



## Natick Finance Committee

Pursuant to c 40, § 3 of the Town of Natick Bylaws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

### **Town of Natick Finance Committee**

**Meeting Date: March 7, 2017**

The minutes were approved through the following action:

Motion:	Approval
Made by:	Mr. Sidney
Seconded by:	Mr. Hayes
Vote:	12 – 0 – 1
Date:	April 26, 2017

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee

**NATICK FINANCE COMMITTEE MEETING MINUTES**

**March 7, 2017  
Natick Town Hall  
School Committee Meeting Room, Third Floor**

This meeting has been properly posted as required by law.

**MEMBERS PRESENT:**

Patrick Hayes	Mike Linehan	Dave Coffey
Bruce Evans	Linda Wollschlager	Jim Scurlock
Rich Sidney	Philip Rooney	David Gallo
Kristine Van Amsterdam	Jerry Pierce	Ed Shooshanian
Cathi Collins	Cathy Coughlin	Dan Sullivan

**MEMBERS ABSENT: None**

**Agenda**

<b>1. Citizen's Concerns</b>
<b>2. Old Business</b>  a) Meeting Minutes –Discuss & Approve for 1/5/17, 1/19/17, 1/24/17, 1/26/17, 1/31/17, 2/2/17 b) Future Meeting Dates/Scheduling - FY 2018 Budget, SATM Warrant - Updates and
<b>3. Public Hearing: 2017 Spring Annual Town Meeting Warrant</b>  a) Article #1-Authorize Board of Selectmen to Accept, Obtain, Abandon or Relocate Easements b) Article #6- Fiscal 2017 Omnibus Budget c) Article #22- Appropriate Funds for Design of West Natick Fire Station d) Article #24- Rescind Previous Appropriation e) Article #31- Sidewalk Snow and Ice Clearing for Safety f) Article #28- Amend Prior Appropriation Regarding Sewer System for Affordable Home g) Article #27- Appropriate Funds for Study and Design of the So-Called Golden Triangle Area h) Article #29- Appropriate Funds in Support of the Natick Affordable Housing Trust
<b>4. Public Hearing: Town Administrator's Preliminary FY 2018 Budget</b>  a) Update on FY '18 Projected Revenues; FY'19 & FY '20 Revenue Forecasts b) FY '18 & FY '19 Free Cash Forecasts
<b>5. Adjourn</b>

Please note the committee may take the items on this agenda out of order.

**Attachments (located on NovusAgenda):**

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
FinCom Meeting Notice and Agenda for March 7 2017	3/4/2017	Cover Memo
2017 SATM Response Article 1 BOS 03042017	3/6/2017	Exhibit
FY 2018 Town Administrators Preliminary Budget - revised March 1 2017	3/7/2017	Exhibit
Town Administrators Three Year Budget Forecast FY '18 - FY20	3/7/2017	Exhibit
FY 2018 Performance Improvement Requests PIR)	3/7/2017	Exhibit
FY 2018 State Local Aid Estimates (Cherry Sheet)	3/7/2017	Exhibit
MA DOR/DLS Free Cash Guide	3/7/2017	Exhibit
Free Cash Summary as of March 1 2017	3/7/2017	Exhibit
Article 22 West Natick Fire Station Design	3/7/2017	Exhibit
Article is 22 West Natick preliminary budget	3/7/2017	Exhibit
2017 SATM Response Article 22 White 03042017 v2	3/7/2017	Exhibit
Article 28 Amend Prior Appropriation Regarding Sewer System for Affordable Home	3/7/2017	Exhibit
2017 SATM Response Article 28 White 03032017	3/7/2017	Exhibit
Article 27 Appropriate Funds for Study and Design of the So-Called Golden Triangle Area	3/7/2017	Exhibit
2017 SATM Response Article 27v2 White 03032017	3/7/2017	Exhibit
Article 29 Appropriate Funds in Support of the Natick Affordable Housing Trust	3/7/2017	Exhibit
Article 29 - NAHTF	3/7/2017	Exhibit
Article 31 - Background-Info-Motion	3/7/2017	Exhibit
Article 31 - Backup Info	3/7/2017	Backup Material

## **Citizen's Concerns:**

**Mr John Ciccariello: Member of the West Natick Fire Station Building Committee and member of the Middle School Building Committee:** I'm very concerned over our FY2018 budget. I have not seen any revisions on this budget posted to the town website which is very important to taxpayers and Town Meeting members who are unable to hear all these public meetings to see where we stand in the budget process. We have gone from a \$3,600,000 deficit to a \$10,000 on the plus side and several changes made to budget line items have been made without an explanation for these significant changes, for example what is being cut vs. saved. The School Committee budget from what they requested has been reduced and there is \$750,000 in PIRs on the town side. I would ask the Chair of the Finance Committee to get as much information out to the public and Town Administration to update the website with all the changes. Thank you for the work you all do.

## **Committee Member's Citizen's Concerns Public Speak:**

**Mr Sidney:** The correct link is [www.Natickma.gov/390/budget](http://www.Natickma.gov/390/budget), where the most recent budget will usually be found. The last revision on the site is February 15, 2017. The revisions we have been seeing have not yet been posted and I hope they are posted soon.

**Mr Hayes:** I will carry the message to Town Administration.

***Mr Sidney moved, seconded by Mr Evans, to open public hearing for the FY18 Budget Hearing, Vote 15- 0- 0.***

**Mr Hayes:** On the budget the agenda item was for projected revenues for FY18 and forecasted revenues and then free cash. Last week, we received a handout from Town Administration for those two items that showed the "balanced budget". Committee members should have received an electronic version of these documents. After consultation with members, I asked Town Administration to provide more detail for us along with a narrative that will officially be made available to the public that will have a single page with three columns of numbers for the FY2018 budget. The left-most column will be the January 3<sup>rd</sup> preliminary budget submission and will show revenues at the category level and expenses at the departmental. The right column will be the most recent budget which I'll call the 'March 1<sup>st</sup> In-Balance Budget'. In the middle column will be the delta, the pluses and minuses that occurred between the January and March budget, whether it was an addition, an increase in revenue, an increase in a department budget, a decrease in revenue or a decrease in a department budget. To the right of the right column, will be a set of comments on each of those line items that at a high level describes where the change came from. As an example under 'Employee Fringe' the original thinking was a 12+ percent increase in that line item for 'Health Care Plans', the forecast budget number was \$13,500,000. In reality, when figures were provided by the West Suburban Health Group, it was only a 9 percent increase which turned out to be a \$500,000 savings. If you look at that line item in that comparative view, you would see \$13,500,000, then \$500,000 and finally \$13,000,000 even, with a brief description of how that number got lower. That information is being prepared for us now and is not ready for this

evening. Supporting information would not be advantageous to us or the public so I am asking we agree to close this discussion shortly after input from members. I am expecting to have the first iteration of that document I described tomorrow that we can use to drive some questions between tomorrow morning and Thursday mid-day with an understanding from Town Administration that we will derive as many questions to them in advance so they will be prepared to address the information on the document as well as questions we may have which we can do on Thursday night.

**Mr Coffey:** Is there a placeholder on Thursday night's agenda already there or are we in the forty-eight hour window for public notice?

**Mr Hayes:** If members were to look at the Thursday, March 9<sup>th</sup> agenda under the Public Hearing for Preliminary FY18 Budget there is an agenda item called Town Administrator's Preliminary Budget Review and Expense and Reconciliation "Balanced Budget Review".

**Mr Rooney:** I would ask that you do not put this agenda item on Thursday night but the following Tuesday. Members are receiving many emails that we have not had a chance to review. With additional documents on the way, to expect us to turn around our understanding or analysis on all this information in less than two days I do not think is appropriate.

**Mr Sullivan:** We have been waiting for finalized numbers on this budget for many weeks so delaying another week doesn't seem to make sense. I would ask when we do dig into this conversation regardless of when it is scheduled we do so within the context of understanding of the meeting. In a note we received from the Town Administration, Board of Selectmen relative to proposed delays in the initial budget creation process and some of the alterations they are looking to make in the budgetary process. We explored a series of different time points we felt as though the budget process would be more efficient to obtain additional information, some of those timeframes were delays from three, six to nine weeks. As we look at these items in the final balanced budget I would like to look at the points in time through the process that some of these learnings came about. If we are going to be asked to fully vet out the concept in the delay in the overall budget submission time and all the work that would come with that I would like to do it in real time and know when these points of data came available in this existing budget process.

