

Section II

Town Meeting Attendance & Minutes

2010 TOWN MEETING MEMBER ATTENDANCE

NAME	PRECINCT	1/26	1/28	2/2	2/4	2/23	4/27	4/29	5/4	5/13	5/18	5/20	10/19	10/21	10/26	10/28	11/4	11/9	11/16
Crain	10	Y	-	Y	Y	Y	term expired March 2010	term expired March 2010	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y
Culkin	2	-	-	Y	Y	-	Y	-	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y
D'Antonio	4	-	-	Y	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Davis	9	-	-	Y	-	-	term expired March 2010												
Davis	9	-	-	Y	-	-	term expired March 2010												
Dellarocca	2	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
DeiPapa	8	-	-	Y	Y	Y	Y	-	-	-	-	Y	Y	Y	Y	-	Y	Y	Y
DiMasi	6	-	-	Y	Y	-	Y	Y	-	-	-	-	Y	-	Y	Y	-	-	-
DiMento	7	-	-	Y	Y	Y	Y	-	Y	Y	-	-	Y	Y	-	Y	Y	-	-
Dimmick	10	-	-	Y	Y	-	resigned, effective 3-1-10												
Diozzi	3	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Donovan, III	4	-	-	-	Y	Y	Y	-	-	-	Y	-	Y	-	Y	Y	-	Y	Y
Drolet	5	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ehrlich	1	-	-	-	-	-	term expired March 2010												
Elizabeth	1	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Espo	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Evans	7	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Farquharson	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	-	-	-	-
Farquharson	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	-	-	-	-
Filledes	3	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Forshner	6	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foss	6	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foster	6	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foster	6	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Freedman	4	-	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Frenkel	8	-	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Friswell	9	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garafalo	8	-	-	-	-	-	term expired March 2010												
Gaziano, Jr.	3	-	-	Y	-	Y	Y	-	Y	Y	Y	-	-	Y	Y	-	Y	Y	-
Gees	4	-	-	-	-	Y	Y	-	Y	-	Y	-	-	-	-	-	-	-	-
Geiser	7	-	-	Y	Y	Y	Y	Y	Y	Y	Y	-	-	-	-	-	-	-	-
Gillenwater	5	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Glater	8	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y
Golden	6	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	-
Goldman	10	-	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
Gols	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	-	-	-
Gove	8	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y
Greenberg	10	-	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	-	Y	Y	-	Y
Griesmer	7	-	-	-	Y	Y	-	-	-	-	Y	Y	-	-	-	-	-	-	-
Hanna	8	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hannon	3	Y	Y	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Harney	4	-	-	Y	Y	Y	term expired March 2010												
Haugland	7	Y	Y	Y	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y

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Hawley																				
Healey	8	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Herring	3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Herson	8	-	-	-	-	-	term expired March 2010	term expired March 2010	-	-	-	-	-	-	-	-	-	-	-	-
Joan E.	3	-	-	-	-	-	Y	-	-	-	resigned 5-10-10	-	-	-	-	-	-	-	-	-
Barbara R.	3	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
John F.	9	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kenneth B.	9	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thomas E.	8	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Charles M.	2	Y	-	Y	Y	Y	term expired March 2010	term expired March 2010	-	-	-	-	-	-	-	-	-	-	-	-
Wilson E.	9	-	-	-	-	-	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nancy	7	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Edward A.	9	-	-	Y	Y	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lesley L.	5	-	-	electd 3-30-10	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Michael T.	8	-	-	appointed 3-30-10	-	-	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Paul R.	9	-	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Scott A.	9	-	-	Y	Y	Y	Y	Y	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y
Stephen M.	2	-	-	Y	Y	-	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Joseph A.	7	-	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keefe	7	-	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kelleher	10	-	-	appointed 3-30-10	-	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mark	10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Martin	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Joseph M.	4	-	-	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Debra O.	6	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Christina E.	4	-	-	electd 3-30-10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kruczynski	4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Christopher A.	4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kruczynski	4	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Leonard P.	3	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kuhn	3	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Leonard	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Herbert Z.	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kupchik	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Arthur L.	3	Y	-	Y	Y	Y	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lamont	3	Y	-	Y	Y	Y	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Douglas	4	-	-	electd 3-30-10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Landry	4	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Paul H.	7	Y	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Laurent	7	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nancy A.	1	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lavash	1	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nancy A.	8	Y	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kathleen A.	8	Y	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alissa R.E.	4	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Leonard	4	-	-	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Seth	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Levine	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Steven	4	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Levinisky	4	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Geoffrey S.	9	-	-	appointed 3-30-10	-	-	Y	Y	-	Y	-	-	Y	-	-	Y	-	-	-	-
Lewis	9	-	-	appointed 3-30-10	-	-	Y	Y	-	Y	-	-	Y	-	-	Y	-	-	-	-
Joseph S.	3	-	-	-	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Libbin	3	-	-	-	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Michael F.	6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Linehan	6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luke	5	-	-	Y	Y	Y	Y	Y	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y
Andrew W.	5	-	-	Y	Y	Y	Y	Y	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y
MacKay	8	-	-	appointed 3-30-10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Andrew S.	8	-	-	appointed 3-30-10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
James L.	8	-	-	Y	Y	Y	Y	Y	-	Y	-	-	Y	-	-	Y	-	-	-	-
Magee	8	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Magee, IV	1	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
John J.	1	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tricia R. Y.	1	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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Maguire	2	-	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	
Manago	8	-	-	-	-	-	Y	Y	-	-	-	-	Y	-	-	-	-	-	-	
Mangano	7	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	-	Y	-	
Manning	10	-	-	Y	Y	-	-	-	Y	Y	Y	-	Y	-	-	-	-	-	-	
Margil	8	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Mathews	3	Y	-	-	-	-	Y	Y	-	-	-	Y	-	-	-	-	-	-	-	
Maynard	1	-	-	-	-	-	term expired March 2010													
McKenzie	3	appointed 9-3-10																		
McKeon-Levine	10	Y	-	Y	Y	Y	Y	-	-	-	Y	-	Y	Y	Y	Y	Y	Y	Y	
McNally	7	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	
Meyer	3	-	-	Y	Y	Y	Y	-	Y	Y	Y	-	Y	Y	Y	-	Y	Y	Y	
Meyler	5	-	-	Y	-	Y	-	Y	-	Y	Y	Y	Y	Y	Y	-	-	-	-	
Miller	8	-	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Mooradian	1	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Munnich	5	-	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Murphy	5	Y	-	-	-	-	term expired March 2010													
Newton	10	-	-	Y	-	Y	-	Y	Y	Y	Y	Y	-	-	-	-	Y	-	-	
Nichols	5	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
O'Brien	3	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	-	Y	-	
O'Hare	1	appointed 4-15-10																		
Ordway	4	-	-	-	-	-	-	Y	Y	Y	Y	Y	-	-	-	-	-	-	-	
Ostroff	6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Oxman	1	-	-	-	-	-	Y	-	-	-	-	-	Y	Y	Y	Y	-	Y	-	
Packer	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Packer	4	Y	-	Y	Y	Y	resigned 4-1-10													
Parritt	6	term expired March 2010																		
Parsons	9	Y	-	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	Y	
Phillips	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Pierce	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	
Potts, Sr.	9	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	
Power, Jr.	5	Y	-	Y	Y	Y	term expired March 2010													
Price	4	-	-	Y	Y	Y	Y	-	-	-	-	-	Y	-	Y	-	-	-	-	
Putnam	9	-	-	Y	Y	Y	-	Y	Y	-	-	-	Y	-	-	-	-	Y	Y	
Quinlan	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Ramakrishnan	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Rao	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Regan	3	Y	-	Y	Y	Y	Y	-	-	-	-	-	-	Y	Y	-	-	-	-	
Resmini	4	elected 3-30-10																		
Richards, III	10	elected 3-30-10																		
Robb	2	elected 3-30-10																		
Rodino	2	Y	-	Y	Y	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	-	-	-	
Rollins	2	-	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Rosen	9	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

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Rosenthal	5	-	-	-	-	-	Y	-	-	Y	-	Y	-	Y	-	-	Y	Y
Ross	4	-	-	Y	-	Y	Y	-	Y	Y	Y	Y	-	-	-	Y	Y	Y
Ross	3	-	-	-	-	Y	Y	Y	-	Y	-	-	-	-	-	-	-	-
Russo	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ryan	9	-	-	Y	Y	Y	Y	-	Y	-	-	Y	Y	Y	-	Y	Y	Y
Salamoff	10	-	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Salamoff	10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Salvi, Jr	2	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	-
Saret	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Schneekloth	3	-	-	-	-	Y	term expired March 2010											
Shea	10	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	-
Sidney	8	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Siegel	5	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	-	-	Y	Y
Simons	1	appointed 4-15-10																
Snow	5	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sohl	4	Y	-	Y	Y	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y
Spiegel	2	elected 3-30-10																
Stephen	6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y
Stevens	8	elected 3-30-10																
Strauss	7	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	-
Sullivan	7	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	-
Sullivan	6	-	-	Y	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y
Swartz	5	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vabulas	5	elected 3-30-10																
Volpe	1	-	-	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y
Weithman	5	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	-	Y
Whitney	3	Y	-	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	-	Y	Y	Y
Wollschlager	7	Y	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y
Wright	5	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y
Wynn, Jr.	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Young	6	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Zucker	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Zucker	2	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet:

The voters of Precinct 1	in Kennedy Middle School
The voters of Precinct 2	in Cole Recreational Building
The voters of Precinct 3	in Kennedy Middle School
The voters of Precinct 4	in Wilson Middle School
The voters of Precinct 5	in Wilson Middle School
The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 8	in Natick Senior High School
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

on **TUESDAY, THE NINETEENTH DAY OF JANUARY, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates for the following office:

SENATOR IN CONGRESS. . . . FOR THE COMMONWEALTH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

You are directed to serve this warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick, to wit: Precinct 1:Reliable Cleaners, 214 West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, 17 Watson Street; Precinct 4: TCAN; Summer Street; Precinct 5: Wilson Middle School, 24 Rutledge Road; Precinct 6: East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7: Bacon Street Farm,100 Bacon Street; Precinct 8: Natick Senior High School, 15 West Street; Precinct 9: Natick Town Hall, 13 East Central Street; and Precinct 10: South Natick Fire Station, 45 Eliot Street.

Above locations being at least one public place in each Precinct in the Town of Natick, and also posted in the two Natick Post Offices, Bacon Free Library, and Morse Institute Library seven days at least before January 19, 2010; also by causing an attested copy of said Warrant to be published in the newspaper called "The MetroWest Daily News", said publication to be January 8, 2010

Given under our hands this twenty-first day of December A.D., 2009

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine Van Amsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

OFFICER'S RETURN

COMMONWEALTH OF MASSACHUSETTS

Natick, Middlesex,

By virtue of this Warrant I have notified the qualified voters of the Town of Natick to meet at the times, places and for the purposes within specified by posting attested copies of said Warrant at the locations and places therein designated for that purpose. An attested copy of said Warrant to be published in the newspaper called "The MetroWest Daily News", this newspaper published in the said Town of Natick, in the issue dated January 8, 2010.

s/Chief Nicholas S. Mabardy
Chief of Police, Nicholas S. Mabardy

**TOWN OF NATICK
SPECIAL STATE ELECTION
TUESDAY JANUARY 19, 2010
OFFICIAL RESULTS**

SENATOR IN CONGRESS	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Scott P. Brown	425	749	772	543	725	768	707	604	719	947	6959
Martha Coakley	504	768	723	626	674	717	872	698	752	877	7211
Joseph L. Kennedy	11	16	5	15	7	12	17	18	14	10	125
Write-ins		3	1	2		2		1	1	1	11
Blanks				7						5	12
All Others											0
Totals:	940	1536	1501	1193	1406	1499	1596	1321	1486	1840	14318

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Totals
Total Votes Cast	940	1536	1501	1193	1406	1499	1596	1321	1486	1840	14318
Registered Voters	2027	2218	2216	2065	2121	2284	2386	2212	2311	2564	22404
Percentage Turn Out	46%	69%	68%	58%	66%	66%	67%	60%	64%	72%	64%

**A TRUE COPY ATTEST:
ONORINA Z. MALONEY, CMMC
INTERIM TOWN CLERK OF NATICK**

**WARRANT
SPECIAL TOWN MEETING #1
JANUARY 26, 2010**

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex,ss

To Any Constable of the Town of Natick in said County:
Greeting:

In the name of Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Natick High School Auditorium, Natick

TUESDAY EVENING JANUARY 26, 2010

at 7:30 o'clock p.m., then and there to act on the following Articles:

- Article 1 Community Senior Center Project: Construction, Refurbishing, furnishing a new community senior center
- Article 2 Amend Charter Article 3 & By-laws: To Provide that the Town Clerk shall be an Appointed Position
- Article 3 Preservation of Town Clerk as an Elected Position and Establishment of Policies
- Article 4 Rescind Action taken on Article 38 of the 2009 Fall Town Meeting: Removal of Police Chief Position from Civil Service
- Article 5 Amend Charter Article 2: Legislative Branch
- Article 6 Natick High School Project: Construction, Furnishing and Equipping a New High School
- Article 7 Natick High School Project – Partial Architectural Services
- Article 8 Local Option Added Hotel/Motel Tax
- Article 9 Amend Charter & Bylaws: Fiscal Procedures

And you are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick; and at the following public places in said Natick, to wit: Precinct 1: Reliable Cleaners, West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, Watson Street; Precinct 4: TCAN, Summer Street; Precinct 5: Wilson Middle School; Precinct 6: East Natick Fire Station, Rhode Island Avenue; Precinct 7: Bacon Street Farm, Bacon Street; Precinct 8: Natick Senior High School, West Street; Precinct 9: Natick Town Hall, East Central Street and Precinct 10: South Natick Fire Station, Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the two Natick U.S. Post Offices, Bacon Free Library and Morse Institute Library fourteen days at least before January 26, 2010; also by causing an attested copy of said Warrant to be published once in the Newspaper called "*The Metrowest Daily News*", with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be January 8, 2010.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this 4th day of January two thousand and ten.

