

# BOARD OF SELECTMEN – TOWN OF NATICK

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## **MEETING MINUTES**

**EDWARD H. DLOTT MEETING ROOM - NATICK TOWN HALL**

**February 1, 2016**

**5:30 PM**

**PRESENT:** Chairman Charles M. Hughes, Vice Chair J. Richard P. Jennett, Jr., Clerk Nicholas S. Mabardy, Member Josh Ostroff, and Member John J. Connolly

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

Chairman Charles Hughes called the meeting to order at 5:30 p.m. and requested a motion to enter into Executive Session.

Mr. Jennett, seconded by Mr. Ostroff, moved to enter into Executive Session to discuss matters pertaining to Real Property, Litigation, 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 and the Town's interests. By a roll call vote, Mr. Hughes, Mr. Jennett, Mr. Mabardy, Mr. Ostroff, and Mr. Connolly all voted in favor of the motion. The Board entered into Executive Session at 5:50 p.m. after announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:00 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for our fallen heroes.

### **ANNOUNCEMENTS :**

Ms. White announced that Hank Phillippi Ryan, a Channel 7 investigative reporter and award-winning author, will be giving a presentation at the Bacon Library tomorrow evening.

Ms. Ostroff announced that there will be a public meeting Wednesday, February 3<sup>rd</sup>, at Walnut Hill School to discuss proposed MBTA schedule changes that are to take effect on May 23<sup>rd</sup>. All are invited to attend.

Mr. Connolly stated that he found a hypodermic syringe in the Honey Farms parking lot on Route 27. He notified the police.

### **CITIZEN'S CONCERNS**

Cheryl Freier of 22 Pumpkin Pine Road appealed to the Board of Selectmen for help in replacing a fence separating her property from the MBTA rail line. She stated that other neighbors have gone to considerable expense to put up fences to prevent people and

animals from crossing through their properties and onto the railroad tracks. Mr. Ostroff offered inquire of the MBTA Railroad Operations Office as to whether they might be willing to construct a fence.

## **WHAT'S NEW**

The Sustainability Coordinator was to give her year-end report this evening but was unable to attend the meeting. Her presentation will be rescheduled to a future meeting.

## **APPOINTMENTS WITH THE BOARD OF SELECTMEN**

1. **Superintendent of Schools - MSBA Application for Kennedy Middle School Feasibility Study - Update**: Mr. Peter Sanchioni stated that the Kennedy Middle School project was finally accepted into the Massachusetts School Building Authority (MSBA) grant program, with this building considered one of the most failing and needy among the 36 schools accepted. There are no science labs in the building, the classrooms are too small, and the technology infrastructure is failing, so it is a very worthy project. Construction could potentially begin in November of 2018. Mr. Ostroff put forth the following nonbinding resolution for replacement of the Kennedy School for consideration by a future Board:

“The Board of Selectmen supports a fiscally and educationally responsible plan to replace Kennedy Middle School and should provide the voters of Natick the opportunity to vote on a debt exclusion ballot question to ensure the highest possible state reimbursement.”

Moved by Mr. Ostroff and seconded by Mr. Jennett, the Board voted unanimously in favor of the resolution.

2. **Interview for Appointment to the MathWorks Scholarship Committee**: Ismar Volic, a math professor at Wellesley College with a Ph.D. from Brown, was not available to attend the January 4<sup>th</sup> meeting, when three other candidates were interviewed for this committee, and came tonight instead. He stated that he would like to become more involved in the community. After considering additional background information provided by Mr. Volic, the Board Members voted by ballot to appoint Ismar Volic for a one-year term and Brian Fay and Greg Cohen to two-year terms. Elyse Barrett was not considered because she is not a Natick resident.
3. **Procurement Officer - Springvale H&T Filter Plant Piping Contract Award**: On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to award the contract to the low bidder, Bouchard Painting, Inc., in the amount of \$141,000.
4. **Director of Community Services - MOU with the Friends of the Natick Senior Center Regarding Lincoln Café**: Jemma Lambert provided a Memorandum of Understanding that lays out the terms under which the Lincoln Café has been operating with the remainder of the MOU containing standard language that would apply to any contract. Ms. Lambert felt that it was important to craft an MOU because the Friends of the Senior Center are not a Town entity and are using the

space free of charge. Ms. White commended Ms. Lambert's due diligence in recognizing that an agreement was needed. On a motion by Mr. Connolly, seconded by Mr. Jennett, the Board voted unanimously to approve the Memorandum of Understanding between the Town of Natick and the Friends of the Natick Senior Center.