**Ms Collins:** I would recommend a delay for this agenda item. There are two articles already scheduled for Thursday night which are quite lengthy, according to the petitioner. I do not believe the budget can be given the due consideration it needs. I would appreciate the information as soon as possible but I do not think I can commit nor would I ask anyone else to commit to turning around questions in such that the process that the conversation can happen Thursday night. I'm still waiting for a confirmation of a potential Financial Planning meeting next week which has not been scheduled yet, because there was a lot of information that was takeaways from that. Since we have the School Committee budgets next Thursday, Tuesday would be better than this Thursday. We have quite a bit of material to read for this Thursday.

**Ms Wollschlager:** I have put together a spreadsheet of this information, not including any explanatory text that I will forward to Mr Hayes. It does include the numbers and the differences between them if anyone wants to get a head start so we do not have to wait for information from Town Administration.

**Mr Hayes:** I appreciate your input and will take your feedback under consideration.

***Mr Sidney moved, seconded by Ms Collins to close Public Hearing for the FY18 Budget, Vote 15- 0- 0.***  
***Mr Sidney moved, seconded by Ms Collins, to open Public Hearing for the Annual Spring Town Warrant, Vote 15- 0- 0.***

**Article 1 - Authorize Board of Selectmen to Accept, Obtain, Abandon or Relocate Easements:**

**Ms Martha White (Town Administrator):** You have received the questionnaire for Article 1 which is a standard article we have had for many years, since 2011. This article authorizes the BOS during FY2018 to acquire on behalf of the town any and all easements for any of the following purposes. Roads, sidewalks, vehicular and or pedestrian access or passage, drainage and utilities provided however, that such authorization pertains only to easements acquired at no cost to the town and further to authorize the Board of Selectmen subsequent to a public hearing during FY2018 to abandon or relocate easements acquired for any of the following foregoing purposes. There are a number of places in the community where, for example, the town may have a drain line that was installed decades or centuries ago for which we never got an easement, but then when the owner goes to convey the property, that drain line is discovered and the absence of an easement and the owner is generously willing to grant us an easement, but without this authorization the selectmen would not be able to accept that easement. There is concern if the property were to be sold without the easement being placed on that drain line in this example the next owner might not be so willing to grant it to us for free. You cannot always anticipate these situations so this authorization has come in handy over the years and has saved the town money.

**Mr Pierce:** Why does this need to be renewed every year?

**Ms White:** Per directions from Town Counsel, it needs to be an annual authorization.

**Ms Collins:** What would happen if the Board of Selectmen didn't have authorization?

**Ms White:** It would require a Town Meeting vote and a special Town Meeting would need to be called for this one item.

**Mr Linehan:** Is this something at some future date could be folded into bylaws or is this beyond the scope?

**Ms White:** Only Town Meeting can grant the authority.

***Mr Sidney moved, seconded by Ms Collins Favorable Action on the subject matter of the motion as printed in the questionnaire for Article 1 submitted on March 4, 2017, Vote 15- 0- 0.***

**Article 22 - Appropriate Funds for Design of West Natick Fire Station:**

**Ms White:** We have submitted a revised budget for this project. The motion reads 'Move that the town vote to appropriate \$665,295 from the Chrysler Road 40B project mitigation funds for the purpose of funding design and associated work for construction of a new fire station at location fire station number four and adjoining town owned properties. "West Natick Fire Station to be expended under the direction of the Board of Selectmen. Set appropriation being in addition to \$560,000 appropriated under Article 33 of the 2016, Town Meeting for this purpose". We are moving forward with the West

Natick Fire Station. This project has been envisioned since 2008 when a study committee was formed and recommended a new fire station. The project hit some stall points along the way but we are moving forward at this time. The station is in poor condition, does not provide decent living conditions for the men and women who work there, does not house the required equipment, and is undersized for the area, the busiest of the four fire stations. Mr Ciccariello is Chair of the Building Committee.

**Mr Ciccariello:** We have interviewed and awarded a contract to the Owner's Project Manager to a company called Vertex in the amount of \$328,590 which covers us from the beginning of the design phase through the end of construction including a clerk who works full time on the project during the construction phase. We did RFPs and received proposals for architectural engineering fees and we have selected a company called Tecton Architects. We are in the process of reviewing their fee proposal and have a group of individuals at the administrative level that are reviewing that proposal in detail to ensure it covers all the necessary scope required of a project of this magnitude. We developed an overall project cost that has a series of line items identified, identifies the consultants and the fees we need to spend to get us to the bid phase. Those were in the appropriation, so I'm confident that this appropriation will enable us to get to the bidding phase. We have a full building committee and have been meeting as required. Once the contract for the architect is awarded by the BOS, we'll hold future meetings that will become more frequent as the project moves forward.

#### **Questions from Committee on Article 22 - Appropriate Funds for Design of West Natick Fire Station:**

**Mr Sidney:** According to the latest version, the projected overall cost is about \$10,600,000. This appropriation, plus prior appropriations total about \$1,100,000 - roughly 10% to finance it. Would the remainder be borrowed? What would be the timeframe for the borrowing request? Are you confident in the \$10,600,000 number? I do not see that it shows permit fees and water/sewer connection fees. Are we planning for this budget project for FY19 and beyond?

**Ms White/Mr Ciccariello:** Yes - When we get to the construction phase we will need to borrow some funds. If we award this contract to the architect within the next month we are probably looking at a six to eight month process to get us to actual bid documents. I doubt it will happen this fall, we may be able to report back with an update but I don't see us getting this out until spring. We are confident in the amount as we have reviewed the budget in great detail and have gone through the different disciplines needed. There may be some adjustments made as we get into design and we understand the project much better. In a municipal project we would request the BOS to waive the building permit fees and any other associated fees. The site abuts Route 9 so we will have some Mass DOT (Department of Transportation) permitting fees which would not be significant and can be absorbed within the structure we are talking about. Yes we have debt room and are budgeting for FY19 and beyond.

**Ms Collins:** The overall project costs listed on top is \$9.5 million, however on the bottom projected overall costs is \$10,652,000. Why are the numbers different? Why are the design cost fees for this project \$1.3 million while the Kennedy Middle School Building Committee project design fees are \$750,000?

**Mr Ciccariello:** The corrected project overall costs are \$10,630,295 which should be at the top and bottom. Between the owner's project manual and the architectural engineering fees, the design cost is

just shy of \$1,200,000 and then you have other consulting fees. For instance, peer review fee, a requirement of state building code is mandatory to review the structural systems. We also have an IT data and communication consultant fee as we will not have all the resources in house to be able to identify all those. The environmental consultant ensures that no hazardous material is in the existing building before it is demolished. The Fire Department fire plan review fee is when the Fire Department hires an outside consultant to review the final fire protection and fire alarm drawings as they do not have the ability to do it in-house as well. We have included those fees as part of the appropriation to ensure we can move forward. The \$750,000 in the middle school project is the initial amount of monies to bring on an Owner's project manager (OPM) which has been done. We're reviewing proposals for architects so there are enough monies to fund the initial phase of the MSBA requirement so we may get a final decision from MSBA that they are going to award the contract and we can move forward. There will be significant changes when it comes time to move the Middle School project along. Currently, we have the Owner's Project Manager onboard for initial phase one and we intend to bring in the architect for the initial phase one. Once we go through that process I'm sure the School Administration will probably file a warrant article to obtain sufficient design funds to move forward with the project.

**Mr Hayes:** Lines two and three, owner's project manager and potential electrical engineering fees, are these services from start to finish and not just design stage fees? Will the support we receive from the OPM and the architect run the entire life of the project?

**Mr Ciccariello:** The total cost includes all the service and design fees as well as support from the OPM and architect for the life of the project.

**Mr Sullivan:** Considering where you are in various stages of the economy you may have several bidders and as competition is greater pricing gets better. Is there any professional means by which to gauge that in the marketplace? Do your preliminary project estimates take into account the current unfavorable bid market? In respect to a contractor's start date, if there were two or three prominent contractors who may want to bid on this but are six months away from the completion of a project and couldn't meet those timelines would it behoove the town to have some flexibility on that start date in order to have more potential bidders to secure better pricing?

**Mr Ciccariello:** Currently, the public bid market is not favorable to municipalities. We are not seeing those substantial discounts anymore. The growth was substantial but in the last year it has flattened out so most of the people who bid public work recaptured what they lost so the bidding process is still fairly aggressive. There are a lot of companies out there that do public bid but right now it is not a favorable market. We took the current bid market into account while preparing this budget project. We are looking at approximately a 25,000 square foot building and have had a lot of discussions at the Building Committee level. Depending where we are after we get our first architectural design, we may be looking at a 22,000 square foot building because the intent is to keep this project within a certain cost. Flexible contractor start dates are difficult to do in a public bid market. You don't want to put a project out for bid in a place where it goes out for bid the beginning of summer, the foundations are in and now winter is upon us and we are facing substantial costs regarding inclement weather conditions. You try to get the project out at a time where you can avoid these winter conditions to save as much money as possible.