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine Van Amsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

A true copy January 4, 2010

Attest: s/Onorina Z. Maloney,
Onorina Z. Maloney, Interim Town Clerk

s/Nicholas S. Mabardy
Chief of Police, Nicholas S. Mabardy

Certified copies of the Warrant articles available at the Office of the Town Clerk, First Floor, Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov.

SPECIAL TOWN MEETING #1

**Natick High School Auditorium
Tuesday January 26, 2010
First Session
January 26, 2010**

At 7:45 pm Moderator Frank W. Foss called the First Session of Special Town Meeting #1 to order. The Moderator called upon John Ciccariello, Chair of the Board of Selectmen to retrieve the count of Town Meeting Members present. The count obtained from the checkers was 66 members present. Since the quorum requirement is 91 members, the count failed to meet the quorum. Mr. Sidney moved to adjourn, seconded by Mr. Friswell. The meeting adjourned at 7:46 pm until Thursday January 28, 2010.

Respectfully Submitted,

s/Onorina Z. Maloney

Onorina Z. Maloney, Interim Town Clerk

SPECIAL TOWN MEETING #1

**Natick High School Auditorium
Thursday January 28, 2010
Second Session**

At 7:45 pm Moderator Frank W. Foss called the Second Session of Special Town Meeting #1 to order. The Moderator called upon Frederick 'Dirk' Coburn, Chair of the School Committee to retrieve the count of Town Meeting Members present. The count obtained from the checkers was 28 members present. Since the quorum requirement is 91 members, the count failed to meet the quorum. Mr. Linehan moved to adjourn, seconded by Mr. Margil. The meeting adjourned at 7:46 pm until Tuesday February 2, 2010.

Respectfully Submitted,

s/Onorina Z. Maloney

Onorina Z. Maloney, Interim Town Clerk

SPECIAL TOWN MEETING #1

Natick High School Auditorium February 2, 2010 Third Session

The third session of the Special Town Meeting #1 was called to order at 7:35 pm by Moderator Frank W. Foss who declared a quorum present. The Moderator welcomed all present to the third session of the Special Town Meeting #1. Mr. Moderator read the general rules of town meeting. He also entertained a motion to waive the reading of the warrant and the text of motions excluding financial articles. Moved by Mr. Sidney, seconded by Mr. Friswell.

Motion passes by majority vote.

Mr. Sidney moved to present a resolution, seconded by Ms. Collins as follows:

RESOLUTION

WHEREAS Natick Fall 2009 Annual Town Meeting voted under Article 38 to authorize the Board of Selectmen to submit a Home Rule Petition to exempt the position of Chief of Police in the Town of Natick from the provisions of Chapter 31, of the Massachusetts General Laws, the Civil Service Law, and

WHEREAS the Board of Selectmen filed said Home Rule Petition, and said legislation has been filed as House Bill 4419 and referred to the Joint Committee on Public Service, and

WHEREAS the office of Chief of Police of the Town of Natick became subject to the Civil Service Laws and rules and regulations in 1931 when the voters of the Town of Natick accepted an Act passed by the General Court entitled, "An Act Placing The Office Of Chief Of Police Of The Town Of Natick Under The Civil Service Laws," and

WHEREAS Natick Fall 1987 Town Meeting voted to authorize the Board of Selectmen to submit a Home Rule Petition to exempt the position of Chief of Police in the Town of Natick from the provisions of the Civil Service Law, and

WHEREAS the Board of Selectmen submitted said Home Rule Petition and the requested legislation was enacted, subject to the approval of the voters, and the Town subsequently voted in the March 28, 1988 Town Election under Ballot Question 1 not to accept an Act passed by the General Court entitled "An Act Providing That The Position Of The Chief Of The Police Department Of The Town Of Natick Be Exempt From The Civil Service Law,"

NOW THEREFORE Natick Town Meeting directs the Board of Selectmen to promptly convey to the State Legislature the text of this resolution and a request to amend House Bill 4419 such that it take effect upon passage by the voters of Natick, at the next election available for this purpose.

Ms. Van Amsterdam spoke as a citizen and urged Town Meeting Members to vote down the resolution. Mr. Paul Connolly asked for clarification on the resolution. Mr. Sidney responded that he is trying to 'balance' this issue. Mr. Crain moved the question, Mrs. Ball seconded.

There were only two people seeking the floor.

The moderator took the motion to move the question.

Motion to move the question passes by 2/3 vote.

The Moderator read the resolution to the body.

Resolution fails.

Mr. Coburn moved to postpone Articles 6 and 7 to be the first order of business at the next session of Town Meeting, motion seconded by Mr. Margil.

Motion to postpone Articles 6 and 7 until February 4th, 2010 passes by 2/3 vote.

Article 1: Community Senior Center Project: Construction, Furbishing and Furnishing a new Community Senior Center (Board of Selectmen)

ORIGINAL RECOMMENDATION: By a vote of 9-0-2 on January 12, 2010, the Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 1.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$10,000,000 to construct, equip and furnish a new Community/Senior Center, said sum to be expended under the direction of the Board of Selectmen for the purpose of constructing, equipping and furnishing a new Community/ Senior Center and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$10,000,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$10,000,000 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, provided that said appropriation is contingent upon approval by the voters of the Town of Natick of a ballot question which exempts said appropriation from the limitations imposed by Chapter 59, Section 21C of the Massachusetts General Laws, Proposition 2 1/2 so-called.

Mr. John Ciccariello asked for more than ten minutes to present. The Moderator asked Town Meeting Members if there were any objections for Mr. Ciccariello to speak for more than ten minutes. There were no objections. Mr. Ciccariello asked for support of Town Meeting in order to place this debt exclusion question on the March 2010 town election ballot. Moira Munns Director of Human Services and Council on Aging spoke on this article. Laurie Rosen, Chair of the Natick Council on Aging Board asked for support on Article 1 and indicated that 15 years has been long enough to wait for a new Community/Senior Center.

Mr. Connolly offered an amendment as follows:

I move to delete all words in the main motion following the phrase 'carry out this program'

Seconded by Mr. Power.

Mr. Greenberg asked what the tax rate would be if both High School and the Community

Senior Center were approved. Ms. White responded that the rate would be \$12.78. Mr. Jennett stated that the cost for the average \$393,000 home would be \$1 per week. Mr. Chouinard asked why the pool was left out. Mr. Ciccariello responded that the cost of constructing the swimming pool was enormous and to operate it would have been enormous as well.

Mrs. Foss moved the question, seconded by Mr. Sidney.

Motion to move the question passes by 2/3 vote
Amendment fails.

Motion under Article 1 passes by 2/3 vote.

Mr. Hughes moved to adjourn, seconded by Mr. Power. The February 2, 2010 Third Session of Special Town Meeting #1 adjourned at 9:57 pm until Thursday February 4, 2010.

Respectfully Submitted,

s/Onorina Z. Maloney

Onorina Z. Maloney, Interim Town Clerk

SPECIAL TOWN MEETING #1

**Natick High School Auditorium
February 4, 2010
Fourth Session and Final Session**

The fourth session of the Special Town Meeting #1 was called to order at 7:42 pm by Moderator Frank W. Foss who declared a quorum present. The Moderator welcomed all to the fourth session of the Special Town Meeting #1. Mr. Moderator introduced the officials on stage. State Rep. David Linsky is in attendance this evening and was recognized by applause. The Moderator reviewed the general rules of town meeting.

Mr. Goldman moved that Article 7 be heard before Article 6, seconded Mr. Margil.

Motion to advance to Article 7 passes by majority vote.

ARTICLE 7: Natick High School Project - Partial Architectural Services

REVISED RECOMMENDATION: By a vote of 12-0-0 on February 1, 2010, the Finance committee recommends FAVORABLE ACTION for the authorization to borrow \$1,100,00 with regard to the subject of Article 7.

MOTION: Requires 2/3 vote

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town of Natick appropriate the sum of One million one hundred thousand dollars (\$1,100,000) to pay costs of partial architectural services for the replacement/renovation of Natick High School, located at 15 West Street, Natick, MA, including schematic design, design development and construction documents, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the School Committee, and to meet said appropriation the Treasurer, with the approval of the Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Natick acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Natick incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Natick; provided further that any grant that the Town of Natick may receive from the MSBA for the project shall not exceed the lesser of (1) 52.63 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Natick and the MSBA.

Mr. Sanchioni offered a presentation. Mr. Ciccariello and Rep. Linsky spoke on this article and urged town meeting to support this important effort. Mr. Hurley presented the budget for the High School budget.

Motion under Article 7 passes by 2/3 vote

ARTICLE 6: Natick High School Project Construction, Furnishing and Equipping a New High School

REVISED RECOMMENDATION: By a vote of 12-0-0 on February 1, 2010, the Finance Committee recommends FAVORABLE ACTION for the authorization to borrow \$88,990,000 with regard to the subject of Article 6.

MOTION: Requires 2/3 vote

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town of Natick vote to appropriate the sum of eighty five million, six hundred forty thousand dollars (\$85,640,000) which, in addition to the previously appropriated sums of \$250,000 under Article 12 of the warrant for the 2008 Spring Annual Town Meeting, \$2,000,000 under Article 33 of the warrant for the 2009 Spring Annual Town Meeting, and \$1,100,000 under Article 7 of the 2010 Special Town Meeting #1, brings the total appropriation to the sum of eighty eight million, nine hundred ninety thousand dollars (88,990,000) said fund to be used to construct, furnish and equip a new Natick High School located at 15 West Street, Natick, Massachusetts, and related facilities, buildings, appurtenant structures, and grounds, including without limitation the Memorial Field Complex, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years said sum to be expended under the direction of the School Committee, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Natick acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Natick incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Natick; provided further that any grant that the Town of Natick may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.63 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Natick and the MSBA.

Mr. Ciccariello, Chair of the Board of Selectmen stated that the Board of Selectmen voted this evening to support Article 6.

Mr. Whitney posed the following amendment, seconded by Mr. Power.

Move to amend the main motion by deleting the words:

"Eighty five million, six hundred forty thousand dollars (85,640,000)"

And insert the words:

"Eighty million dollars (\$80,000,000)"

Mr. Freedman moved to waive the reading of the motion. Seconded by Mr. Sidney.

or if the office is vacant because of resignation, death, or otherwise, the town administrator may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes his duties, or until another town clerk is duly appointed and qualified with such temporary appointment not to exceed 270 days. Said temporary appointment shall be in writing, signed by the town administrator, and filed with the board of selectmen.”

And, further, to amend the Town of Natick By-Laws as follows:

3. Renumber By-Law Article 11 as a new By-Law Article 33 and revise the Table of Contents accordingly.

4. Insert a new Section 14 in By-Law Article 33 to read as follows:

“Section 14 Qualifications, Appointment, and Reappointment

The Town Clerk shall be appointed for a term of three (3) years pursuant to Section 6-5 of the Charter. The minimum qualifications for the position of Town Clerk shall include the following:

(4) A bachelor’s degree in public administration, government, or business management, or an equivalent combination of experience and education.

(5) At least five years of progressively responsible administrative work in municipal government and in the field of municipal records and/or office management.

(6) Extensive knowledge of state, local and federal statutes and regulations applicable to the duties and responsibilities of a Town Clerk’s office and the functions and operations of town government.

(c) Procedure for Appointment of Town Clerk - Whenever the position of Town Clerk becomes vacant or within six months of the time when it is known that the position of Town Clerk shall become vacant, the Town Administrator shall initiate the selection process by requesting establishment of a Town Clerk Screening Committee and requesting appointees from town agencies as specified below. The Town Administrator may initiate the selection process at an earlier time if it is known that the position of Town Clerk shall become vacant.

The Town Clerk Screening Committee shall consist of one member or designee of the Personnel Board, appointed by a majority of that board; two members or designees (one Democrat and one Republican) of the Board of Registrars, appointed by a majority of that board; and four members, who shall not be members of any multiple member body, appointed by the Town Moderator. Of the four members appointed by the Town Moderator, two shall be members of Town Meeting, and at least three shall be voters in the town of Natick. One of the four members appointed by the Town Moderator need not be a voter in the town of Natick if that appointee has special expertise regarding the office or the duties of Town Clerks in the Commonwealth of Massachusetts. No sitting Natick Town Clerk nor any individual under consideration for the position of Town Clerk may be a member of the Town Clerk Screening Committee.

Appointing bodies shall name appointees not later than twenty-eight days (28) after the Town Administrator has requested appointees. After twenty-eight days, vacancies in the Town Clerk Screening Committee may be filled by the Town Moderator. Any member of the Town Clerk Screening Committee who resigns from that committee must give immediate notice of his resignation to the Town Moderator, who may fill the vacancy.

The Town Clerk Screening Committee shall solicit applications for the position of Town Clerk and consider candidates by means it deems appropriate. Such means shall include thorough review of every application, and may include interviews and other screening methods. The Screening Committee shall submit to the Town Administrator a list of at least two nominees for the position of Town Clerk. If the Screening Committee determines that there are not at least two applicants qualified to perform the duties of Town Clerk, the Screening Committee shall report to the Town Administrator that it is unable to complete its assigned task. In that event, the Town Administrator shall direct the Screening Committee to reopen the search process.

Within thirty days following the date on which the list of nominees is submitted to him, the Town Administrator shall either choose one of the said nominees to be appointed to the office of the Town Clerk or, if the Town Administrator decides not to appoint one of the nominees, he shall direct the Screening Committee to reopen the search process.

Upon the appointment of the Town Clerk, the Screening Committee established hereunder shall be considered discharged.

(d) Reappointment -

At last six (6) months prior to the completion of the Town Clerk's term, the Town Administrator shall initiate the reappointment process by requesting establishment of a Town Clerk Review Committee in the same manner and with the same membership composition and restrictions as the Town Clerk Screening Committee described above.

