

BOARD OF SELECTMEN – TOWN OF NATICK

MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM - NATICK TOWN HALL

May 2, 2016

6:00 PM

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

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

ABSENT: Jonathan Freedman

Chairman Richard Jennett called the meeting to order at 6:03 p.m.

Mr. Jennett requested a motion and Mr. Connolly, seconded by Mr. Mabardy, moved to enter into Executive Session to discuss matters pertaining to Real Property and Non-Union Personnel Negotiations 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, Ms. Salamoff, and Mr. Connolly all voted in favor of the motion. The Board entered into Executive Session at 6:05 p.m. after announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:05 p.m. The Pledge of Allegiance was recited and a moment of silence was observed in honor of those protecting our country.

ANNOUNCEMENTS :

Ms. White announced that on May 4th, Massachusetts Department of Transportation Administrator Thomas Tinlin, along with area officials, would recognize the commencement of the Marion Street Bridge construction project at 10:00 a.m. at the corner of Marion Street and North Avenue. Ms. White also announced a meeting of the MetroWest Regional Collaborative at the Ashland Public Library and expressed hope that one of the Board Members could attend. Ms. Salamoff stated that she would try to attend the meeting.

WHAT'S NEW

Ms. White introduced Athena Pandolf, the new Executive Director of the Natick Center Cultural District, who talked about "Natick Nights," set to run from May through September on Thursday evenings, a new event that will showcase entertainment and artistry that is unique to Natick Center, in an effort to boost business in the downtown area.

CITIZEN'S CONCERNS

1. Connie Boehman, 160 Union Street, brought to the attention of the Board a massive decayed and dangerous tree in a vacant lot at 152 Union Street, adjacent to her property. Consultation with three tree removal services resulted in the recommendation that it needs to be taken down. The owner of the property, Frances Southwick, told Ms. Boehman she could take the tree down at her own (Ms. Boehman's) expense but Ms. Boehman felt the financial

responsibility for this was Ms. Southwick's. Ms. Boehman referenced Article 75 of the Natick By-laws, "Remedy of Public Nuisance," Section 2d, "Dead, decayed, diseased or hazardous trees, debris or trash" and asked what her next steps should be. Mr. Jennett stated the Board would follow up on this and Mr. Connolly obtained her contact information.

2. Cathy Coughlin, Precinct 6, announced that the next meeting of the Natick Citizens' Forum (formed to foster citizen education and involvement) will be on Wednesday, May 25th in the Diott Meeting Room. The topic will be "municipal finance and what it means to the citizens of Natick" and the Deputy Town Manager for Arlington will do the presentation. Mr. Jennett questioned why a person from Arlington, as opposed to Natick staff, was asked to do this presentation. Ms. Coughlin stated, "Given my reputation and things in Town, I thought it would be best to find someone else." She stated, however, that she would love to have the Town of Natick involved as well. Ms. Coughlin provided an email address for those interested in further information:
natickcitizensforum@gmail.com.

CONSENT AGENDA

Mr. Jennett requested to pull items c. (resignation of a Cochichuate Rail Trail Advisory Committee member) and d. (approval of April 19, 2016 Board of Selectmen meeting minutes) off the consent agenda.

Mr. Jennett requested a motion and Ms. Salamoff, seconded by Mr. Connolly, moved to accept the resignation of Mr. John Magee from the Advisory Committee with a thank you letter sent in appreciation of his service. The motion was carried unanimously (4-0-0). Mr. Jennett requested that the committee vacancy be posted.

Mr. Jennett asked that review of the April 19, 2016 meeting minutes be postponed to the next Board of Selectmen's meeting.

Mr. Connolly, seconded by Ms. Salamoff, moved to approve the remaining consent agenda items. On a roll call vote, the Board voted unanimously to approve the following

- a. Approve road closure for block party on Beaver Dam Road 11 AM -6 PM on 5/14/16 (Rain Date: 5/15 or 6/5)
- b. Approve road closure for Bacon Free Library Father's Day Concert on Mill Street 5:30 PM-8:30 PM on 6/19/16 (Raid Date: 6/22)

