

BOARD OF SELECTMEN – TOWN OF NATICK

MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM - NATICK TOWN HALL

April 19, 2016

6:00 PM

PRESENT: Chairman J. Richard P. Jennett, Jr., Nicholas S. Mabardy, Jonathan Freedman, Susan G. Salamoff, and John J. Connolly

ALSO PRESENT: Town Administrator Martha L. White and Executive Assistant Trish O'Neil

Chairman Richard Jennett called the meeting to order at 6:04 p.m.

Mr. Jennett, seconded by Mr. Freedman, moved to enter into Executive Session to discuss matters pertaining to Real Property and Deployment of Security Personnel or Devices 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 and the Town's interests. By a roll call vote, Mr. Jennett, Mr. Mabardy, Mr. Freedman, Ms. Salamoff, and Mr. Connolly all voted in favor of the motion. The Board entered into Executive Session at 6:10 p.m. after announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:17 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for our fallen heroes.

ANNOUNCEMENTS :

Ms. White announced that a dog hearing, for which the Board of Selectmen delegated her hearing officer at their last meeting, will be held on Thursday, April 21, 2016 at 4:00 p.m. in the Dlott Meeting Room regarding complaints about a biting dog at 16 Lakewood Drive. The hearing will not be televised.

Mr. Connolly announced that the April 15th DPW Memorial Dedication in honor of former town workers Michael McDaniel and Joseph Webster, who died in the line of duty, was outstanding, heartwarming, and beautifully done. He expressed interest in posting a notice on the Town website regarding more donations to fund the Memorial. Ms. White agreed. Mr. Connolly also thanked everyone who took part in Monday's Boston Marathon.

CITIZEN'S CONCERNS

Resident Candy Houghton introduced herself as a member of the Friends of Shaw Park, which she described as an underutilized park. Ms. Houghton claimed that a fund of \$11,200, held in reserve for beautification of this park, was mentioned in Conservation Committee minutes last summer and that the Friends of the park are interested in having it released as a source of funding to restore the historic nature of the park. Resident Cathy Collins seemed to think the monies were listed as an historic grant in the 2014 annual report. Mr. Jennett asked whose jurisdiction the money falls under and Ms. Collins stated that, according to the Comptroller, it would be the Historic Commission. Ms. White stated she was not aware of this fund and agreed to look further into the matter and getting the money released.

CONSENT AGENDA

Mr. Jennett inquired as to whether anyone wished to pull any item off the Consent Agenda for discussion with no affirmative response. Mr. Freedman asked if it could simply be stated that approval of any consent agenda item be contingent upon inclusion of any and all police recommendations. Mr. Connolly, seconded by Ms. Salamoff,

moved to approve all consent agenda items with the stipulation that all police recommendations be included as a condition of approval. On a roll call vote, the Board voted unanimously to approve all consent agenda items as follow:

- a. Submission of Assistance Letter to MA DOT for Acquisition of Land for the Cochichuate Rail Trail,
- b. Submission of Letter for MA Historic Rehabilitation Tax Credits for 13 West Central Street,
- c. Recreation and Parks Natick Days Banner 8/29-9/11/16,
- d. Road closure for block party on Reynolds Ave 5/30/16, and
- e. Natick Little League Parade Permit 4/30/16.

WHAT'S NEW

Director of Public Health :

1. **30th Annual Household Hazardous Waste Day:** Jim White, the Director of Public Health, spoke regarding the Town's Hazardous Waste Disposal day scheduled for Saturday, April 23rd, the fee for which would be \$5 per car with a cap of 300 cars. The Town of Natick has signed on with 11 other communities for a reciprocal program in which the Town will get recycling dividend program points worth \$3000. In response to Ms. Salamoff's question, Mr. White said that anyone with just a small number of items to dispose of could team up with another resident since the fee is only \$5 per car.
2. **Natick Together for Youth Program:** Mr. White thanked Katie Sugarman for her involvement in this program. The Natick Mall has donated a storefront to the program in which there will be a replica of a typical teenager's bedroom that shows various drug paraphernalia and hiding places for drugs, with the idea that things are "hidden in plain sight." Together with seven other area communities, all program participants have undergone training. The program will start May 9th at the mall but the kickoff/grand opening event will take place on May 10th. Mr. Connolly thanked Mr. White and program participants for their efforts, which, he stated, would "save lives." Mr. White indicated that Natick has taken the lead in sponsoring this program and that Natick Mall has offered the storefront space free of charge.