Efforts shall be made to appoint members to the Review Committee who were not on the most recent Town Clerk Screening or Review Committee.

The Town Clerk Review Committee shall solicit comments from the public regarding the performance of the Town Clerk. It shall provide a written summary of said comments and a written recommendation regarding reappointment of the Town Clerk to the Town Administrator no later than three months prior to the end of the Town Clerk's term. Upon the provision of said summary and recommendation, the Town Clerk Review Committee shall be considered discharged. Within fourteen (14) days of his receipt of the Town Clerk Review Committee's summary and recommendation, the Town Administrator shall make those documents public to the extent allowable by law.

If the Town Administrator determines not to reappoint the Town Clerk, the appointment procedure under Charter Article Section 6-5 and this By-Law shall be followed."

Provided that:

" The foregoing amendments to the Town of Natick By-Laws shall not take effect unless and until the amendments to the Natick Home Rule Charter voted under this article are approved by the voters of the Town of Natick.

" Any incumbent serving in the office of Natick Town Clerk at the time of approval by the voters of the Town of Natick of the foregoing amendments to the Natick Home Rule Charter shall continue to hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor Town Clerk is qualified; and

Any individual elected to the office of the Natick Town Clerk, in the circumstance where the office of Natick Town Clerk becomes an appointed position at the same election, shall hold said office and perform the duties thereof until an appointment to said office is otherwise made pursuant to the authority conferred by the Natick Home Rule Charter and a successor Town Clerk is qualified.

Mr. Freedman as a Town Meeting Member, moved referral to sponsor, seconded by Mr. Jennett.

The referral of subject matter of Article 2 passes by unanimous vote.

Mr. Levinsky moved to advance to Article 8, seconded by Mr. Joseph.

Article 8: Local Option Added Hotel/Motel Tax (Board of Selectmen)

ORIGINAL RECOMMENDATION: By a vote of 6-5-0 on January 12, 2010, the Finance committee has no recommendation with regard to the subject of Article 8.

Positive Motion:

MOTION: Requires majority vote

Positive main motion was put on the floor by Ms. Broekel as follows:

Moved by Ms. Broekel that the Town vote to amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of six percent. Seconded by Mr. Sidney.

Mr. Power moved the question, seconded by Mr. Keefe.

Motion to move the question passes by 2/3 vote.

The positive main motion under Article 8 passes by majority vote.

Article 3: Preservation of Town Clerk as Elected Position and Establishment of Policies (Henry Haugland, et al)

ORIGINAL RECOMMENDATION: By a vote of 13-1-0 on January 7, 2010, the Finance Committee recommends REFERRAL BACK TO THE SPONSOR AND THE BOARD OF SELECTMEN with regard to the subject of Article 3.

MOTION: Requires majority vote

Move that the Town vote to refer the subject matter of Article 3 to Henry Haugland, et al.

Finance Committee recommends referral, seconded by Mr. Haugland.

The motion to refer to the sponsor and the Board of Selectmen is unanimous.

At this time, Mr. Crain asked if it was necessary to hold the February 23 Special Town Meeting

#2. Mr. Flynn did indicate that it is necessary to ratify the votes taken at STM#1 as advised by Bond Counsel.

**Article 4: Rescind Action Taken on Article 38 of the 2009 Fall Town Meeting:
Removal of Police Chief Position from Civil Service
(Richard Sidney, et al)**

MOTION: (Requires majority vote)

Move that the Town refer the subject matter of Article 4 to Richard Sidney, et al.
Mr. Sidney moved to refer to the sponsor, seconded by Mr. Freedman.

Motion to refer Article 4 to Richard Sidney, et al passes by unanimous vote.

**Article 5: Amend Charter Article 2: Legislative Branch
(Charter & By-Law Review Committee)**

MOTION: Requires majority vote

Move that the Town vote to refer the subject matter of Article 5 to the Charter & By-Law Review Committee.

Positive Motion:

MOTION: (Requires 2/3 vote - Charter Change)

Move that the Town vote to amend Article 2, Section 2-11(d) of the Natick Home Rule Charter as follows:

1. In Section 2-11 (d):

- a) in the first sentence, insert the word “preliminary” between the words “cause” and “copies”, between the words “the” and “warrant”, and between the words “said” and “warrant”;
- b) in the first sentence, insert the words “the town clerk” after the words “the finance committee,”
- c) in the second sentence, insert the word “preliminary” before the word “warrant”; and insert a new third sentence which reads “When the warrant has been attested by the board of selectmen, said warrant shall be distributed as prescribed above and in such additional manner as may be provided by by-law.”; so that said section 2-11 (d) reads:
- (d) Publication - Within five days following the date the warrant for any town meeting shall close the board of selectmen shall cause preliminary copies of the preliminary warrant articles for such meeting to be posted in each precinct of the town and copies of said preliminary warrant articles to be mailed to the town moderator, the chairman of the finance committee, the town clerk and to such other persons as may be designated by bylaw. Additional copies of the preliminary warrant articles shall be made available for general distribution in the office of the town clerk. When the warrant has been attested by the board of selectmen, said warrant shall be distributed as prescribed above and in such additional manner as may be provided by by-law.

Mr. Freedman moved to refer subject matter of Article 5, seconded by Mr. Jennett.

Motion to refer the subject matter of Article 5 to the Charter & By-Law Review Committee passes by unanimous vote.

**Article 9 Amend Charter & Bylaws: Fiscal Procedures
(Paul Griesmer, et al)**

MOTION: Requires majority vote

Move that the Town vote to refer the subject matter of Article 9 to the Charter & By-Law Review committee and Paul Griesmer.

Positive Motion:

Move that the Town vote to amend Article 4, of the Natick Home Rule Charter as follows:

1. In Section 4-2, in the eighth paragraph:
 - a. Delete the comma after the word “submit”;
 - b. Insert the words “the fiscal documents,” after the word “submit”;
 - c. Delete the words “a proposed” after the words “Article 5”;
 - d. Insert the words “pertaining to the” after the words “Article 5”;
 - e. Delete the word “a” after the words “operating budget and”;

So that the paragraph shall read:

“He shall prepare and submit the fiscal documents in the manner provided in Article 5 pertaining to the annual operating budget and proposed capital outlay program for the town.”

And further, move that the Town vote to amend Article 5 of the Natick Home Rule Charter as follows:

2. In Section 5-5, as approved by the 2009 Fall Annual town Meeting:
 - a. In The second sentence, replace the words “the means” with the words “identify one or more scenarios”;
 - b. In the last sentence prior to sub-paragraph a), replace the words “The budget” with the words “Any and all submitted budgets”;

So that the paragraph shall read:

“The preliminary budget, in conjunction with the town administrator’s budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools’ proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrator’s recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town administrator deems desirable, or as the board of selectmen may require. In his presentation of the preliminary

budget, the town administrator shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:"

3. In Section 5-6 (b), as approved by Fall ATM:

a. In the final sentence, replace the words "the preliminary" with the words "any submitted"

So that the section shall read:

"Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget."

Mr. Freedman moved to refer subject matter of Article 9 to the Charter & By-Law Review Committee and the sponsor, seconded by Mr. Jennett.

Referral of subject matter of Article 9 to the Charter & By-Law Review Committee and to the sponsor passes by unanimous vote.

At this time, Mr. Moderator thanked Pegasus and all the hard work the team puts forth to ensure all goes smoothly with the broadcasting of Town Meeting. He also thanked the Pages for their consistent quiet running up and down the aisles to make certain all are heard.

Mrs. Brown wished to thank the Moderator for his excellent job.

Mr. Sidney moved to dissolve the 2010 Special Town Meeting #1, seconded by Mr. Demasi. The 2010 Special Town Meeting #1 dissolved at 10:33 pm on February 4, 2010.

Respectfully Submitted,

s/Oonorina Z. Maloney

Onorina Z. Maloney, Interim Town Clerk

**WARRANT
SPECIAL TOWN MEETING #2
FEBRUARY 23, 2010**

Middlesex,ss
COMMONWEALTH OF MASSACHUSETTS
To Any Constable of the Town of Natick in said County:

Greetings:

In the name of Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Wilson Middle School Auditorium, Natick on:

TUESDAY EVENING FEBRUARY 23, 2010

at 7:30 o'clock p.m., then and there to act on the following Article:

Article 1: Ratification of Votes Taken at the 2010 Special Town Meeting #1

And you are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick; and at the following public places in said Natick, to wit: Precinct 1: Reliable Cleaners, West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, Watson Street; Precinct 4: TCAN, Summer Street; Precinct 5: Wilson Middle School; Precinct 6: East Natick Fire Station, Rhode Island Avenue; Precinct 7: Bacon Street Farm, Bacon Street; Precinct 8: Natick Senior High School, West Street; Precinct 9: Natick Town Hall, East Central Street and Precinct 10: South Natick Fire Station, Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the two Natick U.S. Post Offices, Bacon Free Library and Morse Institute Library fourteen days at least before February 23, 2010; also by causing an attested copy of said Warrant to be published once in the Newspaper called "*The Metrowest Daily News*", with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be February 4, 2010.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this 1st day of February two thousand and ten.

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine Van Amsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

A true copy February 1, 2010

Attest: s\ Onorina Z. Maloney,
Onorina Z. Maloney, Interim Town Clerk

Constable: s\ Arthur Lamont
Arthur Lamont, Constable

Certified copies of the Warrant article available at the Office of the Town Clerk, First Floor, Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov.

SPECIAL TOWN MEETING #2

**Wilson Middle School
Marshall Lebowitz Town Meeting Hall
Tuesday, February 23, 2010
First and Final Session**

The first session of the Special Town Meeting #2 was called to order at 7:34 pm by Moderator Frank W. Foss who declared a quorum present. The Moderator welcomed all to the first session of STM#2. All stood for the Pledge of Allegiance followed by a moment of silence. The Moderator covered the rules and procedures of Town Meeting. The Moderator entertained a motion to waive the reading of the warrant motions excluding financial articles. Moved by Mr. Sidney, seconded Mr. Jennett.

Motion passes by unanimous vote.

**ARTICLE 1: Ratification of Votes Taken at the 2010 Special Town Meeting #1
(Board of Selectmen)**

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman seconded by Mr. Jennett that the Town of Natick vote to ratify, validate and confirm all acts and proceedings taken by the Town under Articles 1 through 9, inclusive, at the 2010 Special Town Meeting #1, which action were as follows:

1. Community Senior Center Project: Construction, Furbishing and Furnishing a new Community Senior Center

Voted that the Town vote to appropriate the sum of \$10,000,000 to construct, equip and furnish a new Community/Service Center, said sum to be expended under the direction of the Board of Selectmen for the purpose of constructing, equipping and furnishing a new Community/Senior Center and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$10,000,000 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 \$10,000,000 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, provided that said appropriation is contingent upon approval by the voters of the Town of Natick of a ballot question which exempts said appropriation from the limitations imposed by Chapter 59, Section 21 C of the Massachusetts General Laws, Proposition 2 1/2 so-called.

2. Amend Charter Article 3 & By-Laws: To Provide that the Town Clerk Shall be an Appointed Position

Voted that the Town vote to refer the subject matter of Article 2 to the sponsors.

3. Preservation of Town Clerk as Elected Position and Establishment of Policies

Voted that the Town vote to refer the subject matter of Article 3 to the sponsor and the Board of Selectmen.

4. Rescind Action Taken on Article 38 of the 2009 Fall Town Meeting: Removal of Police Chief Position from Civil Service. Voted that the Town vote to refer the subject matter of Article 4 to the sponsor.

5. Amend Charter Article 2: Legislative Branch

Voted that the Town vote to refer the subject matter of Article 5 to the sponsors.

6. Natick High School Project: Construction, Furnishing and Equipping a New High School

Voted that the Town of Natick vote to appropriate the sum of eighty five million, six hundred forty thousand dollars (\$85,640,000) which, in addition to the previously appropriated sums of \$250,000 under Article 12 of the warrant for the 2008 Spring Annual Town Meeting, \$2,000,000 under Article 33 of the warrant for the 2009 Spring Annual Town Meeting, and \$1,100,000 under Article 7 of the 2010 Special Town Meeting #1, brings the total appropriation to the sum of eighty eight million, nine hundred ninety thousand dollars (\$88,990,000); said funds to be used to construct, furnish and equip a new Natick High School located at 15 West Street, Natick, Massachusetts, and related facilities, buildings, appurtenant structures, and grounds, including without limitation the Memorial Field Complex, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years said sum to be expended under the direction of the School Committee, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Natick acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Natick incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Natick; provided further that any grant that the Town of Natick may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.63 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Natick and the MSBA.

7. Natick High School Project

Partial Architectural Services: Voted that the Town of Natick appropriate the sum of One million one hundred thousand dollars (\$1,100,000) to pay costs of partial architectural services for the replacement/renovation of Natick High School, located at 15 West Street, Natick, MA, including schematic design, design development and construction documents, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the School Committee, and to meet said appropriation the Treasurer, with the approval of the Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Natick acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Natick incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Natick; provided further that any grant that the Town of Natick may receive from the MSBA for the project shall not exceed the lesser

of (1) 52.63 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Natick and the MSBA.

8. Local Option Added Hotel/Motel Tax

Voted that the Town vote to amend its local room occupancy excise under G.L. c.64G §3(a) to the rate of six percent.

9. Amend Charter & Bylaws: Fiscal Procedures

Voted that the Town vote to refer the subject matter of Article 9 to the Charter and By-Law Review Committee and sponsor.

The Moderator indicated that this vote is narrow in scope and it is only to ratify the votes that have been taken.

The motion passes by unanimous vote.

Mr. Snow moved to hear a report of the findings and recommendations of the Expense Control Task Force at the next Annual Spring Town Meeting. Seconded by Mr. Connolly.

The motion prevails by majority vote.

Mr. Goldman moved to dissolve the 2010 Special Town Meeting #2, seconded by Mr. Sidney. The 2010 Special Town Meeting #2 dissolved at 7:45 pm on February 23, 2010.