APPOINTMENTS WITH THE BOARD OF SELECTMEN

1. **Recognition of Eagle Scouts**: Ms. Salamoff read proclamations in honor of Eagle Scouts Vincent Roberts and Spencer Pittman, who thanked the Board of Selectmen for their recognition.
2. **Deb Sayre on Behalf of Zoll Brothers - Approve Application for Section 15F Wine License to Sell Wine at Farmer's Market**: Ms. Sayre, the Farmer's Market manager for the past 20 years, presented on behalf of the Zoll Brothers, a vendor at the market for several years. Mr. Mabardy, seconded by Mr. Connolly, moved to approve the request of the Zoll Brothers to sell wine at the Farmer's Market and the motion was carried unanimously with a vote of 4-0-0. Ms. Sayre asked if Craft Beer could be considered for the market and was instructed by the Board to speak with Town Counsel Dave DeLuca.
3. **Deputy Town Administrator/Operations - Authorize Chair to Sign Letter to Department of Environmental Protection Regarding General Chemical**

Industrial Products: Bill Chenard requested that the Board vote to support a letter requesting that the Department of Environmental Protection (DEP) include Natick in notifications from General Chemical regarding environmental cleanup in Framingham, which Natick has not been included in up to the present time. Testing is stopped at the Natick/Sherborn border. Contamination was found in Sherborn and at the General Chemical site in Natick and this is why Natick should be included in the notification process. The letter will also request that the public comment period be extended for an additional two weeks in an effort to garner more information. The letter will be signed by the BOS Chair, the Director of Public Health, The Board of Health Chair, and the Conservation Commission Chair. Moved by Ms. Salamoff and seconded by Mr. Connolly, the motion to support a letter written to the DEP and General Chemical, was unanimously approved on a vote of 4-0-0.

4. **Public Hearing - Kirk Boggia, Ares Construction - Regarding Address Change:** Mr. Connolly, seconded by Ms. Salamoff, moved to open the public hearing, which was unanimously approved by the Board of a vote of 4-0-0. Mr. Boggia stated that this address change has been requested by the neighbors over the years because the house faces Spring Valley Road and mail delivery often gets confusing. The new owner of this corner lot has now requested this change. Hearing no objections from the public upon inquiry, Mr. Jennett requested a motion to close the public hearing. Moved by Mr. Connolly and seconded by Ms. Salamoff, the motion was carried unanimously by a vote of 4-0-0. On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board voted unanimously (4-0-0) to approve the change of address from 22 Wedgewood Road to 20 Spring Valley Road.
5. **Interviews for Reappointment to the Zoning Board of Appeals:** After interviewing the three candidates for reappointment, Mr. Connolly, seconded by Ms. Salamoff, moved to reappoint Rob Steckbeck, David Jackowitz, and Scott Landgren to the Zoning Board of Appeals. The motion was carried unanimously with a vote of 4-0-0. The Zoning Board of Appeals meets Monday evenings in the School Committee Meeting Room at 7:00 p.m.
6. **Interviews for Appointments to the Transportation Advisory Committee:** After interviewing the candidate, on a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted unanimously on a vote of 4-0-0 to appoint Joe Weisse to the Committee. The second applicant for the evening, Tim Kelley, was not present for an interview.
7. **Application for a Common Victualler's License - Shanghai Tokyo:** Attorney Christopher Coleman, speaking on behalf of Shanghai Tokyo, requested that the vote for the common victualler's license be taken in concert with the vote for the transfer of Shanghai Tokyo's wine and malt license. Mr. Jennett agreed and explained that the planned public hearing would have to be opened first.
8. **Public Hearing - Shanghai Tokyo - Transfer of Wine & Malt Beverages License from A.T. Pan Corp to Pandanus, Inc. and Transfer of Manager:** Mr. Jennett read the public hearing notice and opening of the public hearing on a motion by Mr. Connolly, seconded by Ms. Salamoff, was approved unanimously on a vote of 4-0-0. Attorney Coleman explained that just about everything will remain unchanged, including the floor plan, the hours of operation, the staff, etc., with the exception that a new manager will be hired. Liuqing Pan has been in the restaurant business since 2006, is a U.S. citizen, and is TIPS trained. Pending submission of minor outstanding items on the license checklist, the Board was

asked to approve the requested changes. On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board voted unanimously to close the public hearing. Ms. Salamoff, seconded by Mr. Connolly, moved approval to award a common victualler's license to Shanghai Tokyo and the motion was approved unanimously with a vote of 4-0-0 by the Board. Ms. Salamoff, seconded by Mr. Connolly, moved approval to transfer the license from A.T. Pan Corp to Pandanus, Inc. and the Board voted unanimously to approve the transfer. Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted unanimously to approve the appointment of Liuqing Pan as the new manager.

