

**2014 Spring Annual Town Meeting
Fine and Performing Arts Center
Natick High School
May 8, 2014
Sixth Session**

The Sixth Session of the 2014 Spring Annual Town Meeting was called to order at 7:45 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Sixth Session of 2014 Spring Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting who have not yet been sworn in stand to take the oath of office. There were none. The meeting stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Jonathan Freedman, Finance Committee Chair; James Everett, Finance Committee Secretary; Martha White, Town Administrator; Brandon Moss, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectmen.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by **Town Meeting Time**, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking thereon.

The Moderator corrected that for adjournment a two-thirds vote is not required, only a majority vote. In addition, the Moderator made several announcements regarding upcoming community wide events and volunteer opportunities. The Moderator announced that the meeting would begin with consideration of with Motion B under Article 36.

ARTICLE 36: Capital Improvement (Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum of money to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or to otherwise act thereon.

Motion B was moved by Mr. Everett, seconded by Mr. Freedman.

MOTION B: (Two-thirds vote required)

Move that the Town vote to appropriate the sum of \$2,533,500 to be expended under the direction of the Department of Public Works for the purpose of Pine Street roadway improvements and Pond Street sidewalk and guardrail improvements, and under the direction of the Facilities Department for the purpose of expanding the Public Works facility, individually shown as items 2, 3, and 12 in Table B below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,533,500 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$2,533,500 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to

TABLE B, MOTION B: Article 36 - Capital Improvement - 2014 Spring Annual Town Meeting

<u>Item #</u>	<u>Department</u>	<u>Item</u>	<u>Funding Source</u>	<u>Amount</u>
2	Public Works	Pine Street Roadway Improvements	Tax Levy Borrowing	\$ 2,000,000
3	Public Works	Pond Street Sidewalk and Guardrail Replacement	Tax Levy Borrowing	\$ 285,000
12	Facilities	Public Works Expansion	Tax Levy Borrowing	\$ 248,500

Appropriation under Article 36: MOTION B

\$ 2,533,500

Motion B under Article 36 passed by a two-thirds (2/3) vote.

Motion C was moved by Mr. Everett, seconded by Mr. Freedman.

MOTION C: (Two-thirds vote required)

Move that the Town vote to appropriate the sum of \$691,500 to be expended under the direction of the Department of Public Works for the purpose of Sewer Station and Generator upgrades, replacing a sewer pump station, and expanding the Public Works Facility, individually shown as items 13, 14 and 15 in Table C below, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$691,500 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$691,500 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program.

TABLE C, MOTION C: Article 36- Capital Improvement - 2014 Spring Annual Town Meeting

13	Water/Sewer	Sewer Station And Generator Upgrades	W/S Borrowing	\$	360,000
14	Water/Sewer	Sewer Pump Station Replacement	W/S Borrowing	\$	230,000
15	Water/Sewer	Public Works Expansion	W/S Borrowing	\$	101,500

Appropriation under Article 36: MOTION C **\$ 691,500**

Motion C under Article 36 passed by two-thirds (2/3) vote.

ARTICLE 37: Unpaid Bills (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide such sums of money as may be required for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 10-0-0 on February 18, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 37.*

MOTION (requires majority vote):

Moved by Mr. Everett, seconded by Mr. Freedman that no action be taken the subject matter of Article 37.

The motion to take no action under Article 37 passed by majority vote.

ARTICLE 38: Rescind Authorized, Unused Debt (Town Administrator)

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 12-0-0 on March 6, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 38.*

MOTION (requires majority vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to rescind unissued debt for capital projects of the Water & Sewer Enterprise Fund approved under Articles 16 of the 2012 Spring Annual Town Meeting for the following purposes and amount:

Amount Rescinded	Date of Vote	Purpose
\$161,055	Article 16, April 24, 2012, Motion E, Item #11	Sewer Main Relining (MWRA)

Mr. Towne spoke to this article. *The main motion under Article 38 passed unanimously.*

ARTICLE 39: Increase Personal Property Exemptions (Board of Assessors)

To see if the Town will vote to increase the Personal Exemption Amounts by 45% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person); or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 11-0-0 on February 27, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 39.*

MOTION (requires majority vote):

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to increase the Personal Exemption Amounts by 45% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in Massachusetts General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person).

Ms. Dangelo, Director of Assessing spoke to this article. *The main motion under Article 39 passed unanimously.*

ARTICLE 40: Amend Zoning By-Laws: Change Classification from I to RG: Pleasant Street (James M. Williamson, et al)

To see if the Town will vote to amend its Zoning Bylaws, Section II, Item IIB, Subsection 1, entitled "Location of Districts" by changing the zoning classification from Industrial I to RG on portions of two parcels identified as Assessors Map 64 Parcel 44 (22 Pleasant Street, South Natick) and Assessors Map 64 Parch 48 (Town of Natick). Said area to be rezoned includes only that area of said parcels that is presently zoned Industrial I. Being the same area designated as "Manufacturing District No. 5" by the Annual Town Meeting of 1931 (Article 61) and described therein as "the tract between the Hunnewell Playground and the Canal, extending from the Charles River on the east to a western boundary line parallel with and distant 330 feet eastward from the eastern line of Pleasant Street".