**Ms Coughlin:** You indicated most if not all of the borrowing would be against Capital Stabilization as opposed to debt exclusion, is that correct? Do we have any timeline for when we will know how this will be financed? In order to put the money into the Capital Stabilization Fund does it require a vote at Town Meeting? Do we have a timeline for when this money will be expended if it's approved by Town Meeting?

**Ms White:** Our goal is for this project to be constructed without debt exclusion. We know we are facing a debt exclusion for the Kennedy Middle School so we do not want to impose more than one at a time. Fire Chief White is here in support of this project. There is not a timeline at this time but I'm very hopeful we can do this for the people of Natick. The large free cash certification of last year was due in part to departmental turn backs and conservative revenue estimates so some portion of that \$12 million free cash amount was derived through taxpayer money so we want to do something good with that money or at least reduce the debt exclusion if not eliminate it. A vote would be required to put the money into the Capital Stabilization Fund.

**Mr Ciccariello:** Part of the Owner's Project Manager's funds will not be spent until we actually start break ground and start construction. A good portion of his fee is for a full time clerk of the works so that money does not get expended for some time. Then, as the architect and engineering fees, as you go through the design process a certain amount of fees will be expended for the initial design phase and schematic design and includes a preliminary cost estimate. The next phase is design and development where there are some additional fees. Then, we'll get into final construction bid documents and the architect and construction administration fees (\$849,705). Even those monies will not get 100% expended until the project is completed. We've structured these agreements so that, if at any time during this process, for any reason, that we opt not to do the project we will not be expending the \$1.2 million; we've only paid for services been rendered to date.

**Ms Van Amsterdam:** Are you hopeful the bulk of the money to pay the \$10.6 million will come from the Capital Stabilization Fund or will there be borrowing costs as well? Given the timeframe Mr Ciccariello described, we would not be in a position to borrow until a year from now. Are you projecting what those costs will be, given the Fed Reserve has already raised rates and participating two more this year? With a robust economy, have there been discussions of the timing of when the debt, borrowing and costs will occur as well as trying to speed up the process so that we may acquire the debt with the lowest interest rate possible? It may be more pertinent to discuss this with the building committee to see what the timeline is of terms of when they are going to be ready and what the borrowing will be.

**Ms White:** We have the financial management principles which stipulate 5 to 7% of our annual revenues can be expended for capital and that includes that year's cash capital plus that year's debt budget. My concept is we would temporarily increase those percentages and spend more on the debt than we have historically spent using the robust Capitalization Fund to enable us to pay more in debt such as this project would not need a debt exclusion. We haven't had those discussions but would be happy along with Mr Chenard to have those discussions with you offline as well as the Building Committee so they are aware of potential borrowing costs.

**Mr Pierce:** If we have to decrease the size of the building due to costs, will it jeopardize the ability to house the large fire apparatus you had discussed earlier?

**Ms White:** Accommodating the apparatus would be job #1.

**Chief Richard White (Natick Fire Chief):** What we are trying to accomplish is to retain the biggest possible building that we can afford on that footprint. The building will accommodate the equipment we need for that section of town. We're hoping to build a certain number of bays based on future growth, even if we don't fill all of them right away. It will be a 50 to 100 year building that will not need to be renovated or expanded in the future. Without an architect's design and the footprint of that land, this price is an estimate.

**Mr Ciccariello:** The original Study conducted in 2008 was based on a 20,000 square foot building. Since the study was 8 years old, the Building Committee decided to predicate everything on a 25,000 square foot building. Until we bring the architect on board it is unknown, however the 20,000 square foot building is not going work anymore, so the size probably lies somewhere in between.

**Mr Linehan:** Will the OPM and architect fees remain at a fixed price if the project did not stop but dragged out? Is there anything existing which may impact this project due to its proximity to Route 9, that could extend the timeliness of obtaining state permits?

**Mr Ciccariello:** When most OPM Managers and architects submit their proposals they have a clear understanding of the project's timeframe. If it extends before that for whatever reason such as a construction delay, we may be forced to pay additional fees and discuss liquidated damages. I do not see anything that will delay this project at this time from getting to initial design to bid phase. We have an aggressive building committee that made a commitment with the architects, a sub-committee from the Fire Station to work in-house and the architect we plan to bring on board has a very aggressive team and understands the design, rules, and regulations and changes that occurred in the design of fire stations. I don't see anything that will hold those up from the town side or due to the project's proximity to Route 9. Mass DOT and Mass Highway are well aware of this project which is one of the reasons we purchased the property from them and the engineers have already consulted with both those organizations. I want to confirm this is not a state project.

**Mr Coffey:** What types of companies and services will be available at this fire station as opposed to what station 4 currently offers?

**Chief White:** In discussion with Town Administration, the initial response for that building, without any restructuring, is to have an engine company and ambulance responding from up there and down the road a ladder truck or tower truck. If we are able to build a larger building, we are going to have more bays that will house more equipment including a second ambulance running out of there as well as the water rescue equipment that must be housed inside. We have two ambulances running out of downtown now. One of them will run out of Fire Station 4 in the future. Both must be fully staffed, not sharing two pieces of apparatus sharing the manpower.

**Mr Evans:** If the size of the building needs to be downsized will that capital plan be downsized as well?

**Chief White:** With the current capital plan we are replacing what we have, not additional apparatus which is cyclical.

**Mr Hayes:** Would you please share the composition of the West Fire Station Building Committee, particularly the representation from the Fire Department)?

**Chief White:** Members on the Town Committee are Ms White (Town Administration representative), Mr Ciccariello (Board of Selectmen representative), Mr Hayes as the Finance Committee representative, the project architect, me (Chief White), Deputy Chief Dandelle, Firefighter Dan Hartwell and Captain

(Station 4) John Austin. As Fire Chief I will speak for my other three members that we are very pleased with this Committee who work well together and will build the best station as we can at that location.

**Mr Ciccariello:** There is another architect on the committee who has a wealth of experience in Facilities Management who brings a different perspective because he is looking at what happens when the building gets built, how the facility will be maintained and everything that is necessary. There is one member of the BOS who will be retiring so I anticipate that individual's position will be replaced.

**Ms White:** One of the committee members mentioned lives behind the station.

**Ms Wollschlager:** When we were discussing the purchase of the property from the state it was anticipated that road access to the Fire Station may change. Is that included as part of this project cost and do you anticipate any delays associated with this?

**Mr Ciccariello:** Yes it has been included in the project cost. There will be several design options we will look at. Most will exit onto Route 9 to enable quick access, whereas the current Station 4 puts the fire trucks out in the middle of traffic jam in a very busy intersection. This is why we had to go through Mass DOT and Mass Highway. We do not anticipate any delays associated with road access at this time.

**Ms White:** When we purchased the land that access was envisioned for emergency purposes only so I don't anticipate any delays through the state as that is already part of the condition which upon they sold us the property.

***Mr Sidney moved, seconded by Ms Collins Favorable Action on the subject matter Article 22 in the amount of \$665,295, from the Chrysler Road 40 B project mitigation funds as printed in the questionnaire VII dated March 4, 2017, Vote 15- 0- 0.***

**Mr Sidney:** Four or Five years ago minor repairs were done to this station and conditions were extremely poor. This has been a long time coming and the new station needs to be built. I encourage the Town Administration and Building Committee to consistently report out what they expect the financing options to be and how and when they expect them to occur, so it is not a surprise when it happens

**Ms Collins:** I am in support of this project but have concerns over many of the unknowns until we design the building and know how much and what kind of space you will be building. We can rely only on your best estimate that can be funneled back through the Building Committee but we need to go forward and get this in place as the conditions have been extremely poor for many years.

**Ms Coughlin:** I urge Town Administration to keep everyone informed as this will greatly impact the citizens of town if it does happen by debt exclusion with the possibility of any other article and middle school.

**Mr Sullivan:** Speaking to this project by itself how many square feet of commercial and retail space have been developed, built and brought online with significant taxes into the town's coffers since that fire station was originally built? When we went through the rail trail, we discussed delivering levels of service infrastructure to parts of town that were impacted by certain things. When you think of the significant amount of tax money from that part of town and the only level of service they rely upon that expenditure is having sound public safety delivered to them. Thinking about children attending school in this area, as well as people working at MathWorks TJX, the shopping areas, I submit that this is long

overdue infrastructure that delivers services that correlates to what they pay for taxes. I strongly urge we support this.