5. **Robert Paul - Auto Wholesalers Class II License Application** : Mr. Paul explained that he has been an investor in this business located at 135 West Central since 1987. The owner of the business, Robert Testa, passed away in 2014 and the license was maintained during the period the estate was being settled. Mr. Testa's family has endorsed the transfer of the business to Mr. Paul with the use of the business name. Mr. Paul has secured a \$25,000 bond and provided all of the required documentation. Lt. Lauzon of the Police Department has expressed support. On a motion by Mr. Connolly, seconded by Mr. Jennett, the Board voted unanimously to approve the transfer of this Class II license to Mr. Paul.
6. **Executive Director, Natick Service Council - Pay as You Throw Program Update** : Patty Shaffer, the Food Pantry and Volunteer Director for the Natick Service Council, presented to give an update on the Pay as You Throw Program established two years ago in which the Town donates trash bags to the Natick Service Council to distribute to residents in need. Ms. Shaffer stated that the program has been wonderfully successful and thanked the Board for allowing the most vulnerable in our community access to bags without affecting their disposable income. Mr. Ostroff also thanked the Board and Mr. Chenard, the Deputy Town Administrator for Operations, for helping to organize this program at its inception. The estimated number of bags needed for this year is approximately 2750 small and 1500 large bags. Moved by Mr. Connolly and seconded by Mr. Ostroff, the Board voted to unanimously to donate the requested amount of bags.
7. **Chief of Police - Safety Committee Recommendations** :
  - a. **Request to Install a Street Light on Westview Road**: Chief Hicks stated that the Safety Committee voted to recommend to the Board the installation of a street light on this road at the Town's expense. Mr. Ostroff stated that residents of Newfield Drive (a Town-accepted road), who also requested street lighting, may question their denial should Westview Road's request be approved. Mr. Hughes stated that Westview Road residents were requesting one street lamp, where Newfield Drive residents were requesting 50. After consultation with Mr. Chenard, Westview Road was determined to be an unaccepted road. Mr. Hughes requested to table this item to the next Selectmen's meeting.
  - b. **Request for an Address Change**: The Safety Committee voted to recommend the Board hold a public hearing regarding a request from Court Street Associates, LLC to change their 6 Adams Street address to 8 Court Street, which is actually the entrance to the building. Mr. Hughes stated that no motion would be needed to hold a public hearing and instructed that one be scheduled at the Selectmen's Meeting in four weeks.
  - c. **Request to Reestablish Audible Tones at Pedestrian Crossings**: Chief Hicks stated that the audible tones at Wolcott Square, Hayes Street, and Lincoln Square were disabled some time ago when residents petitioned

because of their loudness. Both Mr. Hughes and Mr. Connolly offered their support for safety reasons but requested more information about whether they were simply disabled or needed to be replaced and, if the latter, the associated cost. On a motion by Mr. Ostroff, seconded by Mr. Connolly, the Board voted unanimously in favor of the Safety Committee's recommendation but with an inquiry as to the cost if replacement rather than simple reactivation was needed.

- d. **Request for an Address Change:** The Safety Committee voted to recommend the Board hold a public hearing regarding a request by Oxbow Development to assign new addresses for two new units at 35 Pearl Street as 7 and 9 Floral Avenue. Mr. Hughes instructed that a public hearing be scheduled at the Selectmen's Meeting in four weeks.
- e. **Request to Accept Naming of Walking Paths:** The Chief explained that no vote is required by the Board but that the Safety Committee voted to support the idea and theory behind naming of walking paths from a safety perspective in terms of being able to provide an immediate response in the case of an emergency. Mr. Jennett pointed out that some property owners will take issue with naming of paths on their property.