Respectfully Submitted,

s/Onorina Z. Maloney

Onorina Z. Maloney, Interim Town Clerk

**WARRANT
FOR
ANNUAL TOWN MEETING
MARCH 30, 2010**

THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet:

The voters of Precinct 1	in Kennedy Middle School
The voters of Precinct 2	in Cole Recreational Building
The voters of Precinct 3	in Kennedy Middle School
The voters of Precinct 4	in Wilson Middle School
The voters of Precinct 5	in Wilson Middle School
The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 8	in Natick Senior High School
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

TUESDAY, THE THIRTIETH DAY OF MARCH 2010

At 7:00 o'clock A.M. at which time in all Precincts of said Town of Natick, the polls will be opened and will remain open continuously until 8:00 o'clock P.M. of said day, when they will be closed, during which time the aforesaid qualified inhabitants of said Town may bring in their votes to the Election Officers duly appointed and sworn for said Precincts for said Town of Natick in said meeting so assembled for and to elect:

Board of Selectmen for Three Years Vote for not more than Two
School Committee for Three Years Vote for not more than Three
Board of Assessors for Three Years Vote for not more than One
Town Clerk for Three Years Vote for not more than One
Constables for Three Years Vote for not more than Six
Board of Health for Three Years Vote for not more than One
Board of Health for One Year Vote for not more than One
Town Moderator for Three Years Vote for not more than One
Planning Board for Five Years Vote for not more than One
Recreation & Parks Commissioners for Three Years Vote for not more than Two
Natick Housing Authority for Five Years Vote for not more than One

In addition – SIXTY EIGHT TOWN MEETING MEMBERS:

Precinct 1-	Six for 3 Years, One for 2 Years, Four for 1 Year	Precinct 6-	Six for 3 Years
Precinct 2-	Six for 3 Years, Two for 1 Year	Precinct 7-	Six for 3 Years
Precinct 3-	Six for 3 Years	Precinct 8-	Six for 3 Years

Precinct 4- Six for 3 Years , One for 1 Year
Precinct 5- Six for 3 Years

Precinct 9- Six for 3 Years
Precinct 10- Six for 3 Years

QUESTION 1

Shall the Town of Natick be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct, equip and furnish a new Community/ Senior Center?

Yes _____ No _____

QUESTION 2

Shall the Town of Natick be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct, furnish and equip a new Natick High School located at 15 West Street, Natick, Massachusetts and related facilities, buildings, appurtenant structures, and grounds, including without limitation the Memorial Field Complex?

Yes _____ No _____

QUESTION 3

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town Meeting under Article 24, as summarized below?

Yes _____ No _____

The amendment revised Article 2 of the Natick Home Rule Charter as follows.

1. In Section 2-3, which Section relates to the voting precincts of the Town, in the second paragraph, first sentence, third line, delete the word “and” which appears between the words “meeting” and “c” and insert in its place the word “or”, so that said first sentence reads “The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by a vote of the town meeting, or (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by five per cent or more from the total number of inhabitants of the town divided by the number of precincts.”; and
2. In Section 2-6(d), which Section relates to filling Town Meeting member vacancies, in the last sentence, delete the comma which appears between the words “event” and “there” and insert in its place the word “that” so that said last sentence reads “In the event that there are no persons eligible, the vacancy shall remain unfilled until the next town election.”; and
3. In Section 2-13(c), which Section relates to calling a special election following the filing of a referendum petition concerning a Town Meeting vote, in the second sentence, delete the words “fourteen” and “twenty-one” and insert in their place the words “thirty” and “sixty” so that said second sentence reads “The board of selectmen shall, within ten days following the filing of such petition, call a special election to be held on a date fixed by it not less than thirty nor more than sixty days later for submission of such question, or questions, to the voters for a final

determination.”

QUESTION 4

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town Meeting under Article 26, as summarized below?

Yes _____ No _____

The amendment revised Article 4 of the Natick Home Rule Charter as follows.

1. In Section 4-2, which Section relates to the Town Administrator’s powers and duties, in the first paragraph, insert the words “and by-laws” at the end of the first sentence so that said first sentence reads “The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper administration of all town affairs placed under his charge by or under the charter and by-laws.”; and
2. In Section 4-2 13), which Section relates to the Town Administrator’s powers and duties, in the second line, insert the words “consistent with Generally Accepted Accounting Principles” between the words “kept” and “including” so that said subsection 13) reads “He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers on multiple member bodies.”; and
3. In Section 4-2 15), which Section relates to the Town Administrator’s powers and duties, in the second sentence, delete the word “material” and insert in its place the word “materials”; in the third sentence, delete the word “material” and insert in its place the word “materials”; and insert in the third sentence the words “for all departments and activities of the town” between the words “equipment” and “except” so that Section 4-2 15) reads “He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town except for the school department.”; and
4. Renumber Section 4-2 17) as 4-2 18) and renumber Section 4-2 18) as Section 4-2 19);
5. Insert a new Section 4-2 17), which Section relates to the Town Administrator’s powers and duties, which reads “He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.”; and
6. In Section 4-3 (b), which Section relates to the appointment of an Acting Town Administrator, in the first sentence, third line, insert the words “or other qualified individual” between the words “employee” and “to”, so that said first sentence reads “Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a qualified town officer or employee or other qualified individual to

perform the duties of town administrator on an acting basis.”

QUESTION 5

Shall this Town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town Meeting under Article 27, as summarized below?

Yes _____ No _____

The amendment revised Article 5 of the Natick Home Rule Charter as follows.

1. In the title to Section 5-2, which Section relates to the Natick School Department budget, delete the word “Committee” and insert in its place the word “Department” so that the title reads “School Department Budget”; and
2. In Section 5-2(a), which Section relates to the Natick School Department budget, in the first sentence, insert the words “superintendent of schools’ proposed” before the word “budget” and delete the words “as adopted by the school committee” so that the first sentence reads “The superintendent of schools’ proposed budget shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.”; and
3. In Section 5-2(b), which Section relates to the public hearing for the Natick School Department budget, a) delete the second sentence which reads “The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes”; and b) in the present third sentence, delete the first word “They” and insert in its place the words “This notice”, and delete the words “their complete draft” and insert in their place the words “the proposed” so that said sentence reads “This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time, place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.”; and
4. In Section 5-3, which Section relates to the submission of the budget by the Town Administrator, a) in the title delete the word “Proposed” and insert in its place the word “Preliminary” so that the title reads “Submission of Preliminary Budget”; b) delete the third sentence, which reads “The summary shall specifically indicate any major variations from the current fiscal year budget and the reasons for such changes.”; c) in the three remaining sentences change all references to “proposed budget” to read “preliminary budget”; and d) in the last sentence delete the first word “The” and insert in its place the word “This”; and
5. Delete the present text of Section 5-4, which Section relates to the Town Administrator’s budget message, which reads “The budget message submitted by the town administrator shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year; describe important features of the proposed budget; indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the town’s debt positions; and it shall include such additional information as the town administrator deems desirable or the board of selectmen may reasonably require.” and insert in its place the following text “The budget message submitted by the town administrator shall at a minimum:

- Provide a comprehensive overview of the preliminary budget;
 - Explain the town’s fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves;
 - Outline proposed financial policies of the town for the ensuing fiscal year;
 - Indicate any major variations from the current financial policies together with the reasons for such changes;
 - Identify changed priorities and the reasons for such changes;
 - Summarize the town’s debt position;
 - Provide an analysis of significant trends and fiscal challenges and the administration’s proposed responses thereto;
 - Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes;
 - Include such additional information as the town administrator deems desirable or the board of selectmen may require.”;
6. In Section 5-5, which Section relates to the form of the budget submitted by the Town Administrator, a) delete the word “Proposed” in the title and insert in its place the word “Preliminary” so the title reads “The Preliminary Budget”; b) delete the first sentence and insert in its place the following two sentences “The preliminary budget, in conjunction with the town administrator’s budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools’ proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrators’ recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and the means for addressing such variances”; c) in the present second sentence delete the word “it” in the second clause and insert in its place the words “the financial plan”; d) in the present third sentence, first phrase, change “proposed budget” to read “preliminary budget”; and e) in the present fourth sentence, first clause, delete the word “income” and insert in its place the word “revenues”; and
7. In Section 5-6, which Section relates to action by the Finance Committee on the budget submitted by the Town Administrator, a) in the title, delete the word “Proposed” and insert in its place the words “Town Administrator’s Preliminary” so that the title reads “Town Administrator’s Preliminary Budget”; and b) in Section 5-6 (a) and 5-6 (b), change “proposed budget” to read “preliminary budget” wherever they appear.

QUESTION 6

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town Meeting under Article 28, as summarized below?

Yes _____ No _____

The amendment revised Article 6 of the Natick Home Rule Charter as follows.

1. Delete Section 6-3 (b)(5), which section relates to the powers and duties of the Comptroller, which reads: “He shall, under the general supervision of the town administrator, be in charge of all of the accounting and business machines owned by the town other than machines used for educational and classroom purposes, and shall allocate the use thereof among the several town agencies.”; and

2. In Section 6-4, which Section relates to the Town Treasurer/Collector, following the heading “Collector”:

(a) delete the text of subsections (1) and (2) which read:

“(1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80 provide the manner through which the collector derives the authority to proceed to collect and enforce the collection of taxes committed to him. The collector is to compel payment of the taxes as levied or assessed by the proper authority. Regardless from whom the taxes are due they are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.

(2) A collector who is acting in “good faith” cannot sit passively and merely receive such taxes as may be paid voluntarily, but must make an honest effort to enforce the collection under the powers conferred upon him or provided under the statutes.”

and insert in their place the following text:

“(1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.

(2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.”; and

b) Insert a new subsection (4), which reads “Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety authorized to transact business for this purpose in the Commonwealth of Massachusetts. The premium must be paid by the Town.”

All ballots to be furnished by the Town and the election will be conducted according to the Australian system, as enacted in Massachusetts and in conformity with the election laws of said Commonwealth.

You are directed to serve this warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick, to wit: Precinct 1: Reliable Cleaners, 214 West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, 17 Watson Street; Precinct 4: TCAN; Summer Street; Precinct 5: Wilson Middle School, 24 Rutledge Road; Precinct 6: East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7: Bacon Street Farm, 100 Bacon Street; Precinct 8: Natick Senior High School, 15 West Street; Precinct 9: Natick Town Hall, 13 East Central Street; and Precinct 10: South Natick Fire Station, 45 Eliot Street.

Above locations being at least one public place in each Precinct in the Town of Natick, and also posted in the two Natick Post Offices, Bacon Free Library, and Morse Institute Library seven

days at least before March 30, 2010; also by causing an attested copy of said Warrant to be published in the newspaper called "The MetroWest Daily News", said publication to be March 12, 2010..

Given under our hands this 8th day of March A..D. 2010

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine Van Amsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

A true copy, March 8, 2010

Attest: s/ Onorina Z. Maloney
Onorina Z. Maloney, Interim Town Clerk

Constable: s/ Michael G. Winer
Michael G. Winer

Certified copies of the Warrant articles available at the Office of the Town Clerk, First Floor,

Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov

**March 30, 2010 Natick Annual Town Election
Official Results**

8,569 Ballots Cast
22,643 Registered Voters
37.8% % Turnout

Votes by Precinct											
	Voters by Precinct										
	1	2	3	4	5	6	7	8	9	10	Total
Registered Voters	2,038	2,253	2,243	2,082	2,137	2,328	2,414	2,229	2,332	2,587	22,643
Ballots Cast	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569
% Turnout	12.4%	45.4%	42.7%	34.3%	39.8%	38.3%	42.3%	39.2%	39.9%	40.8%	37.8%

Board of Selectmen Three Years												
Vote For Not More Than Two												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Christopher Carr	116	497	458	271	337	374	356	307	320	390	3,426	20.0%
Charles M. Hughes	117	513	457	400	445	416	582	458	516	550	4,454	26.0%
Paul R. Joseph	91	359	355	334	353	330	415	468	425	487	3,617	21.1%
Write-ins	1	1	1	4	7	2	-	3	2	1	22	0.1%
Blanks	181	674	645	421	558	660	687	510	599	684	5,619	32.8%
Total	506	2,044	1,916	1,430	1,700	1,782	2,040	1,746	1,862	2,112	17,138	100.0%

School Committee Three Years												
Vote For Not More Than Three												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Anne E. Blanchard	124	638	576	387	431	461	612	465	515	583	4,792	18.6%
David J. Murphy	137	482	464	402	406	439	543	422	439	510	4,244	16.5%
Anne LaPlace Zernicke	98	451	450	350	392	383	551	468	526	536	4,205	16.4%
Dylan Hayre	59	229	175	161	189	190	235	224	194	199	1,855	7.2%
Mark R. Schultz	55	206	189	137	194	194	170	167	165	197	1,674	6.5%
Write-ins	2	2	4	5	6	4	2	1	1	4	31	0.1%
Blanks	284	1,058	1,016	703	932	1,002	947	872	953	1,139	8,906	34.6%
Total	759	3,066	2,874	2,145	2,550	2,673	3,060	2,619	2,793	3,168	25,707	100.0%

Board of Assessors Three Years												
Vote for Not More Than One												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Janice M. Dangelo	165	622	564	429	505	504	627	529	554	584	5,083	59.3%
Write-ins	2	4	4	4	8	6	3	1	2	2	36	0.4%
Blanks	86	396	390	282	337	381	390	343	374	470	3,449	40.2%
Total	253	1,022	958	715	850	891	1,020	873	930	1,056	8,568	100.0%

Town Clerk Three Years												
Vote for Not More Than One												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Diane B. Packer	120	514	499	412	461	497	626	478	469	562	4,638	54.1%
Jamie M. Parr	60	215	191	153	194	165	169	187	225	198	1,757	20.5%
Write-ins	2	3	5	2	5	1	1	2	2	2	25	0.3%
Blanks	71	290	263	148	190	228	224	206	235	294	2,149	25.1%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