APPOINTMENTS WITH THE BOARD OF SELECTMEN

1. **Treasurer - Approve the Sale of Bonds/Bans and Sign Associated Loan Documents:** Mr. Connolly, seconded by Ms. Salamoff, moved to sign all pertinent documents. On a roll call vote and with unanimous approval, the Board recessed to sign all documents, which was done in Open Session, and all documents were certified and sealed by the Town Clerk, also in Open Session.
2. **Lookout Hard Cider LLC - Public Hearing to Amend Pouring Permit:** Mr. Freedman, the Clerk, read the Public Hearing Notice aloud. Mr. Mabardy, seconded by Mr. Connolly, moved to open the Public Hearing and the motion was carried unanimously on a roll call vote. Mr. John Burns, Vice President and General Manager at Lookout Farm, accompanied by his attorney, Mr. Thomas Grassia, outlined his desired plan to expand the Farm's serving space from the taproom to include an existing greenhouse and patio space, thereby expanding their seating capacity from 49 to 137, to lengthen their serving hours until 10:00 p.m. as opposed to the current 8:00 p.m., and to obtain an entertainment license in order to hire local talent to perform in the taproom or greenhouse depending on the weather. Mr. Burns and Attorney Grassia stated that Mr. Burns has met with all appropriate Town Departments for approval and the Lookout Farm Advisory Committee and has contacted neighbors by certified letter and via email, as well as held several meetings at the Farm for any interested party to attend. The reasons for these changes include weak cider sales and a serious crop loss. Ms. Salamoff inquired as to the type of entertainment that would be hired and Mr. Burns responded that the entertainers are mostly local talent with a local following and include solo singers, duos, and

small bands. In response to an inquiry as to the anticipated alcohol/food ratio, which is currently set at 35/65, Mr. Burns stated that the Farm has no desire to expand their limited food menu. Ms. Salamoff stated that she thought a decision should be deferred until further investigation can be done for several reasons: to determine the meaning of an entertainment license, how it can be limited, what level of noise would be acceptable to the community, how expansion of the service area would impact this residential neighborhood, what neighbors are actually aware of the planned changes, etc. Mr. Grassier contended that Lookout Farm has been a great neighbor in the community and that an entertainment license would be subject to the Town's nuisance laws and the ability of the Board of Selectmen to act upon any violation. Mr. Mabardy expressed his support for the Farm and recommended approval. The residents of 85 Pleasant Street, Mr. Les Dakin and Ms. Darlene Dearden, expressed their opposition to this expansion, stating that the noise and the concern about patrons drinking and driving would disrupt the enjoyment of their property. Mr. John Cicciarello, another Natick resident, expressed support for the Farm's requested changes. Mr. Connolly agreed with Mr. Cicciarello, but expressed concern about the residents who are against the changes and requested that Mr. Burns reach out to these neighbors. Ms. Salamoff felt that the advice of Town Counsel was necessary. Ms. Salamoff, seconded by Mr. Freedman, moved that the Public Hearing be continued to the May 2nd Board of Selectmen's meeting. By a vote of 4-1, the motion was carried, with Mr. Mabardy voting against continuing the hearing. Mr. Jennett requested that Ms. Salamoff coordinate any further inquiries into the matter. Mr. Freedman requested that the Chair of the Lookout Farm Committee be requested to attend the Public Hearing on May 2nd.

3. **Kirk Boggia, Ares Construction - Public Hearing Regarding Address Change:** Due to an error in the posting date as listed in the public hearing notice in the newspaper, this Public Hearing is to be continued to the May 2nd Board of Selectmen's Meeting.

4. **Interviews for Appointments to Transportation Advisory Committee:** Tim Kelley was unable to attend this evening's meeting but will attend the next meeting on May 2nd, 2016. Mr. Ostroff, a former Selectmen) pointed out that this committee was formed at his suggestion back in September. Ms. Salamoff asked Mr. Ostroff if he would represent the concerns of the senior community to which she received an affirmative response. Mr. Mabardy, seconded by Ms. Salamoff, moved to appoint Mr. Ostroff to the Transportation Advisory Committee with his term ending June 30, 2017. The motion was carried unanimously with a vote of 5-0-0.