**Mr Coffey:** As a resident of West Natick, I was heartened to hear the ambulance will be located at this station. I see how often the ambulance crews race down Route 135 to visit the Sherwood apartments. Since Station 4 was built we have seen the Avalon and Nouvelle project go up, both high rises. The addition of a ladder fire truck is a pressing need and it is good that the Fire Chief is looking into this moving forward. This project has stalled for a while and I am glad it is moving forward as expeditiously as possible without finance issues.

**Mr Hayes:** As a member of this Building Committee there are spirited discussions we've had as to what the town needs and what we are looking for which came to light when we went through the bid process for the Owner's Project Manager, the kind of project manager we wanted and committed diligence and experience had to have met a minimum expectation having done fire station work and we have some wonderful OPM people. The same expectations are being held for the architect we selected that we are in negotiating with. They clearly have the level of experience we are looking for. They approach their design opportunities in interesting ways. We have a large piece of land that is challenging due its shape and it's bounded by Route 9 access road and Speen Street. The Fire Chief and his team understand what they need to accomplish in terms of their apparatus going in and out, the architect on our group and the facilities gentlemen understands how to make a building work. This is Building Committee will deliver an exceptional product. Two things have been consistently emphasized – cost containment and getting the building size right to service the needs of the community. There will be transparency and visibility to the Building Committee - the financing will be well known and vetted before it gets places like Finance Committee and the floor of Town Meeting.

**Ms Van Amsterdam:** Natick has been fortunate to have strong Building Committees going back to Wilson, Natick High School, Senior Center buildings, ambulance studies and now the West Fire Station Building Committee. It is imperative the Building Committee work closely with the Fire Department, Town Meeting. The Town Administrator must ensure that the public really understands the caliber of people working on this project particularly with what may come forward with regard to the Building Committee for Kennedy Middle School. There may come a time where people may feel conflicted if they don't understand how much effort has gone into both projects and where the funding sources will come from.

#### **Article 31- Sidewalk Snow and Ice Clearing for Safety:**

**Ms Victoria Grafflin (Precinct 4):** Thank you for allowing us to present information to you regarding our proposal to enhance community safety and the accessibility of our pedestrian walkways in the winter. The ability to move around town safely is vital to our community but during the winter months, this is more difficult because many neighborhood sidewalks are inaccessible due to snow that has not been cleared. Many people who need to walk to get to school, bus stops, and commuter rail stations or to purchase groceries. While the safety of my own children is important I worry more about vehicle issues than some of the risks to our children that appear on the news. Statistically vehicle risks are more of a threat to our children's safety whether walking in the street or being in a car accident themselves. My

fifteen year old daughter leaves the house at 6:30 a.m. for a five minute walk to her bus stop. If the sidewalks are not available due to a lack of snow clearing she is walking in the road in the dark in the middle of rush hour. During the winter of 2014 to 2015, either my husband or I drove our son to school because it was not safe for him to walk in the road, a one minute drive from our house. Although we added to the traffic congestion around the school, it was a better option for kids who live in the neighborhood who have sidewalks but unable to use them. During that winter, a boy in Quincy was hit by a car on his way home from school because he couldn't use the sidewalks and although he did not sustain life-threatening injuries, it seemed to be an obvious risk. At that time, I contacted the School Committee to ask if there could be more clearing on the sidewalks leading to the school. There was a boy killed walking along a DCR roadway because he could not walk on the sidewalk, I believe the DCR has since started to plow the walkways along those roadways because of that incident. I hope it does not take another death or tragic incident for people in our community to recognize that the ability to walk safely around town in winter should be something we can all dependably do and we are not there right now. We made this proposal in order to begin to set an expectation that this is something as a community we ought to do better. Many surrounding communities have had residential sidewalk clearing requirements for years. Our proposal is a starting point. We'd like to start the conversation. This affects not only children, but those who do not have access to vehicles and depend on walking to get around. Earlier this month, I observed an elderly woman in our neighborhood walking in the middle of the road with grocery bags. There are many elements required to institute something like this. We suggested a few. I know there are many good people in this town who work hard and are interested in pitching together to solve this problem.

**Mr Joshua Ostroff:** I am Chair of the town's Transportation Advisory Committee and Ms Grafflin is also on that Committee. This was filed as a citizen's petition and not reflective of any board or committee in which we serve. It was brought before the BOS for brief discussion and I'm sure will return for further discussion. The last time this was the subject of a Town Meeting warrant article was fall of 2009 also brought forward as a citizen's petition. It has been an intractable problem for many people for many of the reasons Ms Grafflin mentioned. The town plows 40 miles of the over 130 miles of sidewalks, but the cost of the snow removal equipment is in the range of \$200,000. The town is challenged to get the staff to maintain the snow and ice equipment we have now. It is possible this could be done as a municipal obligation but would come at a cost, of either other services, additional costs to the taxpayer or some other creative way we could do it. It is a difficult challenge for the town to take this on and although the equipment we use is well suited for the cement concrete sidewalks it would chew up a lot of the narrower asphalt sidewalks. In 2012, the town conducted a survey as part of the Safe Steps Grant which was awarded by the Metro Health Foundation. This grant was provided to assess the town's walkability and 1700 people participated in the survey. Two of the most common reasons for people not walking as much as they would like is the condition of our sidewalks and snow and ice. Our request of the Finance Committee is to recommend referral to the Sponsors and Town Administrator. This was done in good faith to elevate awareness of this issue and involve more people in the discussion. The way our town approaches this is to bring forward to Town Meeting. I do not think accomplishing this on a volunteer basis based on the widespread concerns we have so the town government needs to be involved in some

way. This process may take six months to a year to get it right where it will earn the support of the Finance Committee, other town boards and the fifty percent plus one of Town Meeting necessary for it to become part of our bylaws. Removing snow is one of the most difficult jobs we ask our municipal employees and private contractors to do and I thank them for doing it. In no way is this a criticism of the work they do under difficult conditions. We also thank them for their participation in discussions, the Director Department of Public Works and his deputy, Town Administration, members of the community as well as the Police Chief. If we expect to be able to drive on the roads we should expect to be able to walk on our sidewalks. From here, we expect to speak to the Commissioner on Disability, Counsel on Aging Committee, town staff, other members of the community, towns who have succeeded with or without bylaws and Mass DOT because there are many sidewalks they control that are not maintained. We will see what we can do with the volunteer efforts. We learned there is a companion to the SeeClickFix application, location software the town uses to report street light or pothole issues where you can go in and register as a volunteer or identify an address that needs assistance. Not everyone is able to volunteer so it is reasonable we would expect to help each other out in Natick which we have for generations and will forever. We have had a number of email exchanges with Town Counsel that did not always get right to the answer we wanted. We need to look at how well we are enforcing existing bylaws. Under Article 50, § 18 b., there is a provision that no one may plow snow on a sidewalk or road that is being cleared. If someone is obstructing the street, we need find a way to notify people who are putting the public at risk and wasting taxpayer dollars. The Safe Steps Grant helped lead to the Complete Streets Program which brought a lot of benefit to the town, so it is unrealistic to expect people to shovel a sidewalk they would not want to walk on in summer let alone winter, so we need to continue making the community more walkable. An argument can be made if the sidewalk is a town asset, the town should take on the cost of maintaining it. There is no assumption of liability today by an abutter to clear the sidewalk in front of their house. However, if you act in such a manner that you perceive an injury may result in your actions, someone could bring a claim. We want to hear any objections or concerns and welcome your questions so we can incorporate them into the work we have ahead.

**Mr Craig Ross (Precinct 4):** I did research on which communities across the Commonwealth have put together bylaws regarding this matter. There are not many; some people in those communities have chosen to set apart certain parts of the town to make sure the sidewalks are cleared; others have town wide requirements with various levels of penalties. It comes down to what community standards that a town wants to set for itself. I thank the people who have brought this forward because I think it is a conversation that needs to occur. Personally, I do not own a car and walk a mile a day down Route 27 in the street to the train station in the dark during winter while cars are going by forty miles an hour so there are challenges that need to be addressed. Plow companies that clear driveways immediately block whatever pathways that have been made on sidewalks and the town has specific challenges when they plow a road of where to put that snow which gets piled up along the sidewalk and forces people to walk in the street. I'm a public health professional and traffic injuries are rising due to distracted driving. We're also seeing a situation where we have difficult road conditions, more cars on the road than we've ever had in history so it's not a question if someone is going to get injured it's a question of when

someone is going to get injured. I thank you for your consideration of this and as the sponsors have said this is the beginning of the discussion and I'm sure it's not the end.