March 30, 2010 Natick Annual Town Election

Official Results

8,569 Ballots Cast
22,643 Registered Voters
37.8% % Turnout

Constables

Three Years

Vote For Not More Than Six

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Ross A. Cigna	126	471	419	327	341	358	446	377	382	423	3,670	7.1%
Arthur L. Lamont	136	472	454	345	377	392	472	418	419	432	3,917	7.6%
Michael G. Winer	118	445	370	317	340	350	433	347	371	409	3,500	6.8%
Kevin F. Flynn	142	459	415	369	413	430	470	410	427	435	3,970	7.7%
Write-ins	3	10	7	8	17	8	6	16	7	5	87	0.2%
Blanks	993	4,275	4,083	2,924	3,612	3,808	4,293	3,670	3,980	4,632	36,270	70.5%
Total	1,518	6,132	5,748	4,290	5,100	5,346	6,120	5,238	5,586	6,336	51,414	100.0%

Board of Health

Three Years

Vote For Not More Than One

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Donald J. Breda	166	604	557	428	505	492	608	510	530	591	4,991	58.2%
Write-ins	1	5	1	3	7	5	2	4	1	1	30	0.4%
Blanks	86	413	400	284	338	394	410	359	400	464	3,548	41.4%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Board of Health

One Year

Vote For Not More Than One

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Alan Cole	168	611	563	434	523	497	602	512	541	619	5,070	59.2%
Write-ins	2	3	-	1	6	3	1	4	2	-	22	0.3%
Blanks	83	408	395	280	321	391	417	357	388	437	3,477	40.6%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Town Moderator

Three Years

Vote For Not More Than One

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Frank W. Foss	169	633	561	456	529	530	639	531	560	606	5,214	60.8%
Write-ins	-	6	2	3	11	6	5	1	3	3	40	0.5%
Blanks	84	383	395	256	310	355	376	341	368	447	3,315	38.7%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Planning Board

Five Years

Vote for Not More Than One

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Glen B. Glater	85	350	325	287	298	266	341	397	309	341	2,999	35.0%
Peter A. Nottonson	75	275	230	196	232	265	318	223	264	267	2,345	27.4%
Write-ins	2	1	2	1	4	2	-	1	1	2	16	0.2%
Blanks	91	396	401	231	316	358	361	252	357	446	3,209	37.4%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

March 30, 2010 Natick Annual Town Election

Official Results

8,569 Ballots Cast
 22,643 Registered Voters
 37.8% % Turnout

Recreation and Parks												
Three Years												
Vote for Not More Than Two												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Ronald V. Ordway	119	498	438	355	406	386	475	408	407	434	3,926	22.9%
James P. Hannon	77	348	375	249	248	266	309	262	283	333	2,750	16.0%
Jessica A. Ordway	105	320	291	260	322	306	338	350	314	315	2,921	17.0%
Write-ins	1	2	2	1	3	1	1	1	1	1	14	0.1%
Blanks	204	876	810	565	721	823	917	725	857	1,029	7,527	43.9%
Total	506	2,044	1,916	1,430	1,700	1,782	2,040	1,746	1,862	2,112	17,138	100.0%

Natick Housing Authority												
Five Years												
Vote for Not More Than One												
	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Erica E. Ball	109	500	379	336	414	428	518	418	393	507	4,002	46.7%
Richard R. MacPherson	78	291	343	238	252	235	261	275	322	302	2,597	30.3%
Write-ins	1	1	1	1	1	1	-	1	1	-	8	0.1%
Blanks	65	230	235	140	183	227	241	179	215	247	1,962	22.9%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Town Meeting Precinct 1			11
Six for 3 Years; One for 2 Years; Four for 1 year			% of Votes
	Votes		% of Votes
Andrea T. Adams	146	5.2%	Elected for three years
Lorie K. Gols	135	4.9%	Elected for three years
Lois B. Oxman	140	5.0%	Elected for three years
Frank J. Volpe	144	5.2%	Elected for three years
Write-in: Noreen Russo	2	0.1%	Appointed for one year

Town Meeting Precinct 2			8
Six for 3 Years; Two for One Year			% of Votes
	Votes		% of Votes
Paul L. Dellarocca	469	5.7%	Elected for three years
Nanci S. Farquharson	453	5.5%	Elected for three years
Herbert Z. Kupchik	468	5.7%	Elected for three years
Ross J. Rodino	480	5.9%	Elected for three years
Susan Mande Zucker	455	5.6%	Elected for three years
Raymond B. Berggren	422	5.2%	Elected for one year
Stephen Edwin Robb	430	5.3%	Elected for one year
Scott B. Spiegel	461	5.6%	Elected for three years

Town Meeting Precinct 3			6
Six for 3 Years			% of Votes
	Votes		% of Votes
Tass Filledes	456	7.9%	Elected for three years
Robert Healey	451	7.8%	Elected for three years
Barbara R. Honthumb	405	7.0%	Elected for three years
Leonard P. Kuhn	436	7.6%	Elected for three years
Arthur L. Lamont	453	7.9%	Elected for three years
Robert J. Diozzi	425	7.4%	Elected for three years

Town Meeting Precinct 4			7
Six for 3 Years; One for 1 year			% of Votes
	Votes		% of Votes
Frederick Coburn, Jr.	373	7.5%	Elected for three years
Jonathan H. Freedman	366	7.3%	Elected for three years
Christopher A. Kruczynski	367	7.3%	Elected for three years
Douglas L. Landry	348	7.0%	Elected for three years
Christopher Resmini	337	6.7%	Elected for three years
Daniel C. Sohl	325	6.5%	Elected for three years
Write-In: Christina E. Kruczynski	34	0.7%	Elected for one year

**March 30, 2010 Natick Annual Town Election
Official Results**

8,569 Ballots Cast
22,643 Registered Voters
37.8% % Turnout

Town Meeting Precinct 5		6
Six for 3 Years		% of Votes
	Votes	
Janet M. Nichols	423	8.3% Elected for three years
Christine Weithman	441	8.6% Elected for three years
Lawrence L. Drolet	369	7.2% Elected for three years
Todd M. Gillenwater	342	6.7% Elected for three years
Lesley L. Johnson	402	7.9% Elected for three years
Diane V. Vabulas	373	7.3% Elected for three years
Town Meeting Precinct 6		6
Six for 3 Years		% of Votes
	Votes	
Michael P. Coughlin	425	7.9% Elected for three years
Charlene B. Foss	428	8.0% Elected for three years
Robert. B. Foster	422	7.9% Elected for three years
Richard C. Stephen	380	7.1% Elected for three years
Patrick A. Young	410	7.7% Elected for three years
Deborah M. Parritt	412	7.7% Elected for three years
Town Meeting Precinct 7		6
Six for 3 Years		% of Votes
	Votes	
Paul B. Griesmer	459	7.5% Elected for three years
Henry W. Haugland	448	7.3% Elected for three years
Richard Jennett, Jr.	461	7.5% Elected for three years
Paul H. Laurent	401	6.6% Elected for three years
Robert P. Mangano	436	7.1% Elected for three years
Lorraine C. McNally	464	7.6% Elected for three years
Eileen Collett	399	6.5%
Town Meeting Precinct 8		6
Six for 3 Years		% of Votes
	Votes	
Kathleen A. Lentini	481	9.2% Elected for three years
James L. Magee	459	8.8% Elected for three years
Theresa M. Miller	445	8.5% Elected for three years
<i>Write-in: Aaron Z. Stevens</i>	18	0.3% Elected for three years
<i>Write-in: Michael T. Johnson</i>	5	0.1% Appointed for one year
<i>Write-in: Andrew S. MacKay</i>	4	0.1% Appointed for one year
Town Meeting Precinct 9		6
Six for 3 Years		% of Votes
	Votes	
Edward A. Johnson	455	8.1% Elected for three years
Janice L. Parsons	465	8.3% Elected for three years
George W. Potts, Sr.	435	7.8% Elected for three years
Peter Putnam	449	8.0% Elected for three years
<i>Write-in: William S. Chase</i>	2	0.0% Appointed for one year
<i>Write-in: Geoffrey S. Lewis</i>	2	0.0% Appointed for one year
Town Meeting Precinct 10		6
Six for 3 Years		% of Votes
	Votes	
Stephen Conley	448	7.1% Elected for three years
Kenneth S. Goldman	430	6.8% Elected for three years
Jerry L. Pierce	482	7.6% Elected for three years
Susan A. Shea	521	8.2% Elected for three years
Adam M. Berkowitz	416	6.6% Elected for three years
Mark Kelleher	399	6.3%
George L. Richards, III	413	6.5% Elected for three years

March 30, 2010 Natick Annual Town Election

Official Results

8,569 Ballots Cast
22,643 Registered Voters
37.8% % Turnout

Question 1

Shall the Town of Natick be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct, equip and furnish a new Community / Senior Center?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	146	604	576	471	541	544	684	568	589	669	5,392	62.9%
No	96	380	337	211	282	313	302	282	310	357	2,870	33.5%
Blanks	11	38	45	33	27	34	34	23	32	30	307	3.6%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Question 2

Shall the Town of Natick be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct, equip and furnish a new Natick High School located at 15 West Street, Natick, Massachusetts and related facilities, buildings, appurtenant structures, and grounds, including without limitation the Memorial Field Complex?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	197	845	810	579	694	723	888	701	779	894	7,110	83.0%
No	55	166	131	116	145	160	124	158	141	154	1,350	15.8%
Blanks	1	11	17	20	11	8	8	14	11	8	109	1.3%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Question 3

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town meeting under Article 24, as summarized below?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	170	659	605	464	532	546	685	568	598	713	5,540	64.7%
No	28	135	108	76	120	121	106	117	98	106	1,015	11.8%
Blanks	55	228	245	175	198	224	229	188	235	237	2,014	23.5%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Question 4

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town meeting under Article 26, as summarized below?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	161	591	462	448	476	521	656	559	560	571	5,005	58.4%
No	26	137	94	70	124	119	110	117	98	86	981	11.4%
Blanks	66	294	402	197	250	251	254	197	273	399	2,583	30.1%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

March 30, 2010 Natick Annual Town Election

Official Results

8,569 Ballots Cast
 22,643 Registered Voters
 37.8% % Turnout

Question 5

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town meeting under Article 27, as summarized below?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	161	612	479	450	495	540	678	574	575	571	5,135	59.9%
No	29	125	79	69	97	108	96	108	89	82	882	10.3%
Blanks	63	285	400	196	258	243	246	191	267	403	2,552	29.8%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

Question 6

Shall this town approve the Charter amendment proposed by vote of the 2009 Fall Natick Annual Town meeting under Article 28, as summarized below?

	Votes by Precinct										Total	% of Votes
	1	2	3	4	5	6	7	8	9	10		
Yes	155	590	463	433	466	520	647	537	567	556	4,934	57.6%
No	33	135	92	81	118	118	110	129	92	88	996	11.6%
Blanks	65	297	403	201	266	253	263	207	272	412	2,639	30.8%
Total	253	1,022	958	715	850	891	1,020	873	931	1,056	8,569	100.0%

A True Copy Attest:

Onorina Z. Maloney, CMMC
 Interim Town Clerk of Natick

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet:

The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

on **TUESDAY, THE THIRTEENTH DAY OF APRIL, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primary for the candidates for the following office:

SENATOR IN GENERAL COURT - NORFOLK, BRISTOL AND MIDDLESEX

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

You are directed to serve this warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick, to wit: Precinct 1: Reliable Cleaners, 214 West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, 17 Watson Street; Precinct 4: TCAN; Summer Street; Precinct 5: Wilson Middle School, 24 Rutledge Road; Precinct 6: East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7: Bacon Street Farm, 100 Bacon Street; Precinct 8: Natick Senior High School, 15 West Street; Precinct 9: Natick Town Hall, 13 East Central Street; and Precinct 10: South Natick Fire Station, 45 Eliot Street.

Above locations being at least one public place in each Precinct in the Town of Natick, and also posted in the two Natick Post Offices, Bacon Free Library, and Morse Institute Library seven days at least before April 13, 2010 also by causing an attested copy of said Warrant to be published in the newspaper called "The MetroWest Daily News", said publication to be March 26, 2010.

Given under our hands this 8th day of March A.D., 2010

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine VanAmsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

**OFFICER'S RETURN
COMMONWEALTH OF MASSACHUSETTS**

Natick, Middlesex

Pursuant to the within Warrant, I have this day notified the qualified voters to assemble at the time, place and for the purpose within mentioned as within directed. Also by causing an attested copy of said Warrant to be published in the newspaper called the "The MetroWest Daily News", this newspaper published in the said Town of Natick in the issue dated March 26, 2010

s/Michael G. Winer
Michael G. Winer, Natick Constable

Certified copies of the Warrant available at the Office of the Town Clerk, First Floor, Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov.