9. Dion's Package Store - Hearing Regarding Alleged Alcohol License Violation :

Attorney David DeLuca was present representing the Town, as was Lt. Brian Lauzon, who provided testimony. It was noted that a certified letter had been sent to Dion's noticing tonight's hearing before the Selectmen but no representative of Dion's was present. Lt. Lauzon read his investigative report, which stated that an employee of Dion's, after drinking on the job and leaving the store, was involved in a hit and run car accident. The employee was arrested and charged with operating under the influence. Lt. Lauzon reported that it was the store owner's contention that the employee had stolen the alcohol he consumed. The clerk who was arrested was fired from Dion's but the manager on duty the night of the incident is reportedly still employed at the liquor store. It was Lt. Lauzon's belief that the night manager did not adhere to his TIPS training by recognizing an intoxicated person and, in any case, had informed Lt. Lauzon that he had not taken a TIPS certification class in four years and was unable to provide any certification on the evening of the incident. Mr. Connolly and Mr. Mabardy felt that Mr. Joseph Dion, the owner of the store, showed blatant disrespect to the Board by being nonresponsive and absent from the hearing and agreed that shutting the store down immediately with a suspension of their license would be an appropriate course of action. Mr. Jennett suggested a one-day suspension and asked Attorney DeLuca if there was an appellate process for suspensions. Attorney DeLuca stated that Dion's would have five days to appeal the suspension with the Alcoholic Beverages Control Commission (ABCC). If Dion's did appeal and the suspension was scheduled for the next couple of weeks, Dion's could then request a stay of the suspension from the Board, and that decision would be at the discretion of the Board. Mr. Jennett, seconded by Mr. Connolly, moved to approve a one-day suspension on Tuesday (because the violation occurred on a Tuesday), May 10th, with delivery in-hand by Lt. Lauzon scheduled for the day following this meeting, May 3rd. The motion was carried unanimously on a vote of 4-0-0. Mr. Connolly, seconded by Ms. Salamoff, moved to continue the hearing to the May 16th Selectmen's meeting and to have a letter sent to Dion's requesting their presence at that meeting. Again, the motion was carried unanimously on a vote of 4-0-0.

10. Public Hearing - Lookout Hard Cider LLC - Amend Pouring Permit and Application for Entertainment License:

Present for the public hearing were Thomas Grassia, General Counsel for Lookout Farm; John Burns, Manager of Lookout Farm; three representatives of the Lookout Farm Advisory Committee, including its Chair, Ken Soderholm; and many neighbors both against and in support of Lookout Farm's requested changes. Mr. Soderholm indicated that in February of 2016, the Advisory Committee voted in favor of the suggested changes and though there was no updated, voted recommendation from the Committee, the Committee was still in support of the changes at the Farm. Mr. Grassia stated that the Farm has listened to the opinions of its neighbors and thus amended its proposals. Every member of the audience who wished to speak (at least 15), either in favor of or against, the proposed changes at the

Farm was allowed to go to the podium and express their concerns and/or support. Mr. Jennett argued that at least an entertainment license be issued at this meeting to bring the Farm into compliance since they have had entertainment for a while now, not realizing a license for same was required. Ms. Salamoff thought the Board should adjourn, as suggested earlier by Mr. Grassia if a favorable decision could not be reached, and that the matter should be taken under advisement to get more input from the neighborhood and to get input from Mr. Freedman, who was not available for this meeting. Mr. Connolly agreed but was willing to vote on an entertainment license to bring the Farm into compliance and Mr. Jennett concurred. Ms. Salamoff, seconded by Mr. Connolly, moved to issue an entertainment license limited to the use of a television. Mr. Mabardy, seconded by Mr. Jennett, moved to issue an entertainment license based on the amended proposals (to be outlined below) discussed earlier in the meeting by the Board. Jay Mofensen, the son-in-law of the Belkins (the owners of the Farm), stepped to the podium and indicated that he is in the process of taking charge of running the Farm. He informed the Board that failure to have an entertainment license approved tonight would result in the Farm losing thousands of dollars this weekend, when they will have to cancel their scheduled entertainment, this following the loss of their entire peach crop and 40 percent of their apple crop. Mr. Mofensen stated that he is not in a financial position to support the Farm as the Belkins have done, and that if things could not be worked out with the Town to help the Farm sustain itself, he would have no other choice but to develop the property. He told the Board Members that he wishes to maintain the agribusiness but that the Farm needs help. He requested that the Board approve a license that would at least allow the Farm to have their scheduled live entertainment this weekend. He promised to be on site and offered to provide his cell phone number in the case of any problems. Mr. Connolly stated that he would support the Farm. On a motion by Mr. Mabardy, seconded by Mr. Connolly, the Board voted unanimously to issue an entertainment license based on the amended proposal discussed earlier in the meeting: television, piped-in music, live entertainment, and radio from noon to 8:00 p.m. in the taproom only, with no entertainment of any kind either in the greenhouse or on the patio. The motion was approved unanimously by a vote of 4-0-0. Mr. Jennett suggested continuing the public hearing regarding the pouring permit to the May 16th BoS meeting. Moved by Mr. Connolly and seconded by Ms. Salamoff, the motion was carried unanimously.