## **DISCUSSION AND DECISION**

- 8. **Review of Fiscal Year 2017 Budgets:** The Deputy Town Administrator for Finance, Jeff Towne, provided a presentation on the following Fiscal Year 2017 Budgets.
  - a. **Public Safety:** According to Mr. Towne, all of the following appropriations were voted favorably by the Finance Committee. Moved by Mr. Jennett and seconded by Mr. Ostroff, in four separate motions, the Board voted unanimously to support the FY 2017 Emergency Management budget appropriation of \$35,600, the Parking Enforcement budget appropriation of \$135,399, the Police Department budget appropriation of \$6,591,376, and the Fire Department budget appropriation of \$8,123,191.
  - b. **Board of Selectmen:** Mr. Towne stated that the Finance Committee had not taken action on this budget as yet. On a motion by Mr. Ostroff, seconded by Mr. Jennett, the Board voted unanimously to support the FY 2017 Board of Selectmen budget appropriation of \$2, 206,183.
- 9. **Sign Warrants for Presidential Primary and Annual Town Elections :** Moved by Mr. Ostroff and seconded by Mr. Jennett, the Board voted unanimously to sign the 2016 Presidential Primary Warrant. Moved by Mr. Hughes and seconded by Mr. Ostroff, the Board voted unanimously to sign the 2016 Town Election Warrant.
- 10. **Request to Amend Selectmen's Hanging Banner Policy:** Since banners will now be handled by the Land Facilities and Natural Resources Division of the Department of Public Works as opposed to the Fire Department, the banner policy required updating to reflect that information. Mr. Jennett wondered if approval of banners should become an administrative function not requiring a vote of the Board, and Mr. Ostroff suggested that other Boards use a Consent Agenda for items such as this. Mr. Hughes said this discussion could be had in April but felt that so little of the Board's time is taken up with these requests that it would not be worth having the administration handle them. On a motion by Mr. Jennett, seconded by Mr. Ostroff,

the Board voted unanimously to amend the Selectmen's Hanging Banner Policy to reflect the appropriate changes.

**11. Naming of Walking Paths - Discussion Regarding Next Steps:** Mr. Ostroff stated that generally positive input had been received from the School Committee, the Conservation Commission, the Open Space Advisory Committee, and the Safety Committee regarding this matter, along with some input from residents, some of whom expressed opposition to the idea. Mr. Ostroff indicated that the main reasons to name walking paths are related to safety and suggested a public hearing to see what abutters' concerns might be. Mr. Jennett advised involving Town Counsel to consider conflicts with naming walking paths that cross private property. Mr. Hughes instructed that a public hearing be scheduled.

**12. Town Administrator - Employee Raises:** Ms. White introduced Steve Levinsky, Chair of the Personnel Board, to discuss employee raises. Mr. Levinsky explained that the Town has a merit-based pay plan for full-time, nonunion, general government employees (approximately 62 people) that is a "pay for performance" system. He explained that the Personnel Board compared the top 10 benchmark positions across 19 towns, including pay ranges, and compiled a market analysis for the Administration, similar to private sector business practices. Factors taken into account in determining a pay raise include such things as job performance, individual annual goals, additional responsibilities, contributions above and beyond, experience, education, certifications, etc. Mr. Levinsky contended that employee performance appraisals are part of the personnel file, thus not for public knowledge because of legal privacy protections. Mr. Mabardy requested a copy of the market analysis. Mr. Connolly stated that raises are funded by citizen tax dollars and Natick citizens have a right to know how their money is being spent. Mr. Connolly stated that he would like to see the same information from the School Department. Mr. Hughes offered to request this in writing from the School Department. Mr. Connolly moved, seconded by Mr. Jennett, to see a list of pay raises for nonunion personnel. Mr. Ostroff stated he would abstain from such a vote, preferring to focus on the business currently in front of the Board and in an effort to avoid any negative impact on employees who might be included on the list. Mr. Connolly argued that salaries are public information and took particular issue with one employee's raise, which amounted to an 11% increase. No vote was taken on Mr. Connolly's motion.

**13. 2016 Spring Annual Town Meeting Potential Warrant Articles:** Ms. White provided the following list of standard Warrant Articles.