FINANCE COMMITTEE RECOMMENDATION:

*The Finance Committee has **No Recommendation** with regard to the subject of Article 40.*

MOTION (requires two-thirds vote)

Moved by Mr. Pierce seconded by Mr. Meyer that the Town vote to amend its Zoning Bylaws, Section II, Item IIB, Subsection 1, entitled "Location of Districts" by changing the zoning classification from Industrial I to RG on portions of two parcels identified as Assessors Map 64 Parcel 44 (22 Pleasant Street, South Natick) and Assessors Map 64 Parch 48 (Town of Natick). Said area to be rezoned includes only that area of said parcels that is presently zoned Industrial I. Being the same area designated as "Manufacturing District No. 5" by the Annual Town Meeting of 1931 (Article 61) and described therein as "the tract between the Hunnewell Playground and the Canal, extending from the Charles River on the east to a western boundary line parallel with and distant 330 feet eastward from the eastern line of Pleasant Street".

The Moderator discussed several process and scope related issues regarding Article 40. The Moderator ruled that the appropriate meetings were held and the necessary postings were done and therefore the article was appropriately before the meeting. Mr. Foss also said that the article was appropriately before the body regardless of the fact that some of it may have changed slightly since the Planning Board Hearing. Mr. Moss, Town Counsel also advised Town Meeting on the same issue, stating that the changes did not significantly alter the intent of the original article. Mr. Foss also addressed the issue of the scope of the article. A map was put up on the screen at Town Meeting and the Moderator reminded Town Meeting members that the only thing that this article is requesting is a zoning change. Mr. Foss said that the participants in prior meetings were aware of what the scope of the article is and therefore the public was also aware of the scope of the article and therefore it is appropriately before the body.

Mr. Pierce spoke to the positive main motion on Article 40. Mr. Carter, President of Barberry Homes also spoke on the Article. Mr. Awkward moved, seconded by Mr. Lista to indefinitely postpone Article 40. Mr. Awkward spoke to this motion. Mr. Hayes moved, seconded by Mr. Linehan to refer the subject matter of Article 40 to the Community Development Department and the Planning Board. Mr. Griesmer moved, seconded by Ms. Collins to replace the first referral motion with the following referral motion: Move to refer the subject matter of Article 40 to a committee created by Town Meeting and appointed by the Moderator such committee to be comprised of 7 members comprised of:

- One representative nominated by the Planning Board
- One representative nominated by the Board of Selectmen

One representative nominated by the Conservation Commission and
Four members of the public

Committee members to be selected for a balance from various precincts.

And that the Moderator may appoint members of the public or other boards and committees in the event nominations are not made.

And that members of the public may be from other boards and committees or may be citizens of the town.

Said committee to have access to town counsel and to staff from within the administration for resource support including the staff of the community development office and the department of public works

Said committee to evaluate any and all matters connected to i) Article 40 , ii) appropriate rezoning of 22 Pleasant St. in South Natick, iii) appropriate land use for the property, and iv) such related topics within the Towns Zoning By Law as they deem appropriate

Said committee to report to Fall 2014 Town Meeting, if possible, and no later than Spring 2015 Town Meeting. This shall not preclude a report to any Special Town Meeting occurring before or within Spring 2015 Town Meeting.

Said report may include recommendations, if any

Said committee being a multiple member body under the Town Charter and as such authorized to sponsor a warrant article if it so chooses for consideration by Town Meeting.

Mr. Griesmer spoke to this referral motion. Mr. Hayes rose to withdraw the first referral motion, Mr. Linehan who had seconded the motion agreed to the withdrawal by the maker of the motion. The Moderator asked if anyone objected, there was an objection. Mr. Hayes moved, seconded by Mr. Linehan to withdraw the first referral motion. Discussion ensued on the withdrawal of the first referral motion. Mr. Yang moved, seconded by Mr. Lista to close debate. ***The motion to close debate on the motion to withdraw the first referral motion passed. The motion to withdraw the first referral motion failed.***

Town Meeting then debated the two referral motions. Moved by Mr. Hughes seconded by Ms. Gloff to move the question and close debate on the question. The Moderator was not able to take the motion as there were more than three people seeking the floor to speak for the first time. Discussion continued. Ms. Coughlin moved, seconded by Mr. Jennett to amend the second referral motion to remove from the third paragraph from the bottom all of the words after Fall 2014 Town Meeting. ***The amendment to the referral motion passed by majority vote.*** Mr. Gath moved, seconded by Mr. Joseph to waive the reading of the motion. ***The motion to waive the reading passed unanimously. The motion to replace the first referral motion passed by majority vote.***

There were three motions on the floor; the first a positive main motion, the second the referral motion just voted and the third indefinite postponement. Discussion continued on all three motions. Mr. Golden moved, seconded by Mr. Griesmer to close debate on all three questions. ***The motion to close debate passed by a two-thirds (2/3) vote.*** The Moderator explained that there are three motions on the floor and the body will vote on the referral motion first. ***The motion for referral passed by majority vote.***

Mr. Pierce moved, seconded by Mr. Hughes to adjourn. The Moderator declared that the vote would be counted. Ms. Brown challenged the quorum. The Moderator counted and there was a quorum present. The motion to adjourn carried 55 to 40. ***The meeting adjourned at 10:20 PM until Tuesday, May 13th at 7:30 PM.***

A record of the Sixth Session of 2014 Spring Annual Town Meeting
May 8, 2014

Diane Packer, Town Clerk