**Questions from Committee on Article 31 - Sidewalk Snow and Ice Clearing for Safety:**

**Ms Coughlin:** I received two questions from citizens that I would like to ask on their behalf. Why do sidewalks get plowed on Glen Street yet the sidewalks are not plowed near abutters to the Ben-Hem School because those are the parents forced to walk their children to school back and forth? Has there been any discussion of how much liability homeowners would acquire who reside on a corner lot with a significant amount of snow to shovel or how much of that area would extend? What committees have you brought this petition to besides the Finance Committee tonight? Is the Safety Committee on your list? At this point, the petition is still in its early stages but why do the sponsors feel we need a bylaw to do good? Did you discuss a situation where private and town plows might block the sidewalks? What percentage of the town has sidewalks?

**Mr Hayes:** There is not a member of the DPW here tonight to answer the question on plowing but it has been captured.

**Mr Ostroff:** We have not made any differentiation between sidewalks as to how it would affect liability of residents who reside on corner lots but will look into that. We have been before the BOS and although we have spoken to the Police Chief, I would be glad to consult with the Safety Committee. We will consult with the DPW to obtain the number of sidewalks in town.

**Ms Grafflin:** Experience of the fact other communities that have such bylaws has shown they are helpful to get over that threshold of not quite adequate which sets an expectation. We often get focused on enforcement as opposed to setting an expectation. Most people want to be good neighbors and conform to what the norms in their community are, however if there is no communication on what those expectations are showing people what should have been done in the first place a bylaw is a powerful way to do that and has been done successfully in other communities that I have lived in. The bylaw includes a lot of recommendations and I have tried to set an example in the community as well as communicate the need but it has not worked. This bylaw sets a clear expectation and if people understand that this is a requirement of them they will be more willing to act on it. One of the provisions in the proposal is we would hope that town and contractor plows would not be re-throwing snow on sidewalks that had been cleared and we will be working with the town about keeping curb cuts clear.

**Mr Pierce:** When this subject matter was brought before Town Meeting in 2009, what was the response? What about the safety of children walking to school without the benefit of sidewalks?

**Mr Ostroff:** The petitioner recommended referral at that time but there was no further debate or discussion. If parts of town do not have sidewalks it needs to be addressed for safe walking.

**Mr Rooney:** Who is going to enforce this bylaw, will there be an added cost to the town and can it be done effectively? The town is plowing more sidewalk than what is shown on the maps provided. Are you satisfied there has been enough communication or other methods in the town to show the importance of this rather than going directly to see if we need a bylaw? Has there been any

consideration as to how six feet of hard packed snow placed around curb cuts in busy intersections by plows will be removed? Do you think you are able to construct a bylaw that will address this?

**Mr Ostroff:** A citizen's petition does not have the staff support as it would if sponsored by the Town Administrator in terms of costs. This was intended to be cost neutral, in that the enforcement cost might be determined by the police department or the enforcer of the bylaw. If the goal is to clear the maximum amount of usable sidewalks and the provisions to do that require residents and property owners to do it, further promoting volunteerism those are the motives to offset town costs. There are four pages of maps provided by DPW and I will request an update. There has not been enough communication however this is a mechanism that people have to elevate something to level wide town discussion. DPW are instructed not to pile snow on sidewalks in intersections which is difficult to do and one we are trying to resolve. This is an important bylaw and I fully intend to bring something appropriate to Town Meeting, confident the majority of Town Meeting will agree

**Ms Grafllin:** In Winter 2014, I went directly to the Town Administrator's office who directed me to School Committee because it involved areas around the schools. There was an effort to have a voluntary system at that time.

**Mr Evans:** How can you construct a bylaw to better address contractors who plow onto sidewalks on corners if you have a system of fines put in place if your sidewalk is not cleared in a certain amount of hours?

**Mr Ostroff:** The draft bylaw does not obligate anyone to move snow plowed onto a sidewalk by the town or any other party, including contractors.

**Ms Wollschlager:** Do you intend to bring this bylaw back some point in the future? What is your process going to be moving forward to get input back from everyone you have reached out to? How would you like to be contacted if people would like to ask questions?

**Mr Ostroff/Ms Grafllin:** Our intent is to bring this bylaw back. Aside from going to the committees Mr Ostroff is familiar with I intend to reach out and hold some informal community discussions with some of the many groups in town. If referred to Town Administrator it would be wise to work together as well as consult with other towns that have done this successfully as there are ninety-six of them. Although implied in the proposal this does not have to be town wide. We will reach out to traditional and social media as well as hold public events. I would like to consult with the Town Administrator to see if her office could be the contact source for questions and will have the answer by Town Meeting.

**Mr Rooney:** Why did you come forth to the Finance Committee without further discussions with other committees in town?

**Mr Ostroff:** We get much better input when there is a Town Meeting warrant article and it is elevated to a level where we intend to solve it. For the well-being of the people in this community I am prepared to bring it forward and I believe it is worth your time and mine.

### **Questions from Public on Article 31 - Sidewalk Snow and Ice Clearing for Safety:**

**Ms Catherine Pierce (Precinct 3):** I have 180 feet of frontage that I share with the state who dump quite a bit of snow. I went to a municipal training session and learned about MGL c 40 U (Mandatory Snow and Ice Removal). Fines can be accrued daily and if you do not pay that fine the town can put a

lien on your property. Safety of children is my main concern. My neighborhood is made up of people of many different ages and varied physical capacities so I do not think this bylaw is realistic to expect all of them to be able to remove snow from the sidewalks and there will always be kids climbing snowbanks pushing snow back down on the sidewalks after they are cleared.

**Mr Tom Curry (Precinct 2):** A bylaw is the wrong way to start a discussion and I think this is one that would do more harm than good. There could be physical injuries, frightened seniors worried about fines and I worry about the DPW possible increase in costs due to complaints. It would be inappropriate for the town of Natick at any time to put forth such a bylaw.

**Ms Cecilia Conway:** I support this bylaw. I walk to my bus stop for the high school which is at Bennett-Hemmenway Elementary. There are sidewalks there that do not get cleared and have been close to fast moving cars and I do not want to become a tragic statistic. I understand this is a strict proposal but people use sidewalks, young and old, who like to stay active and be part of the community which is being able to have somewhere safe to walk. I'm not sure if a bylaw is the way to address this, but I believe if we all go about this civilly and agree clearing and walking safely on sidewalks is a good thing we will be able to come up with a suggestion or a compromise that works for everyone in the town.

**Mr John Ciccariello (Sunshine Ave.):** This clearly requires referral and is concerned where the referral is going. It may be going to a Town Administrator who is going to be overloaded with work over the next six to eighteen months that are significant to the finances and operations of this community. If this is to be a bylaw we need to talk with the DPW and Safety Committee to get some real serious input. In my opinion this bylaw will come back and require some source of funding. There are many sidewalks in town that are in such poor shape that you cannot put a shovel to it and expect to remove all the ice and snow appropriately. Asphalt pavement may not be part of this bylaw and be confined to cement sidewalks. A line has to be drawn to determine who is responsible and who is not. I give praise to DPW when they plow as it is not an easy process and they cannot control covering someone's driveway. I would like to know how many of the 351 communities in Massachusetts have a bylaw about snow and ice removal.

**Mr Julian Lefleur (Precinct 9):** A bylaw is not a conversation starter. It is a permanent law that has very serious consequences where we do not get to change our mind about it or tweak very easily if it gets passed. I am grateful I was able to walk here tonight with my young son on cleared sidewalks safely. I appreciate that you are bringing this concern up and would be more than happy to work with you on something that is not a bylaw. My request to the Finance Committee today is to vote no on referring this to anywhere. Let's stop it now and figure out something better to do as a community that is not a bylaw that will mandate something else for us to do.

**Ms Sue Salamoff (Precinct 8):** I am a member of the BOS and we do appreciate citizens bringing forth issues of concern. The Board of Selectmen meeting had to be moved to the library the night we began the discussion and we did have this to return to our agenda. It's a policy issue, personally I like the approach of figuring out how to do this without a bylaw but would like to offer that you continue to come back to the BOS and we try to come up with ways to address issues of safety but also recognize the complexity of requiring people to clear their sidewalks.

**Ms White:** With respect to the petitioner's request that the matter be referred to the Town Administrator, my understanding is the logic behind that is I would be able to delegate this matter to the appropriate personnel and have them look at it in a comprehensive manner. We would want to involve the DPW, Director of Highway and Sanitation Supervisor, police department representative, town Counsel and perhaps others.

**Mr Ostroff:** Referral does not have to come back as a bylaw. It could come back as a series of policies from the selectmen or practices for public works. The bylaw we have is not adequate in terms of just what it does today. It is an open door.