TOWN OF NATICK					
SPECIAL STATE PRIMARY					
TUESDAY, APRIL 13, 2010					
OFFICIAL RESULTS					
DEMOCRATIC PARTY					
SENATOR IN GENERAL COURT	P6	P7	P9	P10	Total
Lida E. Harkins	50	54	38	80	222
Peter B. Smulovitz	116	137	104	95	452
Write-ins	0	0	0	0	0
Blanks	0	1	1	0	2
All Others	0	0	0	0	0
Totals:	166	192	143	175	676
	P1	P2	P9	P10	Totals
Total Democratic Ballots Cast	166	192	143	175	676

TOWN OF NATICK					
SPECIAL STATE PRIMARY					
TUESDAY, APRIL 13, 2010					
OFFICIAL RESULTS					
REPUBLICAN PARTY					
SENATOR IN GENERAL COURT	P6	P7	P9	P10	Total
Richard J. Ross	12	16	23	18	69
Write-In	0	0	0	0	0
Blanks	0	3	0	0	3
Totals:	12	16	23	18	69
Total Republican Ballots Cast	12	16	23	18	69

TOWN OF NATICK					
SPECIAL STATE PRIMARY					
TUESDAY, APRIL 13, 2010					
OFFICIAL RESULTS					
LIBERTARIAN PARTY					
SENATOR IN GENERAL COURT	P6	P7	P9	P10	Total
Write-Ins	0	0	0	0	0
Blanks	1	0	0	0	1
All Others	0	0	0	0	0
Totals:	1	0	0	0	1
	P6	P7	P9	P10	Total
Total Libertarian Ballots Cast	1	0	0	0	1

TOWN OF NATICK					
SPECIAL STATE PRIMARY					
TUESDAY, APRIL 13, 2010					
OFFICIAL RESULTS					
SUMMARY OF VOTER TURNOUT					
	P6	P7	P9	P10	Total
Total Democratic Ballots Cast	166	192	143	175	676
Total Republican Ballots Cast	12	19	23	18	72
Total Libertarian Ballots Cast	1	0	0	0	1
Total Votes Cast	179	211	166	193	749
Registered Voters (Democrats, Republicans, Libertarians and Unenrolled)	2,326	2,417	2,336	2,586	9,665
Percentage Turn Out	7.7%	9.1%	7.1%	8.3%	7.7%

WARRANT
SPRING ANNUAL TOWN MEETING
APRIL 27, 2010

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex,ss

To Any Constable of the Town of Natick in said County:

Greeting:

In the name of Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Wilson Middle School Auditorium, Natick on

TUESDAY EVENING APRIL 27, 2010 at
7:30 o'clock p.m., then and there to act on the following Articles:

- Article 1 Omnibus Budget – Fiscal 2010
- Article 2 Omnibus Budget – Fiscal 2011
- Article 3 Stabilization Fund
- Article 4 Morse Institute Library
- Article 5 Bacon Free Library
- Article 6 Elected Officials Salary
- Article 7 Collective Bargaining
- Article 8 Personnel Board
- Article 9 Capital Equipment
- Article 10 Capital Improvement
- Article 11 Lease and/or Repair
- Article 12 School Bus Transportation Subsidy
- Article 13 Fair Labor Standards Act Funding
- Article 14 Unpaid Bills
- Article 15 Funding for Economic Development
- Article 16 Town Clerk Policies & Procedures
- Article 17 Funding for North Main Street Municipal Improvements
- Article 18 Re-authorization of Revolving Funds
- Article 19 Assessors: Increase Personal Property Exemption
- Article 20 Allow for the Creation of an Enterprise Fund
- Article 21 Allow for the Reorganization of a Department
- Article 22 Street Acceptance: Portion of North Main Street
- Article 23 Street Acceptance: Main Street
- Article 24 Street Acceptance: Harvest Moon Drive, Whispering Lane, Sanctuary Boulevard, Deer Path
- Article 25 Home Rule Petition: Establish Time Period for Holding a Subsequent Proposition 2-1/2 Exemption Vote
- Article 26 Amend Charter Article 2: Legislative Branch
- Article 27 Amend Charter Article 4: Town Administrator
- Article 28 Amend Charter Article 5: Fiscal Procedures
- Article 29 Amend By-Laws: Allow Town meeting to Limit Maximum Speaking Time

- Article 30 Amend By-Laws: Standing Committees of Town Meeting
- Article 31 Amend By-Laws Article 11: Town Clerk
- Article 32 Amend By-Laws Article 26: Historic District Commission
- Article 33 Amend By-Laws Article 41: Contracts, Town Property, Regulations of Town Boards and Officials
- Article 34 Amend By-Laws Article 50: Police Regulations
- Article 35 Amend By-Laws and/or Charter: Allow For A Change in the Dates of the Town Election, Preliminary Election, Nomination Deadlines
- Article 36 Amend By-Laws and/or Charter: Allow for a change of Date for Fall Town Meeting
- Article 37 Amend By-Laws Article 60: Fire Regulations
- Article 38 Amend By-Laws: Adopt Stretch Energy Code
- Article 39 Amend By-Laws Article 74: Junk Dealers
- Article 40 Amend By-Laws Article 81: Chemical Storage Tanks and Systems
- Article 41 Amend By-Laws Article 82: Water Conservation
- Article 42 Amend By-Laws Article 83: No Smoking in Public Places
- Article 43 Amend Zoning By-Laws: Amendments to Floodplain Management Regulations
- Article 44 Amend Zoning By-Laws: Assisted Living Facilities
- Article 45 Amend Zoning By-Laws: Drive-In Theater District
- Article 46 Amend Zoning By-Laws: Building Height, Hospital District
- Article 47 Extend Term of Charter & By-Law Review Committee
- Article 48 Committee Article

The above articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 2 of the Acts of 1938 and Amendments thereto and the Town Charter and subject to the referendum provided thereby.

And you are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick; and at the following public places in said Natick, to wit: Precinct 1: Reliable Cleaners, West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, Watson Street; Precinct 4: TCAN, Summer Street; Precinct 5: Wilson Middle School; Precinct 6: East Natick Fire Station, Rhode Island Avenue; Precinct 7: Bacon Street Farm, Bacon Street; Precinct 8: Natick Senior High School, West Street; Precinct 9: Natick Town Hall, East Central Street and Precinct 10: South Natick Fire Station, Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the two Natick U.S. Post Offices, Bacon Free Library and Morse Institute Library seven days at least before April 27, 2010 also by causing an attested copy of said Warrant to be published once in the Newspaper called "*The Metrowest Daily News*", with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be March 30, 2010.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this 8th day of March two thousand and ten.

s/John Ciccariello
JOHN CICCARIELLO
Chairman

s/Joshua Ostroff
JOSHUA OSTROFF
Vice Chair

s/Kristine Van Amsterdam
KRISTINE VAN AMSTERDAM
Clerk

s/Carol A. Gloff
CAROL A. GLOFF
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

A true copy, March 8, 2010

Attest: *s/Onorina Z. Maloney, Interim Town Clerk*
Onorina Z. Maloney, Interim Town Clerk

Constable: *s/ Michael G. Winer*
Michael G. Winer

Certified copies of the Warrant articles available at the Office of the Town Clerk, First Floor, Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov.

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

April 27, 2010

First Session

The First Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:30 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the First Session of 2010 Spring Annual Town Meeting. Mr. Foss presented to the body the official warrant signed by the Board of Selectmen with the officer's return thereon, which had been duly posted. The Moderator turned the document over to the Town Clerk to be entered into the official record of the town. The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill.

At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. Mr. Foss swore in all new Town Meeting members. The Moderator introduced the officials present on stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn and Brandon Moss, Town Counsels; 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 of Town Meeting Members. The proceedings of Town Meetings shall be governed by **Town Meeting Time**, the Natick By-Laws, the Town of Natick Home Rule Charter and the General Laws of the Commonwealth of Massachusetts.

All motions offered for the consideration of the Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member.

No person shall speak upon an 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 Bylaws, once a member is recognized, it has been the practice of Town Meeting Members to first ask a question(s), then propose a motion and/or debate the highest ranking motion. This practice is unchanged. Once a speaker is called upon, by the Moderator, the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick By-Laws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound

question and divided by the Moderator.

When a question on an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled “Precedence of Motions,” found in the Natick By-Laws, the Town Meeting Member Handbook and ***Town Meeting Time***.

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 motion for the previous question shall not be entertained by the Moderator if three or more persons are seeking recognition, who have not previously spoken to the question.

Without objection, the preceding statements are accepted as rules of 2010 Spring Annual Town Meeting. There were no objections

At that time the Moderator suggested a motion to waive the reading of the warrant when such appears in the Natick Finance Committee 2010 Spring Annual Town Meeting Recommendations Book. Ms. Ball made the motion and it was seconded by Richard Sidney.

Motion passed by unanimous vote.

Mr. Foss made an announcement regarding the creation of the Police Chief screening committee and asked that any member interested in serving on the committee please see him after the meeting.

The Moderator granted Ms. Gloff permission to rise and make a resolution. Resolution of the 2010 Spring Annual Natick Town Meeting, dated April 27, 2010 honoring Elizabeth (Betty) Fancy for over 25 years of volunteer service to the Town of Natick.

RESOLUTION

- Whereas Betty Fancy and “Affordable Housing” walked hand-in-hand for more than 25 years in Natick;
- Whereas she was chairperson of the “Natick Housing Partnership” in the early 1980s and subsequently president of the non-profit “Natick Housing Partnership”;
- Whereas Betty led us through numerous state rules and regulations, and contacted legislators and banks who could help the Town to provide affordable housing to those in need;
- Whereas she acted quickly in the 1980s to help needy individuals and families acquire 8 condominiums at the “old baseball factory” on Walnut Street with the help of Representative Barney Frank and the Natick Federal Savings Bank, and these units remain affordable today;
- Whereas Betty was instrumental in working closely with the Town administration to find public and private funding sources for use in developing affordable housing;

- Whereas she successfully solicited and obtained pro bono expertise of local attorney's and construction specialists to guide the Partnership through the formidable bureaucratic process of obtaining grants;
- Whereas because Betty was a generous, hard-working, persistent and sympathetic human being, many families and individuals have been able to acquire homes and remain residents of Natick.
- Now therefore, the Town of Natick thanks Betty Fancy for helping to make the Town a better place to live.

A positive motion was made by Mr. Kruczynski to accept this resolution. It was seconded by Mr. Sydney. Ms. Mercury, Mrs. Fancy's daughter, spoke in support of the resolution.

The motion to accept the resolution passed by unanimous vote.

Mr. Jennett made a motion to postpone consideration of the subject matter of Articles 1-15 inclusive until Thursday, May 13. Motion seconded by Mr. Freedman. Ms. White spoke on the issue and there was no debate.

Motion passed by majority vote.

Ms. Honthumb, made a motion to postpone consideration of the subject matter of Article 48 until Thursday, May 13th. The motion was seconded by Mr. Goldman.

Motion passed by majority vote.

ARTICLE 16: Town Clerk Policies and Procedures (Henry Haugland, et al)

To see what sums of money the Town will appropriate, raise, and/or transfer from available funds or from any departmental 2010 budget(s) and to see what action(s) the Town will take to provide for structure, organization, competence, and accountable and effective management in the Town Clerk's office and to preserve the position of Town Clerk as an elected position for the citizens of the Town including but not limited to

- i)** Provide for the creation of a policies and/or procedures manual for the functions and responsibilities of the Town Clerk and assistants and/or **ii)** provide for the inclusion of the detailed election and voter registration regulations of the Secretary of State of the Commonwealth to be included in such manual and/or **iii)** provide for the creation of a detailed job description for the position of Town Clerk based upon the policies and procedures referred to above and/or **iv)** provide that such policy and procedure manual be available to all members of the public either on the Town website and/or for the cost of photocopying/reproduction and/or **v)** provide for transition assistance from the current appointed interim Town Clerk to an elected Town Clerk and/or **vi)** provide that such transition assistance be for a minimum specified period of time and be provided by the Interim Town Clerk or similar appropriate person(s) in order to provide for an effective transition and/or **vii)** create and fund the position of Assistant Town Clerk (to provide continuity, etc.) and to determine whether this position shall be filled by appointment or by election and/or **viii)** provide **a)** for periodic assessments, but no more than annually, of the Town Clerk department by a committee consisting of one member of the Board of Selectmen, one member of the School Committee and one member of

the Planning Board (these being the principal elected boards interacting with the Town Clerk department) and/or **b**) a committee of equal representation from such elected boards as the Town Meeting may determine and/or **c**) to provide for technical assistance in the form of an independent and objective “peer review” to this committee by a sitting or former Town Clerk from another community and/or

ix) provide that the first such assessment shall occur no sooner than one year after the completion of the transition referenced above is completed and/or to provide that the policy and procedure manual and job description be the basis of such periodic assessment and/or **x**) provide the maintenance and upkeep of the publicly available policy and procedure manual by the Town Clerk on an ongoing basis and/or otherwise act thereon consistent with the stated purpose of this article including amending any appropriate section of the By Laws or Charter of the Town.

RECOMMENDATION: The Finance Committee, by a vote of 10–0–0 on April 1, 2010, recommends referral to the article sponsors with regard to the subject of Article 16.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 16 to the Article Sponsors.

Motion to refer Article 16 passed by unanimous vote.

**ARTICLE 17: Funding for North Main Street Municipal Improvements
(James Williamson, et al)**

To see if the Town will vote to appropriate a sum of money from available or future Ch. 40R mitigation funds provided to the Town by the Commonwealth of Massachusetts, for drainage and other necessary municipal improvements on North Main Street in the vicinity of the Natick Paperboard Smart Growth Project.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 6, 2010, recommends referral to the article sponsors with regard to the subject of Article 17.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 17 to the Article Sponsors.

Motion to refer Article 17 passed by unanimous vote.

ARTICLE 18: Re-authorization of Revolving Funds (Town Administrator)

To see if the Town will vote to authorize the use of revolving funds previously established pursuant to votes of Town Meeting; to determine: 1) the programs and purposes for which each such revolving fund may be expended; 2) the departmental receipts which shall be credited to each such revolving fund; 3) the board, department or officer authorized to expend money from each such revolving fund; and 4) a limit on the total amount which may be expended from each such revolving fund in the fiscal year which begins on July 1, 2010; or otherwise act thereon.

RECOMMENDATION: By five (6) separate votes on March 18, 2010 for motions A, B, C, D, E and F. The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to

the subject matters of Article 18 - *MOTION A*.

MOTION A: (Majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to authorize the Council on Aging Director, with oversight by the Council on Aging, to expend up to and including \$15,000 during the fiscal year beginning July 1, 2010 for the purpose of operating a subsidized transportation program for senior citizens, pursuant to Chapter 44 §53E^{1/2} of the Massachusetts General Laws, from the revolving fund established by vote of the April 1995 Annual Town Meeting under Article 27 for receipts received in connection with the subsidized transportation program.

Motion A passed by unanimous vote.

RECOMMENDATION: The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to the subject matters of Article 18 - *MOTION B*.

