
- d. Chief Hicks requested approval of “Curve Ahead” signage at 138 Walnut Street. On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board voted unanimously in favor.
- e. Chief Hicks requested approval for a hard-wired pedestrian crossing sign at Oak and Border Streets. On a motion by Mr. Jennett, seconded by Mr. Ostroff, the Board voted unanimously in favor.

7. **FY 2017 Budget.** Deputy Town Administrator and Finance Director Jeff Towne discussed setting operational goals for which the Administration is looking for input for the FY 2017 Town Administrator’s Budget. He presented a FY 2017 Budget Preparation Manual that provides guidance for department heads in preparing their budgets. The plan is to be conservative on revenue estimations. Level service requests as well as Program improvement requests that would enhance current service levels should be submitted by department heads to the Town Administrator’s Office. Mr. Towne requested responses by the time of the next BOS meeting on November 23. The goal is to have a budget package compiled in December with a budget done before Christmas and printed by its due date of January 4, 2016. Mr. Hughes inquired as to whether last year’s increase in the snow removal budget from \$150,000 to \$500,000 would be maintained in the new budget and Mr. Towne responded that such is yet to be determined. Mr. Mabardy asked what it would take to balance the budget and prevent an override. Mr. Hughes explained that no one has formally requested that the BOS discuss and consider the need for an override for FY 2017. Mr. Hughes requested that the Board Members get back to the Town Administrator with budget items for consideration at the November 23 BOS meeting by Thursday, November 19.

DISCUSSION AND DECISION

8. **Discussion Regarding Tax Abatements for Residents Impacted by Lake Street Drainage Project.** Ms. White stated that it is the recommendation of the Town Administrator, the Deputy Town Administrators, and the Assessor that tax abatements related to this matter are inappropriate and should not be issued. Definitive devaluation of a property would have to be proven in order to receive a tax abatement and that is not the case. Ms. White stated that if the Board of Assessors were to grant an abatement, the Department of Revenue would admonish the Town because such action would be improper. There is also concern about the precedent it would create - what future level of disruption or inconvenience would warrant an abatement? The Town has no authority to grant an abatement. If a resident is able to prove their property value is less than is assessed, that resident could file an appeal with the Board of Assessors. Mr. Ostroff apologized for raising the expectations of Lake Street residents and accepted the recommendation of the administration but felt that if the Town has the latitude to prevail on the developers to compensate the residents, that should be done. Mr. Connolly stated that he felt that we owe these residents something to compensate them but Mr. Hughes explained that the Board has no authority in this area - if a resident wishes to request an abatement, they can go through the proper procedure and the Board of Assessor will make the final decision.