5. **Sustainability Coordinator - Solarize Natick/Authorize Award of Contract:** Ms. Wilson-Martin explained that Solarize MA Natick is a volunteer initiative with a core group of 12, led by Natick resident Jay Turner. Natick was selected to participate in this opt-in state program last January, the purpose of which is to help residents learn the benefits of having solar energy and possibly install solar panels at a significant savings. Currently, 300 households are interested in the program. A state requirement of this program was that Natick award a contract to a designated installer of the panels, though Natick residents are not required to use this installer and can use any installer of their choice. Mr. Mabardy and Mr. Connolly expressed concern that, like the Community Choice electricity aggregation program, the Town would be endorsing a particular vendor. Though reassured that this was not the case by Ms. Wilson-Martin, but that awarding the contract according to state guidelines would be necessary in order for Natick to be part of the Mass Saver Program and provide residents with a 25% discount, Mr. Connolly, seconded by Mr. Mabardy, moved to deny the contract because it "favors one company over all others and it is an endorsement." The Board voted 3-2 against the motion to deny the contract. Ms. Salamoff, seconded by Ms. Freedman, voted to award the contract to Boston Solar. On a vote of 3-2, the Board awarded the contract to Boston Solar. Mr. Mabardy and Mr. Connolly were the dissenting votes.

6. **Director of Department of Public Works - Award Contract for Professional Consulting and Engineering Services for Pleasant Street Bridge over Charles River:** Mr. Jeremy Marsette explained that this contract is follow-up to the design for permanent repairs and rehab for the bridge. A request for proposals was issued to obtain the services of a consulting engineer and interviews were conducted with three of the six interested firms. On a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted unanimously to award the contract to the review committee's recommended choice, Greenman-Pederson, in the amount of \$123,510.

7. **Deputy Town Administrator for Finance :**
 - a. **Appointment of Special Counsel for Tax Title Collection and Foreclosure Disposition:** Though complimentary about the work provided by the Town's current counsel, Mr. Towne indicated the prudence of hiring a firm that specializes in municipal tax title recovery and has additional resources, expertise, and staffing that would allow them to offer additional time and services to the Town with the advantage of being paid by the Town for services only when the taxpayer pays the Town, as opposed to the current hourly billing incurred by the Town. One of the attorneys from D'Ambrosio Brown spoke to the firm's accomplishments in recovering millions of dollars for various municipalities and about their expertise in dealing with more sensitive tax issues that arise in the case of the elderly and disabled. Asked if the firm would have an open-ended term, Mr. Towne responded affirmatively. Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted unanimously to appoint D'Ambrosio Brown as Special Counsel for Tax Title Collection and Foreclosure Disposition.

 - b. **Authorize Auctioneer Contract:** For the auction of 17 Oak Hill Road, we wish to procure the services of an auctioneer to have at our disposal for one year, with the options of two one-year contract renewals. The Zekos Group auctions off foreclosed property and the cost of the auctioneer would not be derived from taxpayer dollars, rather it will be paid by the purchaser of the property at 7% of the sales price of the purchased property. In the event the property is not auctioned off, the Town would be responsible to pay the Zekos Group \$1,500. Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted unanimously to award the contract to the Zekos Group.

DISCUSSION AND DECISION

1. **Dion's Package Store - Alleged Alcohol License Violation:** Based on a Natick Police Department investigative report alleging that an employee of Dion's Package Store was involved in a hit and run motor vehicle accident after consuming alcohol at his workplace, the Board of Selectmen, on a motion by Mr. Mabardy, seconded by Ms. Salamoff, voted unanimously to hold a hearing at the next Selectmen's meeting on May 2nd, 2016.

2. **Renewal of Licenses:** On a motion by Mr. Freedman, seconded by Mr. Connolly, the Board voted unanimously to renew all taxi/livery, junk dealer, and billiard licenses slated for renewal on May 1, 2016.

3. **Review Board of Selectmen Committee Assignments:** This item has been continued to the next Selectmen's meeting on May 2nd, 2016.

4. **Discussion of 2016 Spring Annual Town Meeting Warrant Articles 8, 23, 29, and 36:**
 - a. **Article 8:** Ms. White pointed out that the Board has already voted on this Article but that after his discussion with the FinCom Chair, Paul Griesmer, Mr.