**Ms Collins moved, seconded by Ms Coughlin Referral to Sponsor and Town Administrator, Vote 9- 6- 0.**

**Mr Sidney moved, seconded by Mr Pierce, Indefinite Postponement, Not Voted**

**Mr Gallo moved, seconded by Mr Rooney, No Action, Withdrawn**

**Debate:**

**Ms Collins:** I am in support of a bylaw just not this bylaw. I have taken this topic twice to Town Meeting and requested it be referred for further work last time. I brought it forward for two reasons, one, I found it appalling the town was spending as much money as it was clearing some sidewalks and buying equipment to do so. Second was some of the DPW supervisors came to me and requested that I look into it. By their estimate it takes four men eight hours to clear the sidewalks at best. If it's the middle of the day, some of these DPW workers are picking up trash and if it is a very heavy amount of snow one pass will not do it and they are busy trying to keep up with the roads. I grew up in a town where there was an ordinance for as long as I know requiring people to shovel the snow. There was one house in my neighborhood that generally did not shovel, but they had no sidewalk. I would ask in this referral process that you consider making zoning request changes to require what is called in the Midwest the Devil's Strip and putting some space between the sidewalk and the road so there is a place for snow. I would ask you not IP this because in order to IP it we had to understand a lot more than we did tonight. I would ask that you not vote for no action because if you do it will only get a referral motion from the floor and that is the way Town Meeting is going to debate it anyway. I think the town should be completely out of the sidewalk clearing business and everyone should be required to do it on their own. I disagree vehemently that this is the place to start a conversation, it is not. We have been at this for a while not to start a conversation. There are ways around dealing with individual situations. I don't think Town Meeting at this time is the place to work this out and I don't want this debated in nearly as much conversation at Town Meeting as it was here tonight. I would ask that you support referral and let them continue to work within and around the government on this issue and not reprimanding Ms Grafflin for not understanding the process as well as we may have hoped.

**Ms Coughlin:** I'm torn whether I am going to vote for the motion I seconded or whether I vote IP. To me a bylaw is onerous and it was clear throughout the discussion from both of these sponsors that it was not ready for prime time and everyone knew it. It appears by your presentation a bylaw was a last

resort but you knew you wanted something, perhaps a volunteer system which should have been tapped first before imposing a bylaw. My concern is for those citizens who are unable to comply and have no recourse. To enact a law on a private citizen to clear a public sidewalk they don't own you are opening up that private citizen up to liability if something happens on that sidewalk and it will be a lot easier to sue that private citizen than the town because their liability is very limited. To me it's a Big Brother issue and I don't like it at all.

**Mr Sidney:** IP does not keep us from studying this issue and I do appreciate all the information that was gathered and distributed as well as all the neighbors next door that added vivid conversation. This is a problem and deserves study. Documenting costs to get relative equipment to clear the sidewalks is a good analysis and allows for us to make better decisions. I don't think this belongs as a bylaw which is my reason for an IP motion because I don't want a bylaw to come back. Most of the discussions I have seen on the forums have been negative. Most people believe the town should handle this although most state they clear their own sidewalks. Official voluntary programs don't work very well. This is not fair to residents who have unplowed sidewalks, liability is a risk and I'm concerned for elderly or infirm who may be embarrassed to ask for a waiver or may attempt to do things that could harm them. There is a chance a contractor hired to remove the snow may not show up and they would still incur a fine which is unfair. There are other costs to the homeowner such as sand and salt (most people don't realize this is available at no charge from the DPW), non-plow able sidewalks due to the condition of some of the sidewalks. Some of the provisions of this bylaw are untenable. There are other ways we can work together to solve this and it is not a bylaw.

**Mr Pierce:** I do not believe there is a need for a cumbersome bylaw which will be difficult to enforce and is very discriminatory in a way. The Sponsors intent is very admirable and discussions should be held to the point where voluntary brigades can be looked into. Volunteerism is very high in this town and I think you could do something like that very well.

**Mr Gallo:** After listening to the persuasive arguments and conferring with the seconder I wish to withdraw my no action motion.

**Mr Rooney:** I agree to withdraw the no action motion.

**Mr Evans:** I see many flaws in this that my colleagues have already alluded to and proponents rightly requested referral. However they are raising a very serious issue. We have to balance public safety for kids and elderly with the needs of all citizens. A bylaw is unfair and probably not enforceable. I thought the fines were excessive. This needs a study committee and if our recommendation is referral and Town Meeting's recommendation is referral, I believe the Town Moderator or someone from Town Meeting floor will suggest the composition of a study committee that looks at this and brings it to a resolution whether it's a bylaw or new guidelines and recommendations that are approved by the BOS. We all acknowledge the need and agree that there are hardships that need to be overcome, but we need to understand what the waivers are along with what happens if someone's sidewalk is not cleared for valid reasons. The sponsors have done a thorough amount of research and unearthed an enormous amount of questions just based on the turnout tonight and all the emails we have seen. The proposal needs a lot more study, the best thing is to get it in front of all the representatives of this town and request further discussion that meets the needs of all citizens. I would urge voting referral.

**Mr Coffey:** I would ask the members to consider the IP motion more strongly. By the admission of the proponents, it is not ready yet which I find troubling as we have a large town and school budget we need to be discussing at length. I apologize if offense was taken earlier however if you bring something before this board and it's not ready you may be offended by the questions. There were so many boards that this should have gone to first and been hashed out with a lot more detail before it becomes before us. Start the discussion first, craft the proposal and then bring it before this committee. The backlash from the community has been unprecedented. Many of the citizens in town are not in favor of this and I'm one of them for all the reasons my colleagues alluded to earlier and face possible liability for a reason that may be out of my control. There are current bylaws which prohibit people parking in the street that would obstruct snow removal and snow shall not be dumped in the street by town and private contractors not enforced on my street. I would like to see this go away and hopefully never return.

**Mr Sullivan:** Ms Grafflin I would like to thank you for the amount of time and energy you put forth in bringing this issue forward. You followed the processes and procedures the town has in place to identify and remedy them in a meeting process. We can agree to disagree and there are different ways to go about things. My own son in the early morning darkness had to avoid where a driveway had been plowed in by a contractor who plowed after the homeowners had plowed their driveway and my son had to jump on Route 27 and walk about fifty feet to get up and over to the sidewalk, which greatly disturbed me. It moved me to walk up the other side of Route 27 and shovel it out. We can agree and disagree on the remedies and means by which we can address issues but I think it's incredibly important the citizenry of this town identify problems and issues that may exist and suggest, recommend or look at ways that we can address it. It is for that reason we owe this opportunity some additional discussion. I am not necessarily in favor for a bylaw or fines however I clearly see this is an issue that should be addressed, the safety of our children is very important and it has become particularly personal to me in the past couple of weeks. It is for that reason I strongly recommend we move we to refer this motion.

**Mr Hayes:** I appreciate the effort and respect the time you and others have put forth in this and for the research and materials provided. It is not easy to be a citizen and bring a petition forward of any kind because until three or four months ago there was little guidance to a citizen on how to do that and there is better guidance now. It is especially difficult to bring forward a citizen petition of this nature that being a bylaw change. If it had not been a referral I'm comfortable in my mind that I had a wealth of information to work from to learn from and I had a wealth of information to be able to pivot off of to go do my own research. To those citizens wishing to bring forth a petition, if you bring attention to the information available on NovusAgenda on the amount of information to put forth a citizen petition that is what this body is expecting to receive from a citizen's petition or town agencies asking to do complex things like this. I'm not necessarily in favor of a bylaw and at this time not sure what the right answer is. A referral to the sponsor at a minimum, in this case a motion to the sponsor and Town Administrator in my mind is the more appropriate one. This is not directed to you but to people who may be watching, I do agree with a previous speaker that this is not the body to start the conversation or as the chair of this committee to bring a trial balloon in order to get a gage for how much more work you have to do. Part of the reason we put together the guide we have we hope citizens will find and use from here on forward is to ask a lot of questions through the holistic and strategic level about have you done this and

done that. You have done a lot of that work but a number of questions have been raised give guidance such as what committees have you brought this forward to? These are asked for a reason because those are the questions we are going to ask and I would ask people who are watching this hearing to do is to do all the things you've done and do all the things you realize you have more to do. Our job here is to review and assess the readiness of the article for Town Meeting to act and put forth a motion and recommendation to Town Meeting. Bringing the article forward is one way to do it but I would encourage future citizen petitioners that if you don't think your article is ready for prime time but you need help you could always ask the chair of this committee if they would schedule a session where members are free to show up even if we don't have a quorum we can have a working group and if you need help trying to getting down to what are the eighty-five hundred questions that Finance Committee will ask you then members can volunteer to show up and do that to give you the guidance. What I hope we do not do in the future and why we did the work we did last year is so we do not invest two hours in a referral that has good intentions but needs a lot more work.