MOTION B: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote to authorize the Conservation Commission to expend up to and including \$15,000 during the fiscal year beginning July 1, 2010 in order to utilize fees paid to the Conservation Commission by applicants for the purpose of hiring consultants pursuant to Chapter 44 §53E^{1/2} of the Massachusetts General Laws, from the revolving fund established by vote of the October 2000 Fall Special Town Meeting #2 under Article 8.

Motion B passed by majority vote.

RECOMMENDATION: The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to the subject matters of Article 18 - *MOTION C*.

MOTION C: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote to authorize the Department of Public Works to expend up to and including \$35,000 during the fiscal year beginning July 1, 2010 under the direction of the Department of Public Works and the Town Administrator in order to utilize revenue from the sale of surplus vehicles and fund the purchases of vehicles and equipment at auction pursuant to Chapter 44 §53E^{1/2} of the Massachusetts General Laws, from the revolving fund established by vote of the April 2005 Annual Town Meeting under Article 17.

Motion C passed by majority vote.

RECOMMENDATION: The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to the subject matters of Article 18 - *MOTION D*.

MOTION D: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote pursuant to Chapter 44, Section 53 E^{1/2} of the Massachusetts General Laws to authorize a Library Materials revolving fund in order to utilize revenues collected from fines for overdue materials, and from charges for lost or damaged materials, for the purpose of purchasing new books and

other related materials; to authorize the Library Director, under the supervision of the Library Trustees and the Town Administrator to expend money from such revolving fund; and to limit the total amount which may be expended from such fund to \$85,000 for the fiscal year beginning July 1, 2010, said fund having initially been established by vote of the April 2006 Annual Town Meeting under Article 19.

Motion D passed by unanimous vote.

RECOMMENDATION: The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to the subject matters of Article 18 - *MOTION E*.

MOTION E: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote pursuant to Chapter 44, Section 53 E¹/₂ of the Massachusetts General Laws to authorize a Library Equipment and Maintenance revolving fund in order to utilize fees collected from rental of facilities at the Morse Institute Library for the purpose of maintenance and repair of Library facilities and equipment for the Library; to authorize the Library Director, under the supervision of the Library Trustees and the Town Administrator, to expend money from such revolving fund; and to limit the total amount which may be expended from such fund to \$25,000 for the fiscal year beginning July 1, 2010, said fund having initially been established by vote of the April 2006 Annual Town Meeting under Article 20.

Motion E passed by unanimous vote.

RECOMMENDATION: The Finance Committee recommends favorable action with a vote of 10-0-0 in regard to the subject matters of Article 18 - *MOTION F*.

MOTION F: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote pursuant to Chapter 44, Section 53E¹/₂ of the Massachusetts General Laws, to establish a Senior Center Revolving Fund in order to utilize money received from building rental fees and donations for the purpose of funding maintenance of the Senior Center building and its successors, by whatever name such building or buildings are identified, and improvement projects for such building or buildings; to authorize the Director of Human Services and Council on Aging, under the supervision of the Council on Aging and the Town Administrator, to expend money from such revolving fund; and to limit the total amount which may be expended from such fund to \$15,000 during the fiscal year beginning July 1, 2010, said fund having initially been established by vote of the April 2008 Annual Town Meeting under Article 28.

Motion F passed by unanimous vote.

ARTICLE 19: Increase Personal Exemption Amounts (Board of Assessors)

To see if the town will vote to increase the Personal Exemption Amounts by 35% 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, 22D, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person).

RECOMMENDATION: The Finance Committee recommends favorable action by a vote of 10-0-0 on March 18, 2010, with regard to the subject of Article 19.

MOTION: (Majority vote required)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote to increase the Personal Exemption Amounts by 35% under the provisions of Chapter 73 of the Acts and Resolves of 1986 as amended by Chapter 126 of the Acts and Resolves of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined uniform increase in the amount of exemptions cited in Massachusetts General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person).

The positive main motion passed by a majority vote with one abstention.

ARTICLE 20: Allow for the Creation of an Enterprise Fund

(Town Administrator)

To see if the Town will vote, pursuant to MGL Chapter 44, Section 53F 1/2, to establish one or more enterprise funds, or take any other action relative thereto.

RECOMMENDATION: The Finance Committee by a vote of 12-0-0 on April 6, 2010, recommends referral to the Town Administrator with regard to the subject of Article 20.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, and seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 20 to the Town Administrator.

Motion to refer Article 20 passed by unanimous vote.

ARTICLE 21: Allow for the Reorganization of a Department

(Town Administrator)

To see if the Town will vote pursuant to Article 6, Section 6-1(b) of the Town Charter, to approve a plan of organization, or reorganization, of town agencies, or take any other action relative thereto.

RECOMMENDATION: The Finance Committee by a vote of 12-0-0 on April 6, 2010, recommends referral to the Town Administrator with regard to the subject of Article 21.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, and seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 21 to the Town Administrator.

Motion to refer Article 21 passed by unanimous vote.

ARTICLE 22: Street Acceptance – Portion of North Main Street

(Town Administrator)

To see if the Town will vote to accept a portion of North Main Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of North Main Street, and any appurtenant drainage, utility or other easements related to said North Main Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends referral to the Town Administrator with regard to the subject of Article 22.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, and seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 22 to the Town Administrator.

Motion to refer Article 22 passed by majority vote.

ARTICLE 23: Street Acceptance – Main Street (Town Administrator)

To see if the Town will vote to accept Main Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Main Street, and any appurtenant drainage, utility or other easements related to said Main Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends referral to the Town Administrator with regard to the subject of Article 23.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, and seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 23 to the Town Administrator.

Motion to refer Article 23 passed by unanimous vote.

ARTICLE 24: Street Acceptance – Harvest Moon Drive, Whispering Lane, Sanctuary Boulevard, Deer Path (Town Administrator)

To see if the Town will vote to accept Harvest Moon Drive, Whispering Lane, Sanctuary Boulevard, and Deer Path as public ways, and any appurtenant easements thereto, as laid out

by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Harvest Moon Drive, Whispering Lane, Sanctuary Boulevard, and Deer Path, and any appurtenant drainage, utility or other easements related to above named streets, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION: The Finance Committee recommends, by a vote of 10-0-0 on March 18, 2010, favorable action with regard to the subject matter of Article 24.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, and seconded by Mr. Jennett that the town vote to accept the following streets and any appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk: Harvest Moon Drive, Whispering Lane, Sanctuary Boulevard, Deer Path.

Positive main motion for Article 24 passed by majority vote.

**ARTICLE 25: Establish Time Period for Holding a Subsequent Proposition
2-1/2 Exemption Vote (Bruce A. Snow, et al)**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

Section 1. Notwithstanding section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, if a vote is held in the Town of Natick on a ballot question to exempt an appropriation from the limits imposed by chapter 59, section 21C of the General Laws, Proposition 2-1/2 so called, and if such ballot question fails to receive enough votes to pass, the Town will not be permitted to hold another vote to raise funds for the same purpose, unless fifty-two weeks have elapsed.

Section 2. This act shall take effect upon its passage.

RECOMMENDATION: The Finance Committee, by a vote of 8-0-0 on March 25, 2010, recommends referral to the article sponsors with regard to the subject of Article 25.

MOTION: (Requires Majority Vote)

Mr. Snow moved favorable action with the following additions, seconded by Mr. Maguire:

- a) On the second to last line of Section 1, after the words “for the same purpose”, followed by a comma, insert the words “or substantially the same purpose”, followed by a comma. This portion of the sentence will then read: “for the same purpose, or substantially the same purpose, unless fifty-two weeks have elapsed.”

- b) After the closing period of Section 1, add the following sentence: “In the event that such a ballot question was turned down by the voters at the regular Annual Town Election, the Town will not be permitted to hold another vote to raise funds for the same purpose or substantially the same purpose, until the next year’s regular Annual Town Election.

Mr. Freedman, seconded by Mr. Jennett moved that the Town vote to refer the subject matter of Article 25 to the Article Sponsors.

The Moderator ruled that Town Meeting would discuss both motions at the same time. Mr. Snow spoke on the positive main motion as amended. Other Town Meeting members spoke on the issue.

A motion to move the question was offered by Mr. Pierce and seconded by Mr. Sidney. The moderator took the motion to move the question and it passed by a 2/3 vote.

There were two motions on the table and the referral motion was taken first.

The motion to refer the subject matter of Article 25 to the Article Sponsors passed by majority vote.

**ARTICLE 26: Amend Charter Article 2: Legislative Branch
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 2, Section 2-11 (d) of the Natick Home Rule Charter as follows:

1. To amend section 2-11(d) Publication, in order to clarify the publication requirements for the warrant for any town meeting;
or to otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 15, 2010, recommends favorable action with regard to the subject of Article 26.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman and seconded by Mr. Jennett to amend Article 2, section 2-11 (d) of the Natick Home Rule Charter, with administrative changes, by:

- a. Inserting the words “and Posting” after the word “Publication” in the subsection heading; and
- b. Inserting the words “full text of the” after the words “shall cause copies of the” and before the word “warrant” in the first sentence; and
- c. Replacing the words “posted in each precinct of the town and copies of said warrant articles” in the first sentence with “posted on the town bulletin board and”; and
- d. Inserting the words “the town clerk,” after the words “to be mailed to” and before the words “the town moderator” in the first sentence; and
- e. Inserting the sentence “Within five days after the board of selectmen has attested the

warrant, the board of selectmen shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by bylaw.” after the first sentence; and

- f. Deleting the word “Additional” and capitalizing the word “Copies” at the beginning of the last sentence.

The main motion for Article 26 passed by two thirds vote.

**ARTICLE 27: Amend Charter Article 4: Town Administrator
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 4, section 4-2(8) of the Natick Home Rule Charter as follows:

- a. Delete the words “a proposed” after “Article 5”; and
- b. Insert a comma and the words “the fiscal documents pertaining to the” after the words “Article 5”; and
- c. Delete the word “a” after the words “operating budget and”;

So that section 4-2(8) shall read:

“He shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.”; or to otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 15, 2010, recommends favorable action with regard to the subject of Article 27.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman and seconded by Mr. Jennett to amend Article 4, section 4-2 (8) of the Natick Home Rule Charter, with several administrative changes, as follows:

- a. Delete the words “a proposed” after “Article 5”; and
- b. Insert a comma and the words “the fiscal documents pertaining to the” after the words “Article 5”; and
- c. Delete the word “a” after the words “operating budget and”

So that Section 4-2(8) shall read

“He shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.”

The positive main motion for Article 27 passed by two thirds vote.

ARTICLE 28: Amend Charter Article 5: Fiscal Procedures (Charter & By-Law Review Committee)

1. In section 5-2 (b), in the first sentence remove the second occurrence of the word “its”, which appears between the words “of” and “proposed”, and replace it with the word

“the”, so that the first sentence of Section 5-2 (b) shall read:

“At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of the proposed budget.”; and

2. To amend section 5-5 in order to clarify the presentation requirements of the proposed or preliminary budget or budgets; and
 3. To amend section 5-6 (b) in order to clarify what budgets are under review of the Finance Committee;
 - 4.
- or to otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 15, 2010, recommends favorable action with regard to the subject of Article 28.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman and seconded by Mr. Jennett to amend Article 5 of the Natick Home Rule Charter as follows:

1. In section 5-2 (b), in the first sentence remove the second occurrence of the word “its”, which appears between the words “of” and “proposed”, and replace it with the word “the”,
2. Replace the words “the means” with the words “identify one or more scenarios” between the words “projected available revenues and” and “for addressing such” in the second sentence of the first paragraph of Section 5-5; and
3. Replace the words “The budget” with the words “Any and all submitted budgets” at the beginning of the last sentence of the first paragraph of Section 5-5; and
4. Replace the words “the preliminary” with the words “any submitted” in the second sentence of Section 5-6 (b).

The positive main motion for Article 28 passed by two thirds vote.

ARTICLE 29: Amend By-Laws: Allow Town Meeting to Limit Maximum Speaking Time (Paul E. Connolly, et al)

To see if the Town will vote to amend Section 3 of Article 3 of the Town of Natick By-Laws in order to allow Town Meeting to vote to limit maximum speaking time after considerable debate has already occurred. The proposed amendment is as follows:

1. After the last paragraph, add two new paragraphs as follows:

With reference to a main motion or a motion to amend, it shall be in order for the Moderator to entertain a subsidiary motion to limit the time for each succeeding speaker to three (3) minutes, provided at least two (2) persons for the affirmative and two (2) persons for the negative have already spoken on the motion. In this context, a motion to limit debate, without further qualification, shall be considered a motion for the “three-minute limit.” The motion

may not be amended or debated, and it requires a two-thirds (2/3) vote. Notwithstanding any other provisions of this section to the contrary, a motion to permit a specified amount of time for a particular person to speak may be entertained by the Moderator, provided the motion is made before the person is recognized to speak. This motion may not be amended or debated, and it requires a majority vote.

2. In the existing first paragraph, delete the phrase “without permission of the Town Meeting” only in the second of two places where it occurs.

RECOMMENDATION: The Finance Committee, by a vote of 10–1–1 on April 6, 2010, recommends referral to the article sponsors with regard to the subject of Article 29.

MOTION: (Requires majority vote)

Mr. Connolly moved, seconded by Mr. Snow, that the Town vote to amend Section 3 of Article 3 of the Town of Natick By-Laws as stated in the text of the article.

Mr. Connolly spoke to this article. Mr. Sidney moved for indefinite postponement of Article 29. This was seconded by Mr. Pierce. Various members spoke on the issue.

Ms. Foss moved the question. This was seconded by Mr. Volpe. The motion to move the question passed by a 2/3 vote.

At that point there were two motions on the table, IP and the positive main motion. Town Meeting voted on indefinite postponement first.

Indefinite postponement of the subject matter of Article 29 passed by majority vote.