Jennett decided to put it back on the Board of Selectmen's agenda. Ms. White stated that FinCom has not yet voted on the farm budget but they have held three public hearings about it, with a fourth scheduled on April 26th. If the farm budget is not approved, three employees will have to be laid off as of July 1, 2016. Mr. Jennett stated he wanted to clarify the reimbursement policy related to these three employees' compensation. Ms. White pointed out that this was not on the agenda - that just the budget was on the agenda. She asked for a sidebar with the Chair, Town Counsel, and the Deputy Town Administrator for Finance because she did not feel comfortable discussing an item not on the agenda. Mr. Connolly stated that it was his opinion that the positions be funded with the goal of clarifying the funding source carried out later so as to avoid layoffs. Mr. Freedman expressed concern that if the funding source was to be discussed rather than the budget allocation, then the item had not been properly noticed and he did not feel comfortable discussing it. Mr. Freedman requested several times that the Board move on from this discussion and Ms. White expressed her discomfort with the discussion as well. Mr. John Ciccariello addressed the Board, stating his emphatic support for the farm but indicating that the Town Administrator and the Board of Selectmen were aware of these problematic issues in January. The Town Administrator countered that, though requested by her several times, no documentation in support of the concerns raised was provided to her until March 8th. Mr. Connolly took issue with Mr. Ciccariello's contention that the Board knew of these issues and also disagreed with what he described as heavy-handed comments made by the FinCom Chair with regard to the previous meeting's discussion. Mr. Connolly, seconded by Mr. Freedman, moved to discuss reimbursement policy decisions related to the farm at another meeting.

- b. **Article 23:** No written report is provided, only language to allow the hearing of a Conservation Commission Report. On a motion by Ms. Salamoff, seconded by Mr. Connolly, the Board voted unanimously in favor of this Article.
- c. **Article 29:** Per Mr. Jennett, this letter of intent to sell the property at 22 Pleasant Street, signed by the property owner, James Knott, Sr., was received Friday morning, April 15th, the day after the agenda was posted. Mr. Jennett conferred with Town Counsel, John Flynn, on Tuesday morning (the day of this Selectmen's meeting) regarding whether this item could be placed on Open Session. Mr. Flynn determined that Open Meeting Law does allow the Board to discuss matters that are not posted 48 hours in advance and so the item was placed on Open Session. Mr. Jennett explained that he has been the lead for the community in discussion with the Knott family concerning the purchase of 22 Pleasant Street and that an agreement has finally been reached. The purchase price is 3.2 million. The assessed value is 2.8 million. This is not a Purchase & Sale Agreement, but a Letter of Intent. There are potential contamination issues and it is clear that the property has to be cleaned. The final purchase would require a two-thirds vote at Town Meeting. There will be a FinCom hearing on April 27th regarding this matter. There is currently no Town Meeting date set for this item. Mr. Jennett requested that the Board publically support the Letter of Intent and purchase of the property. Moved by Ms. Salamoff, seconded by Mr. Freedman, the Board voted unanimously to support the Letter of Intent and purchase of the property.
- d. **Article 36:** On a motion by Mr. Freedman, seconded by Ms. Salamoff, the Board voted unanimously to support this Article.

5. Proposed Amendment to MOA Regarding Facilities Management Department :
 This item has been continued to the next Selectmen's meeting on May 2nd, 2016.

REQUESTED ACTION : None.

TOWN ADMINISTRATOR NOTES : None.

SELECTMEN'S CONCERNS

Mr. Connolly expressed concern because he still has not received the School Department's nonunion personnel pay raises for 2013, 2014, and 2015 despite multiple requests. Mr. Jennett offered to reach out to Superintendent Sanchioni. Mr. Connolly also requested that the Chair ask the Town Administrator to ask the Community Development Director to return his call.

Ms. Salamoff reiterated her comments from the last meeting concerning the possibility of a retreat to establish goals and objectives with particular interest in studying revenue possibilities and making a vision for affordable housing for seniors.

Mr. Freedman would like to have a better notification process relating to the addition of information to the agenda. He also expressed the need for the Selectmen to keep their comments focused on the agenda with more focused discussions and shorter meetings. Regarding the Supporting our Addict Recovery Program (SOAR), Mr. Freedman expressed a wish for the Board to take the role as leaders in the community to understand better what programs and support the community is providing and to see if there is something that can be done better.

Mr. Mabardy again questioned the possibility of obtaining the list of recommendations made by FinCom to the Financial Planning Committee. Mr. Freedman will follow up on this.

Mr. Jennett pointed out that the Selectmen's Office Hours are provided in Correspondence.

On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board unanimously voted on a roll call vote to adjourn the Board of Selectmen's Meeting at 11:47 p.m.



Jonathan Freedman, Clerk

April 19, 2016 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on May 16, 2016

po'n

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

<http://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=263&MinutesMeetingID=-1&doctype=Agenda>