#### **Article 27- Appropriate Funds for Study and Design of the So-Called Golden Triangle Area:**

**Ms White:** Motion: 'Move that the town vote to appropriate the sum of \$25,000 for MathWorks mitigation funds for study and design of the so-called Golden Triangle Area generally described as the intersection of Speen Street and Route 30 in Natick and Framingham including access egress the Massachusetts Turnpike. Set funds to be expended under the direction of the Board of Selectmen'. This is a continuation of a project that has been going on for several years as a joint effort between the towns of Natick, Framingham and Mass DOT to make improvements to that intersection and specifically improvements to access to the Mass Pike. Jointly with Natick, Framingham and Mass DOT through Natick's Procurement Officer a consultant has been hired as approved by both the Framingham and Natick BOS with a total cost of \$147,000, \$73,500 for each of the two communities. Natick has previously dedicated the amount of \$45,065, most recently the 2015 Fall Town Meeting appropriated \$12,600 which came from us from the town of Framingham for releasing easements on former sewer beds. The other chunk of funds has been in Natick's coffers since the late 1990s and came to us from TJX mitigation funds which was the amount of \$32,465. We are requesting an appropriation amount of \$25,000 from Math Works mitigation funds that are in hand and the remaining balance of \$3,435 would come from the community economic department's operating budget. All of those four pieces together would add up to Natick's portion of \$73,500. The project is underway and we are looking to obtain full funding so there will be no delays.

#### **Questions from Committee on Article 27- Appropriate Funds for Study and Design of the Golden Triangle Area:**

**Ms Collins:** If we don't appropriate this money, am I correct in believing this \$25,000 will sit on the books as the \$45,000 has been since 1999 or we'll have to return it to Math Works?

**Ms White:** Yes it was specific for this purpose.

**Ms Coughlin:** Are we foregoing anything in order to obtain the remaining \$3,435 coming out of Community and Economic Development?

**Ms White:** No, there was money specifically put in to this budget for miscellaneous consulting services.

**Mr Linehan:** Is there a guesstimate of what the construction costs will be or how they would be funded for this project? Is it state funded?

**Ms White:** I'm almost certain it would be state-funded. An important point is the reason we call it a Golden Triangle study is an important component of this study is not only a traffic study but a highest and best use land study because some of the properties in this general vicinity would be widely recognized as underutilized. We think more corporate headquarters not small supply shops. We are looking towards the future of what the traffic impacts would be if the properties were developed more to their highest and best use.

***Mr Sidney moved, seconded by Mr Sullivan favorable action on subject matter Article 27 to appropriate \$25,000 from Math Works mitigation funds as printed in the questionnaire for Article 27 B 2 dated March 3, 2017, Vote 14- 0- 0.***

**Debate:**

**Mr Sullivan:** Being able to secure corporate entities such as Math Works and TJX is a tremendous benefit to the town as so far as expenditure vs. revenue generated and being able to provide some level of accommodation. If you were to tell me that there would be a more densely populated suburban area in so far as people in cars in a particular area between the hours of nine to five I would be surprised so glad we are doing this and happy to support it.

**Mr Evans:** As part of the business development and balanced business commercial and residential tax base the more we can do to better aid infrastructure the better off we are as a community.

**Ms Van Amsterdam:** I'm happy to support it and glad Natick is working with its next door neighboring town.

**Article 28- Amend Prior Appropriation Regarding Sewer System for Affordable Home:**

**Ms White:** Motion: 'Move that the town vote to amend the vote under Article 33 of the 2015 Fall annual Town Meeting which vote was appropriated from free cash in an amount not to exceed \$35,000 for the purpose of constructing and selling force main sewage disposal system for two family affordable home being constructed by the Affordable Housing Trust at 299301 Bacon Street by deleting reference to a "force main" sewer system given the current main design calls for a gravity system.' We just need to delete the two words "force main".

**Questions from Committee on Article 28- Amend Prior Appropriation Regarding Sewer System for Affordable Home:**

**Mr Sidney:** The last phrase of that motion given that the current design, etc. is more explanatory than necessary would it be alright to leave that out of the motion?

**Ms White:** It does not matter to me. I thought it was informative for Town Meeting.

**Mr Linehan:** If the last phrase is not there someone at Town Meeting is going to ask about it so it's probably better to leave it.

***Mr Sidney moved, Ms Collins seconded, favorable action on subject matter Article 28 as printed in the questionnaire dated March 3, 2017 leaving out the last phrase starting with 'given', Vote 14- 0- 0.***

**Article 29- Appropriate Funds in Support of the Natick Affordable Housing Trust:**

**Mr Jay Ball (Member Natick Affordable Housing Trust Fund)**

**Mr Randy Johnson (Chair Natick Affordable Housing Trust Fund)**

**Mr Johnson:** In response to question two in the questionnaire, we outlined the four typical sources of funds for the trust, all of which are either diminishing or unpredictable. They are as follows:

- 1. Through Decisions the Natick Planning Board** – Frequently there are elements extracted by developers that are dedicated to the production of affordable housing and these are given to the trust fund for our use, in the form of funds or property. In 2008 Bacon Street (299301), property was deeded to the trust for the purpose of production of affordable housing from a decision by Bernardi Honda. This was nine years ago and not a dependable source of funds for the trust.
- 2. Decisions by the Board of Selectmen Gifting of property through the trust** - In 2010 plus or minus which was the property at 56 Everett Street which was a deemed an unbuildable property but was given to the trust anyway. Through our due diligence, we proved it was not a wetlands area, and were able to market the property generating funds for other projects for the trust. This is an infrequent source of funding and hasn't happened since the action of the Selectmen about ten years ago.
- 3. West Metro Home Consortium** – These HOME funds are HUD funds given to municipalities for the specific projects for production of affordable housing. As we outlined in the response, in 2014, the total allocation was about \$80,000, since then it has dropped to approximately \$40,000 per year and with added uncertainty in future years given the uncertainty with the present administration's approach to HUD in general.
- 4. Appropriation by Town Meeting** – Article 28 was an example. Last fall, we were in front of this board pitching the need for \$35,000 for the force main where we made the same presentation in that the Trust Fund is a very active organization. Over the past four years, we have revitalized or created new , 16 units of affordable housing and in the process have allocated approximately

\$500,000 of our funds toward those projects. When you look at that, there is \$125,000 per year of expenditures that go to construction and in addition to that we have other initiatives including the homeless voucher program we do where we've run a down payment assistance program and have other expenses as an active volunteer board.

This brings us to Article 29 which is for the funding for the upcoming year of \$100,000 which is the funding request. We came up with this number, partly by our construction burn rate of funds that have gone into the production of housing which is \$125,000 per year. Affordable Housing Trust funds frequently in municipalities that have the Community Preservation Act have access as part of that act itself. For example if Natick had the funding eligible for the trust, taking the total and dividing it by three using plus or minus approach it would be well over \$100,000. We developed a graphic to demonstrate the \$100,000 relative to the total tax levy of Natick.

**Mr Ball:** Demonstration: This ten dollar bill represents the \$100,000,000 the town spends on schools, police, fire, recreation and debt service. This penny represents one tenth of one percent. That is one way of looking at what we are requesting the town to do to actively support rather than give lip service to. Actively support the creation of affordable housing in Natick as no one argues we don't need affordable housing in town. The only mechanism the town has currently to create affordable housing is to have developers who are creating other housing make some portion of that affordable. The duplex affordable housing we are building on Bacon Street is the first housing actually created by the town of Natick. It's a great struggle but we will finish it hopefully this fall. There will be two families living in it which are currently homeless which we are very proud. My earlier demonstration was to show that we hope the town of Natick will say 'yes we support the concept of affordable housing and this is the amount we are willing to allocate to it'.

**Mr Johnson:** Pie Chart: The smallest sliver of pie imaginable is the tenth of percent of the total budget. \$100,000 is not an inconsequential amount of money but it is representative as the amount consistent with our spend rate over the past four years and enables our very active talented board to continue with our operations and the future of production in affordable housing.

#### **Questions from Committee on Article 29- Appropriate Funds in Support of the Natick Affordable Housing Trust:**

**Ms Coughlin:** Given the tightness of the budget presentations we've had so far, is Town Administration on board with this? Since the \$237,125 was already voted for affordable housing under the auspices of the BOS why can't the Affordable Housing Trust have access to it via the BOS? Can the BOS give them a blanket authority? Are you looking for an additional \$100,000?