11. Comptroller - Fiscal Year 2016 Quarter 3 Financial Report: Ms. Ginny Cahill presented reports to the Board that reflected an overview of the financial operations of the major funds for fiscal year 2017 as of March 31, 2016. These detailed reports are available on the public agenda for this evening's meeting.

12. Director of Public Works :

- a. On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board voted unanimously to award the re-roofing contract at the DPW administration building to Capeway Roofing Systems in the amount of \$91,900.
- b. On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board voted unanimously in favor of awarding the contract for replacement of the drinking water well at the Springvale Water Treatment Plant to Maher Services, Inc. in the amount of \$123,605.
- c. Roadway improvements are planned for 14 roads, funded with Chapter 90 monies from the State with the Town supplementing. Mr. Connolly inquired as to the timeframe for Lake and LaGrange Streets and Mr. Marsette stated that they will be the first streets to be addressed. On a motion by Mr. Connolly, seconded by Ms. Salamoff, the Board unanimously approved award

- for roadway improvements contracts at various locations to D&R General Contracting, Inc. in the amount of \$1,899,777.75.
- d. Mr. Marsette introduced Art Goodhind, who asked that the Board accept the provided proclamation and declare May 6th as Arbor Day. Moved by Mr. Mabardy and seconded by Mr. Connolly, the Board voted unanimously in favor of accepting the proclamation and declaring May 6th, 2016 as Arbor Day.
 - e. Mr. Goodhind announced that the Town of Natick has been awarded a grant from the Department of Conservation and Recreation in the amount of \$15,000 that may be used for tree planting. These funds will help supplement local funding.
 - f. Mr. Goodhind announced that for the third consecutive year, the Town of Natick has been recognized by the Arbor Day Foundation as a 2015 Tree City USA. Ms. White pointed out that the Town has been involved with the Arbor Day Foundation for nine years.

DISCUSSION AND DECISION

1. **Approve Proposed Amendment to Memorandum of Understanding Regarding Facilities Management Department**: This item was postponed to the May 16th, 2016 BoS meeting.
2. **Designate Board of Selectmen Committee Assignments**: This item was postponed to the May 16th, 2016 BoS meeting.
3. **Approve Eversource Grant of Locations for Two Pole Relocations**: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted unanimously to approve a grant of location on Superior Drive with conditions as stated in the memo from John DiGiacomo, Assistant Town Engineer. Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted unanimously to approve a grant of location on North Main Street with conditions as stated in the above-mentioned memo from the Assistant Town Engineer.
4. **Adopt Consent Agenda Policy**: This item was postponed to the May 16th, 2016 BoS meeting.
5. **Approve Naming Rights Agreement - Framingham, Natick, and Friends of Natick Trails**: Joshua Ostroff, Chair of the Cochichuate Rail Trail Advisory Committee, provided an agreement via Mr. Jennett, reviewed and approved by Town Counsel, and has asked for approval of the agreement by the Board. On a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted unanimously to approve the naming rights agreement.

REQUESTED ACTION :

None.

TOWN ADMINISTRATOR NOTES

None.

SELECTMEN'S CONCERNS

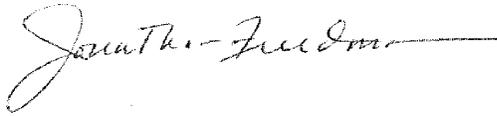
None.

CORRESPONDENCE

Selectmen's Correspondence : Not discussed.

Town Administrator's Correspondence : Not discussed.

On a motion by Mr. Connolly, seconded by Ms. Salamoff, on a roll call vote, the Board voted unanimously to adjourn the Board of Selectmen's Meeting at 12:09 a.m.



Jonathan Freedman, Clerk

May 2, 2016 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on May 16, 2016

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

<http://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=265&MinutesMeetingID=-1&doctype=Agenda>