- Authorize Board of Selectmen to Accept, Obtain, Abandon, Relocate Utility Easements
- Committee Article
- Homeless Student Transportation Subsidy
- Current Fiscal Year Omnibus Budget Article
- Elected Officials Salary
- Personnel Board Classification and Pay Plan
- Collective Bargaining
- Subsequent Fiscal Year Omnibus Budget Article

- Morse Institute Library Budget
- Bacon Free Library Budget
- School Bus Transportation Subsidy
- Stabilization Fund
- Capital Stabilization Fund
- Operational/Rainy Day Stabilization Fund
- Inflow & Infiltration Stabilization Fund
- One-to-One Technology Stabilization Fund
- Other Post-Employment Benefits (OPEB) Fund
- Re-authorization of Revolving Funds
- Capital Equipment
- Capital Improvement
- Unpaid Bills
- Rescind Authorized, Unused Debt
- Board of Assessors: Increase Personal Property Exemptions

Ms. White then provided the following list of potential Warrant Articles, discussion of which was as below.

- a. Establish Revolving Fund for problem properties  
Mr. Towne, the Deputy Town Administrator for Finance, will be developing guidelines. No vote was taken this evening.
- b. Appropriate mitigation funds for West Natick Fire Station design  
Moved by Mr. Ostroff and seconded by Mr. Hughes, the Board voted unanimously to sponsor this Article.
- c. Appropriate funds to replenish the Walcott Fund  
Moved by Mr. Ostroff and seconded by Mr. Mabardy, the Board voted unanimously to sponsor this Article.
- d. Adopt Zoning By-Law  
The Town Administrator will sponsor this Article. Mr. Hughes suggested asking the Planning Board if they would like to participate in crafting the Article.
- e. Appropriate Primrose mitigation funds for Route 27 design and associated work  
The Town Administrator will sponsor this Article.
- f. Acquisition of Wonderbread Spur using standard language, contingent on execution of a P&S with CSX (Ostroff)  
Moved by Mr. Ostroff and seconded by Mr. Mabardy, the Board voted unanimously to sponsor this Article.
- g. Appropriation for acquisition of CSX corridor contingent on funding package (Ostroff)  
Moved by Mr. Ostroff and seconded by Mr. Jennett, the Board voted unanimously to sponsor this Article.
- h. Home Rule Petition to simplify street acceptance process (Ostroff)  
Moved by Mr. Ostroff and seconded by Mr. Jennett, the Board voted unanimously to sponsor this Article.
- i. Home Rule Petition: Shade trees on unaccepted ways (Ostroff)  
After discussion with the Director of Public Works, Mr. Ostroff stated, the recommendation is not to move forward with this item as an Article.

- j. General By-Law regarding directional signage on public rights of way (Ostroff)  
Moved by Mr. Ostroff and seconded by Mr. Jennett, the Board voted unanimously to sponsor this Article.
- k. Acquisition of 22 Pleasant Street (Jennett)  
Moved by Mr. Jennett and seconded by Mr. Ostroff, the Board voted unanimously to sponsor this Article.
- l. Comprehensive Master Plan funding (Planning Board)  
The Planning Board will sponsor this Article.
- m. Appropriation from FAR Bonus Stabilization Fund for J.J. Lane Park lease payment  
Ms. White stated that this Article is not necessary as the appropriation will be part of the budget.
- n. Structured Tax Agreement with Ameresco for solar array at Walnut Hill School  
The Town Administrator will sponsor this Article.
- o. Acquisition of 320 Bacon Street (Water/Sewer division)  
The Town Administrator will sponsor this Article.
- p. Amend Bylaw 15: Procedure for Appointment of Fire Chief (Connolly)  
Mr. Connolly explained that the By-Law mandates an assessment center to fill the Fire Chief's position once he retires but that he believed additional vetting would be unnecessary because there is a person in the department who deserves the position of Fire Chief. Mr. Ostroff expressed concern over changing the By-Law because it may not be in the Town's best interests, especially when there are others in the department who would be interested in interviewing for the job and would be denied the opportunity to compete for the position if that change in the By-Law were to take place. Mr. Jennett suggested leaving it on the Warrant but Mr. Ostroff asked to table the discussion until the next Selectmen's Meeting in order to give Mr. Connolly time to draft the verbiage, then making a decision as to whether or not the Board would sponsor the Article.
- q. Appropriation of funds to Lake Street Drainage Project Abutters (Connolly)  
Both Mr. Connolly and Mr. Ostroff would like to have this Article on the Warrant. Mr. Connolly stated that the Town owns some of the responsibility for all of the problems that have affected the residents in the Lake Street area. Mr. Ostroff stated that the language he has provided would indicate "partial compensation" for Lake Street abutters. Mr. Jennett voiced his concern that compensation for Lake Street abutters would set a precedent that could have adverse consequences for the Town. Moved by Mr. Mabardy and seconded by Mr. Connolly, the Board voted unanimously to sponsor the Article with the language provided by Mr. Ostroff, who will then send the Article to Town Counsel for review.
- r. Amend Town Charter Section 4-2: Town Administrator powers and duties (Connolly)  
Mr. Connolly would like to change the Town Charter so that authorization for the Town Administrator to move forward with certain powers and duties would be contingent upon a majority vote of the Board of Selectmen. Mr. Hughes suggested tabling this Article to the next Selectmen's Meeting to give Mr. Connolly time to provide better language for the Article, at which time the Board will decide whether or not to sponsor it.