9. **Revisions to Financial Management Principles** . On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously to put this discussion off until the next Board meeting on November 23.
10. **Presentation of Police Department Strategic Plan**. Chief Hicks informed the Board that this plan has been being developed for two-and-a-half years, starting in May of 2013, and presented a semi-final draft. Chief Hicks received input from 24 sworn members of the Police Department, the Town Administrator, and Mr. Hughes. The three priorities are Partnership, Technology and Equipment, and Organizational Development. Regarding partnership, Jemma Lambert was very helpful in getting feedback from the community and this will be ongoing. One of the goals is to improve youth collaboration programs and retail public safety efforts. Regarding technology and equipment, the goal is to obtain focused technology assistant to adhere to federal and state guidelines as well as to upgrade computers. Organization and Development includes establishing a second in command to the Chief. Mr. Hughes suggested the Board get their comments to the Chief prior to the next BOS meeting on November 23.
11. **Natick Center Associates: Request to Bag Parking Meters during Holiday Season**. A request to cancel meter rate collection is always received during the holiday season. Bags would be placed over the meters so that residents would have two hours of free parking. On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously in favor of bagging the parking meters starting on Friday, November 26 through Sunday, January 3.
12. **Authorize Town Administrator to Enter into Contract for Municipal Electric Supply**. Deputy Town Administrator for Operations Bill Chenard indicated that the current electrical supply contract expires in September of 2016 and that the Town is going out to bid tomorrow, with incoming bids including green options. If the bids are acceptable and within the Town's parameters, the request is that the Town Administrator be given authorization to approve and sign a contract for the municipal buildings and the Wilson School. On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously in favor. Mr. Connolly moved that the current electric supply company not be selected since he felt that they have not served the Town well. On a vote to approve Mr. Ostroff's motion as amended by Mr. Connolly, the Board voted 4 to 1 in favor, with Mr. Connolly casting the dissenting vote.
13. **Approve and Sign the 2015 Special Town Meeting Warrant**. On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously to approve the Warrant. Mr. Hughes requested that all Board Members sign the Warrant prior to leaving tonight's meeting.
14. **Approve Compliance Certificate for 55 Village Brook Lane, Unit 55VBL-1**. On a motion by Mr. Jennett, seconded by Mr. Mabardy, the Board voted unanimously in favor.
15. **2016 Board of Selectmen Office Hours**. Mr. Ostroff felt that the Farmer's Market hours were not working out. On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously to approve BOS Office Hours as listed, excluding Farmer's Market hours, which are to be pulled from the schedule. A new set of BOS Office hours will be posted to reflect hours for newly elected Selectmen in the spring.
16. **Appoint a Representative to the MetroWest Regional Collaborative** . Per Mr. Ostroff, any Selectman is welcome. Meetings are typically held the third Thursday of each month. On a motion by Mr. Ostroff, seconded by Mr. Hughes, Mr. Jennett was nominated to fill the slot. The BOS voted unanimously in favor.
17. **2016 Liquor License Renewals** . Mr. Connolly requested Maxwell's come in for a hearing because they were held in abeyance and Mr. Hughes agreed. Mr. Ostroff, seconded by Mr. Hughes, moved to approve all liquor licenses except for those who are not in compliance, including Oga's, PF Chang's, and Maxwell's.

The Board voted unanimously in favor. All will be expected at the November 23 BOS meeting.

18. Review and Discuss Special Town Meeting #1 Warrant Articles 1, 2, 3, 4, 5.

- a. **Article 1 - Pegan Lane:** Ms. White introduced Mr. Richards from the Conservation Commission. The appropriation request is for \$1.4 million and the Town is expecting a reimbursement grant for \$400,000 so the net cost will be \$1 million. Jennifer DuBois from the Trustees of Reservations indicated that the Town would have an answer about receiving the grant prior to closing on the property, which has to be done by December 31. Mr. Richards explained the terms of the acquisition: The Town will be getting an irrevocable conservation restriction that guarantees access to this 16.9 acre parcel on Pegan Hill - the Trustees of Reservations would actually purchase the property from the owner but convey the conservation restriction to the Town. Mr. Mabardy visited the property over the weekend and stated that the high point of Pegan Hill is completely wooded with outstanding vistas and the property below is open space. Ms. White stated that the Town proposes purchasing Parcel 1 at 193 Pegan Lane, which crosses Parcel 2, the access to which is through the Town of Natick. The existing two-car parking lot would be expanded to 12 parking spaces. Mr. Jennett asked if the Trustees of Reservations would manage and maintain Parcel 1 in the future at no expense to the Town, to which he received a positive response from Ms. DuBois. On a motion by Mr. Ostroff, seconded by Mr. Connolly, the Board voted unanimously to support favorable action with appropriate restrictions to ensure compliance with the law and public access to the property.
- b. **Article 2 - Committee Article:** Mr. Hughes, seconded by Mr. Jennett, moved to support hearing the Parking Committee's report and the Board unanimously voted in favor.
- c. **Article 3 - Structured Tax Agreement:** Amaresco, the company retained to handle the Town's solar projects, installed photovoltaic equipment on state-owned land along the Mass Pike within the Town of Natick. That the land is not taxable but the solar installation is, so the Town would typically tax it as personal property. Jim Walker from Amaresco explained that Amaresco's lending entity is requiring a specific tax agreement with the Town because it is their contention that they are not subject to personal property taxes in Massachusetts since they pay an excise tax. Mr. Ostroff, seconded by Mr. Jennett, moved to support favorable action on a flat tax agreement. The Board voted unanimously in favor.
- d. **Article 4 - Cochichuate Aqueduct Trail:** Mr. Richards from ConCom explained that this Article asks for authorization of \$600,000 to develop the Cochichuate Aqueduct Trail, which was acquired in 2010 for development as a trail. Mr. Jennett felt that this item is being "fast-tracked" and suggested tabling the matter at least until the next BOS meeting, and possibly to the spring. Mr. Connolly, seconded by Mr. Ostroff, moved to table this discussion to the next BOS meeting so that some discussion could be held with abutters. The Board voted unanimously to table the discussion to the next BOS meeting.
- e. **Article 5 - Home Rule Petition -- Authorization to Issue One Off-Premises Beer & Wine License (Tom Orlando, et al.):** Tom Orlando, a Natick resident, appeared before the Board to express interest in opening a market downtown in which meat, seafood, dry goods, wine, and beer would be sold. He is currently working on a business plan but has not identified a specific site. After a short presentation by Mr. Orlando, Mr. Ostroff pointed out that the process may be a bit of an uphill climb since Mr. Orlando does not have the experience, equity, or location required for this endeavor, and that there also may be some pushback from other establishments in the area, but he did support further discussion of the matter when Mr. Orlando is better positioned