**Ms White:** Mr Johnson reminded me of an appropriation of a vote made in a 2015 Town Meeting Article 19 where a motion was made to amend a vote taken under a prior Town Meeting which vote appropriated Math Works mitigation funding in the amount of \$240,000 for the creation of affordable housing at 165 North Main Street across from Honey Farms Mini Mart, the oldest house in town, there was a project to restore it but for a variety of reasons the project fell apart. In 2015 annual fall Town

Meeting voted the remaining balance of those funds, \$237,125 shall instead be used for the creation of affordable housing in the town of Natick generally and further that said funds will be administered under the direction of the BOS. One concept was for these funds to be freed up for this purpose instead of a new appropriation. My concern is Town Meeting did specifically vote them under the direction of the BOS and I'm not sure we want to be voting for a third time on the same amount of funds and it has not been presented to the Board of Selectmen who currently holds authority over these funds. I would be happy for these funds to be used by the Affordable Housing Trust as I think that was clearly Town Meeting's intent, I'm not sure if I'm comfortable with amending that vote that freed them up for affordable housing but put them under the direction of BOS. The trust fund can access the funds through the Board of Selectmen but I think the trust is looking for more flexibility so they do not have to come to the selectmen every time they have a need for even small amounts of those funds. I suppose the BOS could give them blanket authority.

**Mr Johnson:** I do not want to use the word 'addition' as we potentially have the \$237,125 however it is at the discretion of the Board of Selectmen and we would have to request that. Part of the reason for the specific request of the \$100,000 is we envision the BOS' use of that money would be dedicated to requests for a specific project and the creation of new units of affordable housing. In that sense it is somewhat restricted and it would not potentially be used for our predevelopment expenses in order to see if a project is feasible such as hiring surveyors, environmental engineers and the sort of miscellaneous expenses that go into creation of a project as opposed to having a feasible project ready to go and then ask for the Board of Selectmen's funding. We were completely aware of the \$237,125 as a source for larger projects and asking for it. We are concerned about the restrictions that may be placed on the money and that is the main request for Article 29 in order to have unrestricted funds we would have complete use to do in support of our mission.

**Ms White:** Would the Finance Committee consider taking this article up again at a later date? In the meantime, we could go to Town Counsel to see how much flexibility this authorization has. It does include the words 'be used for creation of affordable housing', but does appraisal or soil testing count as being used towards creation of affordable housing? From there, see if the selectmen would free up a \$100,000 of it or more.

**Mr Johnson:** Another question that could be asked is 'do you have any projects immediately in need of the money?' Our answer would be 'no' as we are still in the middle of Bacon Street and we have a pipe line of three potential different projects that are in very early stage of development and we probably have money remaining from the sale of the Everett Street property that would help with predevelopment for those potential projects.

**Mr Hayes:** We will postpone this conversation for now and give you a slot on our agenda Tuesday, March 21<sup>st</sup> and will hear your article second.

**Mr Sidney:** Is there \$100,000 available in free cash? If you are not able to get the money will you have the funds to be able to function until fall Town Meeting?

**Ms White:** There is technically \$100,000 available in free cash but I would absolutely not recommend using it.

**Mr Johnson:** Bacon Street is funded from the sale of Everett Street and the pipe line project has slowed down. It could potentially interfere with something we could act on quickly which may or may not happen. I expect the trust fund will survive.

**Ms Wollschlager:** What is the relationship of the AHTF to the town? Does the Finance Committee have any purview over what you spend or your budget? In the future would the only way for you to get money is to present articles like this so it wouldn't have to go through Town Administration? Would you anticipate we might be getting more requests from you in years to come?

**Mr Johnson:** I brought our charter. It is the declaration of trust if anyone would like to read it as I expected a question on what jurisdiction the trust fund has. Active state legislature allows the formation of trust funds and they have unique abilities to wheel and deal in real estate and are quite extensive. The whole mission is in the creation of affordable housing for the town. It is like an authority that can have accounts and take loans as well as sell and buy things with not that much approval of selectmen; we are somewhat autonomous although we have a member of the Board of Selectmen, member of the Planning Board as well as attorneys as part of our format attorneys, our real estate community, construction and occasionally an architect that is extremely effective in getting things done.

**Ms White:** This committee was approved by Town Meeting.

**Mr Johnson:** In terms of us making a request the Finance Committee has purview; however after that it's largely autonomous. Community Preservation Act (CPA) is an example of another avenue, other Planning Board decisions such as title properties that are deeded to the trust. There are multiple mechanisms where we can acquire assets to use they are just not a predictable flow. That is why the intent was to establish some sort of budgetary commitments on a year by year basis where the trust would have a reliable funding source so we could continue with our work. You may be getting additional funding requests from us in the future.

***Mr Sidney moved to close annual town warrant public hearing, seconded by Ms Collins Vote 14-0-0.***

### **Old Business**

#### **Approval of Minutes: Mr Evans**

January 5, 2017

*Mr Sidney, seconded by Ms Collins, move approval as amended, Vote 11 - 0 - 0*

January 12, 2017

*Ms Collins, seconded by Mr Linehan, move approval as amended, Vote 10 - 0 - 0*

January 19, 2017

*Mr Sidney, seconded by Mr Linehan move approval as amended, Vote 9 - 0 - 0*

January 24, 2017

*Mr Sidney, seconded by Mr Linehan, move approval as amended, Vote 11 - 0 - 1*

January 26, 2017

*Mr Sidney, seconded by Mr Linehan move approval as amended, Vote 10 – 0 – 2*

January 31, 2017

*Mr Sidney, seconded by Mr Linehan, move approval as amended, Vote 8 – 0 – 2*

### **Future Meeting Dates/Scheduling - FY 2018 Budget, SATM Warrant - Updates and Discussion**

**Mr Hayes:** The TOOP Articles have been taken off tonight and moved to March 30<sup>th</sup>. The two ALOOD Articles that were previous Fall Town Meeting articles have been taken off the schedule and have been moved to March 30<sup>th</sup>. The primary reason why (Mr Sidney was primarily the initiator) is there is a question of whether those articles could be before us or before Town Meeting. They were both in front of Town Meeting last year the Alludes were referred to Planning Board the TOOP was never heard. Question was posed to Town Counsel whether they could be on this warrant legally. The answer is yes they could be on the warrant. The question remains whether they can be heard at Town Meeting because at least one of them was clearly a referral which is a negative action. The articles not heard can be construed as a negative action and I'm looking for a refinement from Town Counsel's opinion to support that so we have that specificity. There was no negative action they were not heard at all. Both sponsors have been alerted as to why they have been moved back. Both sponsors are on the Planning Board scheduled for the 22<sup>nd</sup> of March. Town Meeting can hear these articles at least the allude ones for referral if there is a majority vote by the Planning Board. I will send members the opinion once I receive the refinement from Town Counsel. It is a majority vote by the Planning Board giving a favorable recommendation to Town Meeting which makes it legal. The soonest that can happen is the 22<sup>nd</sup>. The soonest we can hear it is the 30<sup>th</sup> and is the last possible night we can hear an article and get it in the book the next day for printing which isn't going to happen. In order for all our work to get into the book has to happen by March 23<sup>rd</sup>. Anything that comes after that we will hear the article when it can be heard, we'll deliver a supplement. I would suggest you look at your March 30<sup>th</sup> and expect to have a long night. If you cannot be here the whole night please tell me as I want everyone to know when people start walking out before we start the day and I want the sponsors to know that so we can all be diligent about getting and keeping them to the point so all four articles can be heard. The alternative is to move into other nights after the 30<sup>th</sup> including nights Town Meeting is meeting and we meet earlier which is challenging as well.

Thursday night we have three articles, two are zoning articles brought by Paul Griesmer as a citizen petitioner. They are meaty articles as well. I ask that if you have not read the material on these you should do so because they are not simple things. Mr Griesner is on the Planning Board schedule later by his request. The best thing we can do for those two articles and the TROOP and the allude is to prepare your questions ahead of time up to five o'clock on Thursday so he can prepare something in advance.

The Community Services budget has been opened, we voted for reconsideration. Town Counsel will be available with another member of Town Counsel's firm who is the Employment and Labor Specialist, Kathy Murphy, they will be here on Thursday, March 16<sup>th</sup> that is the night we will rehear the Community Services budget in its totality. If you have questions on parts of the budget we've already heard please send them to me as soon as possible so they have the opportunity to answer them. The reason we got to where we are in large is because we didn't want to go forward with the Community Farm budget and we've opened it back up. I would ask that we do not open it up to discussions we've already had. The questions that you want to have asked and answered now, let's get in writing to them. Anything related around the farm and questions appropriate to ask Town Counsel you can also put those in writing to get them to Town Counsel through me and they will prepare answers in advance.

***Mr Pierce moved to adjourn, seconded by Ms Coughlin, Vote 12 – 0 – 0.***