14. **Town Counsel Survey - Update**: A third email reminder has been sent to the appropriate parties requesting submission of their surveys regarding Town Counsel's performance.
15. **Authorize Chair to Sign Letter to MBTA Regarding Commuter Rail Schedule Changes**: Mr. Ostroff crafted a letter to the MBTA requesting that the greatest possible number of express service stops in Natick and West Natick be added since the proposed new MBTA schedule would impose a hardship on Natick commuters. On a motion by Mr. Ostroff, seconded by Mr. Mabardy, the Board unanimously voted to have the Chair sign the letter and send it to the MBTA.
16. **Establish Transportation Advisory Committee and Dissolve Pedestrian & Bicycle Advisory Committee and MBTA Station Advisory Committee**: Mr. Ostroff submitted a proposed Charge, Committee Composition, and Scope of Work for the new committee, the establishment of which is supported by the two committees to be dissolved. On a motion by Mr. Connolly, seconded by Mr. Jennett, the Board voted unanimously to establish the new committee. Mr. Hughes suggested adopting the Charge as drafted by Mr. Ostroff. Moved by Mr. Connolly and seconded by Mr. Jennett, the Board voted unanimously to adopt the Charge, to include the Committee Composition and Scope of Work. Moved by Mr. Connolly and seconded by Mr. Jennett, the Board voted unanimously to sunset the Pedestrian & Bicycle Advisory Committee and the MBTA Station Advisory Committee. Mr. Hughes requested that letters of appreciation be sent to the members of these committees.
17. **2016 License Renewal Update**: The following licenses have been renewed/issued: 41 alcohol, 112 common victualler, 21 Class I, II, and III, and 19+ miscellaneous. Five businesses requiring a common victualler license have gone out of business and three businesses requiring Class II licenses have gone out of business. Though Palette's reported alcohol sales slightly above the 35/65 alcohol/food ratio, Mr. Hughes stated that there would be no need to have them before the Board due to the nature of their business.

**REQUESTED ACTION**: The following actions were approved unanimously by the Board of Selectmen contingent upon meeting all Town and Police Department requirements (please refer to video on [natickpegasus.com](http://natickpegasus.com) for individual motions).

18. **Boston Children 's Hospital Miles for Miracles Run 2/20/16**
19. **Boston Marathon Training Run 3/26/16**
20. **Request for Municipal Employee Exemption from Town By-Laws Article 41, Section 4 - Kathleen Genaske**
21. **Reappointment of Ralph Letner to the Elderly and Disabled Taxation Fund Committee**

**TOWN ADMINISTRATOR NOTES**

None.

**SELECTMEN'S CONCERNS**

Mr. Connolly requested an update on the Marion Street Bridge. Mr. Ostroff stated that the groundbreaking event would be in April with the start of the construction season, with completion of the project in about a year.

Mr. Mabardy stated that there seemed to be a great deal of permit parking available but not much parking for residents. Mr. Hughes stated that the Board would have Paul McKinley, Chair of the Parking Advisory Committee, in to address this.

**ADJOURNMENT**

On a motion by Mr. Hughes, seconded by Mr. Connolly, the Board unanimously voted on a roll call vote to adjourn the Board of Selectmen's Meeting at 11:10 p.m.



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Nicholas S. Mabardy, Clerk

February 1, 2016 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on August 8, 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=208&MinutesMeetingID=-1&doctype=Agenda>