for such. Mr. Hughes, seconded by Mr. Jennett, moved for referral back to the sponsor who would be welcome to return at a later time. The Board voted unanimously in favor.

19. **Town Administrator Evaluation**. Ms. White indicated she has a self-evaluation form she would like to use and Mr. Jennett requested it be sent to him electronically. Mr. Jennett is working on a new evaluation form. Mr. Ostroff felt that we should use the tools already available since he would like to move the process along so that it is complete by the time he leaves the Board. On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously to table the matter until the next BOS meeting on November 23.

REQUESTED ACTION

20. **Chabad Center - Request for Placement of Menorah on Town Common**. On a motion by Mr. Ostroff, seconded by Mr. Hughes, the Board voted unanimously in favor on the condition that the Chabad Center refrain from parking illegally and receive approval from the Police Department. A letter will be sent outlining same from the Recreation and Parks Department.
21. **Natick Catholic Community - Request for Placement of Crèche on Town Common**. On a motion by Mr. Ostroff, seconded by Mr. Hughes, the Board voted unanimously in favor. There have been no previous problems with illegal parking by this group.
22. **Striver's Running Club - Request to Hold Annual Mother's Day 5K Road Race**. On a motion by Mr. Hughes, seconded by Mr. Jennett, the Board voted unanimously in favor.
23. **Request for Exemption from Town By-Laws Chapter 41, Section 4 - George Jenkins**. On a motion by Mr. Hughes, seconded by Mr. Ostroff, the Board voted unanimously in favor of granting an exemption for Mr. Jenkins in order that he can be hired as the Freshman Girls' Soccer Coach.
24. **Town Administrator Notes** . None.
25. **Selectmen's Concerns**. Mr. Connolly mentioned that some of the ornamental lights on the Town Common are either not in working order or are blinking and that the DPW should be notified. Mr. Connolly noted that Ms. Keene is compiling a spreadsheet containing concerns of Lake Street residents that will be sent to Mill Creek. Mr. Connolly indicated that the DAV was denied access to a meeting room because it was being used for storage and asked Ms. White to check into this. Mr. Hughes mentioned that the Veterans' Dinner will be held on Wednesday, November 11 at the Fire Department and that there will possibly be a parade. Mr. Ostroff thanked the veterans and their families and thanked the firefighters for hosting the event. Mr. Mabarday raised some concerns about Oak Street and Route 9, inquiring as to what will happen with these areas when work stops for the season.

CORRESPONDENCE

Selectmen's Correspondence

Nothing of note.

Town Administrator's Correspondence

None.

On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to adjourn the meeting at 11:34 p.m.



Nicholas S. Mabardy, Clerk

November 9, 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=197&MinutesMeetingID=-1&doctype=Agenda>

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