ARTICLE 30: Amend By-Laws: Standing Committees of Town Meeting (William J. Proia, Jr., et al)

To see if the Town will vote pursuant to Natick Home Rule Charter, Section 2- 11(e) to amend the Town of Natick By-Laws by the addition thereto of the following in its entirety to be known as Town of Natick By-Laws Section 10.1,

or otherwise act thereon:

Section 10.1 Standing Committees of Town Meeting

In order to more perfectly discharge its legislative and representative duties on behalf of the residents of the Town of Natick, Town Meeting pursuant to Natick Home Rule Charter Section 2-11(e) hereby establishes the following standing committees, more particularly described and defined below: Rules Committee, Capital Budget Committee; Real Property and Facilities Committee; Land Use and Zoning Committee.

The Rules Committee shall assign all proposed warrant articles, and other appropriate matters as further described herein, to the respective standing committees whose jurisdiction includes the subject matter of said proposed warrant articles and other matters, in order that the standing committees may provide a recommendation to Town Meeting respecting the subject matter of said proposed warrant articles.

The standing committees established hereunder shall conduct open public hearings, in accordance with the rules and procedures governing the conduct of Town Meeting, respecting matters properly before them to furnish any interested party with a forum and opportunity to discuss their views concerning such matters. Any standing committee, relative to the subject matter of its jurisdiction, may conduct investigations into the operations of the Town and into the conduct of any Town department, office, or agency, and for this purpose such committees may summon witnesses, administer oaths, take testimony and require the production and discovery of, without limit, papers, records, documents, reports, books and any and all other information and materials produced by or for, prepared by or for, or in the possession of any investigate. Any person who fails or refuses to appear and testify whenever summoned, or to produce said information requested hereunder may be punished by a fine of not more than five hundred dollars (\$500.00).

Each standing committee shall have eleven (11) members selected as follows:

The then duly elected or appointed town meeting members from each voting precinct shall by majority vote appoint one of their members to serve one each standing committee, provided that no such appointed member simultaneously shall serve on more than one standing committee. Once appointed as provided above, the members of the respective standing committees shall by majority vote appoint one member to their respective committees from the then duly elected or appointed town meeting members; provided that the member so appointed shall not be a member of any standing committee. The terms of all members of the standing committees shall be for three years, except the first year, when four members shall be appointed for three years, four members for two years, and three members for one year. Appointments shall be made within 30 days after the final adjournment of the annual spring Town Meeting.

Each standing committee shall choose a chair, vice-chair, and secretary. Any vacancy occurring in any standing committee before the expiration of a term or at the expiration of a term shall be filled by the appointing authority.

(a) Rules Committee

The Rules Committee shall:

- 1) Review matters and make recommendations relating to the conduct of the Town Meeting.
- 2) Assign proposed warrant articles and other appropriate matters to the various standing committees in accordance with this Section 10.1.
- 3) Assist the Moderator in the selection of appointees to committees of the Town Meeting for which the Moderator is the appointing authority.
- 4) Review and make recommendations regarding proposed warrant articles and other matters referred to the Rules Committee by the Committee or by the Town Meeting.

(b) Capital Budget Committee

The Capital Budget Committee shall:

- 1) Review all matters relating to proposed expenditures of money by the Town for capital terms and projects. A capital item or project shall be an expenditure, financed in whole or in part by Town funds, in excess of \$2,500.00 and may include (i) the construction, repair, extension, or other improvement of a public building, highway, sidewalk, storm

drain, sewerage installation, bridge, playground, park or like public works, or for a facility, structure, or utility appurtenant to any of them, and (ii) the purchase of land, equipment or buildings.

- 2) Receive by January 15 of each year, from each Board, Officer and Committee charged with the expenditure of Town funds, a detailed estimate of annual Capital expenditures for a period of five (5) years, an inventory listing of each Capital item, and such supplementary information as may be requested by the Committee.
- 3) Review and make recommendations regarding proposed warrant articles and other matters which may be referred to the Committee by the Rules Committee or by Town Meeting, or otherwise.

(c) Real Property and Facilities Committee

The Real Property and Facilities Committee shall:

- 1) Become familiar with the long-term issues of care and capacity of town facilities.
- 2) Review and make recommendations to Town Meeting on the use, maintenance, construction, and disposition of town buildings, physical plant, and infrastructure.
- 3) Provide input regarding long-term facilities issues and plans on behalf of Town Meeting to relevant town boards, committees, commissions and officials.
- 4) Review and make recommendations regarding proposed warrant articles and other matters which may be referred to the Committee by the Rules Committee or by Town Meeting, or otherwise.

(d) Land Use and Zoning Committee

The Land Use and Zoning Committee shall:

- 1) Review and make recommendations regarding proposed warrant articles dealing with land use and zoning. Whenever practicable, a written report shall be submitted to Town Meeting prior to its consideration of the respective articles. If the article requires a recommendation by the Planning Board, the Planning Board shall notify the Land Use Committee of the public hearing for the land use zoning issue and include the Land Use Committee in the distribution of the legal notices.
- 2) Review and consider appropriate maps; surveys of residents and owners of property directly affected; reports and studies of qualified and experienced consultants; probable impacts on occupants, owners and uses of property in the near vicinity of the land and zoning districts and uses in question; the economy of the community; traffic, safety and ecology; potential alternate uses of the land in question; and any other matters or information the Committee wishes to consider.
- 3) Appoint members of the Land Use Committee as liaisons to other Town boards, committees, commissions, departments or officials respecting matters before those boards, committees, commissions, departments or officials as they relate to matters within the jurisdiction of the Committee.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 6, 2010,

recommends referral to the Article Sponsors, Town Administrator, Town Moderator with regard to the subject of Article 30.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman and seconded by Mr. Jennet that the Town vote to refer the subject matter of Article 30 to the Article Sponsors, Town Administrator and Town Moderator.

The motion to refer the subject matter of Article 30 passed by majority vote.

Mr. Goldman moved to adjourn, seconded by Mr. DiMasi. The April 27 first session of the 2010 Spring Annual Town Meeting adjourned at 10:05 PM.

A record of the First Session of
Annual Spring Town Meeting, April 27, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

April 29, 2010

Second Session

The Second Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:45 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Second Session of 2010 Spring Annual Town Meeting. The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill.

At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. Mr. Foss swore in all new Town Meeting members. The Moderator introduced the officials present on stage and in the well of the auditorium.

The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant. He also reiterated that all motions must be received in time for them to be reviewed by the Moderator and if necessary, Town Counsel.

Mr. Jennett moved to take the subject matter of Article 38 out of order. The motion was seconded by Mr. Sidney. Ms. White explained the purpose for taking the article out of order. ***The motion to take Article 38 out of order passed by a 2/3 vote.***

ARTICLE 38: Amend By-Laws: Adopt Stretch Energy Code (Town Administrator)

To see if the Town will vote to enact Article 72.B. of the Town of Natick Bylaws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code,” including amendments or modifications thereto, said Article 72.B. to read as follows:

**“Article 72.B.
STRETCH ENERGY CODE**

Section 1 Definitions

Section 2 Purpose

Section 3 Applicability

Section 4 Authority

Section 5 Stretch Code

Section 1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State

Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR 120.AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Section 2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13.00, 34.00, 61.00, or 93.00, as applicable.

Section 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to 780 CMR 120.AA. 780 CMR 120.AA may be adopted or rescinded by the Town of Natick in the manner prescribed by law.

Section 5 Stretch Code

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR 120.AA, including any amendments or modifications, is herein incorporated by reference into the Town of Natick General Bylaws, Article 72.B.

The Stretch Energy Code is enforceable by the Building Inspector.”

or take any other action relative thereto.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 6, 2010, recommends favorable action with regard to the subject of Article 38.

MOTION: (Requires majority vote)

Moved by Mr. Jennett seconded by Mr. Sidney, to amend the Town of Natick By-Laws, with administrative changes, by inserting therein a new Article 72.B, said Article to be entitled “Stretch Energy Code,” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code,” including amendments or modifications thereto, said Article 72.B to read as printed in the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee as printed on pages 412 and 413.

Members of the Town administration spoke on the article and there was discussion by Town Meeting members.

Mr. Connolly offered the following amendment, which was seconded by Mr. Munnich. Move to delete the underlining of the words “International Code Council” and “United States in Section 1. Definitions; and, further, to delete the term “Building Inspector” in the last sentence of

section 5 and replace it with the term “Building Commissioner”.

The amendment to the main motion passed by majority vote.

Ms. Ball moved the question and it was seconded by Mr. Goldman.

Motion to move the question passed by majority vote.

Main motion as amended for Article 38 passed by majority vote.

**ARTICLE 31: Amend By-Laws Article 11: Town Clerk
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 11 of the Town of Natick By Laws as follows:

1. In Section 1, in the first sentence, delete the words “, in books, to be kept for such purposes alone,” and insert in their place the words “of all records, as required under Massachusetts General Laws, and” and delete the words “deeds, permits, licenses, and grants issued and executed by the Selectmen and of such other instruments executed by the Selectmen”, so that said first sentence reads: “The Town Clerk shall keep a true copy of all records, as required under Massachusetts General Laws, and in accordance with the provisions of these by-laws.”
2. In Section 2, in the first sentence insert the words “or his designee” after the words “Town Clerk”, and in the second sentence, delete the words “Town Treasurer” and insert in their place the words “Town Clerk,” so that said Section 2 reads: “The Town Clerk or his designee shall cause every conveyance of the Town of any interest in land to be properly recorded in the appropriate Registry of Deeds or Land Registration Office. After recording, the deeds shall be delivered to the Town Clerk, in whose custody they shall remain”.
3. In Section 5 delete the comma after the word “proceedings” and insert a comma after the word “reports” so that said Section 5 reads: “The Town Clerk shall furnish blanks, with appropriate headings, upon which petitions, reports, and other papers in the ordinary course of Town proceedings may be prepared.”
4. In Section 8, second sentence, insert the words “and vacation of office provisions” between the words “requirement” and “as”, so that said second sentence reads: “If the Town Clerk receives a notice in writing that an elected Town officer, but not including a Town Meeting Member, has removed from the Town or has registered elsewhere, the Town Clerk shall notify the elected Town officer in writing of the eligibility requirement for elective Town office as specified in Section 3-1 (b) of the Charter and of the resignation requirement and vacation of office provisions as specified in said Section 109.”;
5. Insert a new Section 14 at the end of the article, as follows:
“Section 14 Locations for Posting Notices of Town Meetings

The Town Clerk shall determine suitable locations in the Town for posting notices of Town Meetings. These locations shall be readily accessible to the public. The Town Clerk shall submit the list of these locations, including any changes to the list, to the Board of Selectmen for approval.”

or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010,

recommends favorable action with regard to the subject of Article 31.

MOTION: (Requires majority vote)

Moved by Mr. Jennett and seconded by Mr. Sidney to amend Article 11 of the Town By-Laws, with administrative changes as follows:

- a. Replace the words “, in books to be kept for such purposes alone, of all deeds, permits, licenses, and grants issued and executed by the Selectmen and of such other instruments executed by the Selectmen” with the words “of all records, as required under Massachusetts General Laws, and” in the first sentence of Section 1; and
- b. Insert the words “or his designee” after the words “The Town Clerk” in the first sentence of Section 2; and
- c. Replace the word “Treasurer” with the word “Clerk,” in the second sentence of Section 2; and
- d. Insert a comma after the word “reports” in Section 5; and
- e. Delete the comma after the words “Town proceedings” in Section 5; and
- f. Insert the words “and vacation of office provisions” between the words “resignation requirement” and “as specified” in the last sentence of Section 8; and
- g. Insert a new Section 14, which reads:

“Section 14 Locations for Posting Notices of Town Meetings

The Town Clerk shall determine suitable locations in the Town for posting notices of Town Meetings. These locations shall be readily accessible to the public. The Town Clerk shall submit the list of these locations, including any changes to the list, to the Board of Selectmen for approval.”

Mr. Connolly moved to amend the main motion to eliminate section f., and it was seconded by Mr. Linehan.

The motion to amend the main motion failed by majority vote.

Main motion for Article 31 passed by majority vote.

**ARTICLE 32: Amend By-Laws Article 26: Historic District Commission
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 26 of the Town of Natick By Laws as follows:

1. In Section 2 (1), delete the words “, drawn by the Natick Department of Public Works” which appear after the title of the plan; and delete the words “Town Clerk” at the end of the subsection and insert in their place the words “Natick Community Development Office”; In Section 2 (2), delete the words “drawn by the Natick Department of Public Works” which appear after the title of the plan; delete the words “, said plan being on record with the Town Clerk and said plan”, which appear after the words “100’”); and insert at the end of the subsection the words “, said plan being on record with the Natick Community Development Office”.

So that said Section 2 reads:

“Section 2 Historic Districts

There is hereby established under the provisions of the Historic Districts Act, Chapter 40C of the General Laws, as amended, the historic districts described as follows:

(1) **John Eliot Historic District**, as shown on a plan entitled “Proposed Enlargement of John Eliot Historic District” (scale 1” equals 100’) dated August 28, 1975, and revised March 1, 1976, said plan being on record with the Natick Community Development Office.

(2) **Henry Wilson Historic District**, as shown on “Plan of the Proposed Henry Wilson Historic District, Natick, Massachusetts”, (scale 1” equals 100’) dated August 10, 1977, and revised November 8, 1977, said plan being on record with the Natick Community Development Office.

2. In Section 5, delete the words “forty-five (45)” and insert in their place the words “sixty (60)” so that said Section 5 reads:

“Section 5 Time Limits

When taking action under the provisions of Section 7 of the Historic Districts Act, General Laws, Chapter 40C, as amended, the Historic District Commission shall make a determination within sixty (60) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.”

or otherwise act thereon

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 32.

MOTION: (Requires majority vote)

Moved by Mr. Jennett seconded by Mr. Sidney to amend Article 26 of the Town By-Laws, with administrative changes, as follows:

- a. Delete the words “drawn by the Natick Department of Public Works” in section 2 (1); and
- b. Replace the words “Town Clerk” with the words “Natick Community Development Office” in section 2 (1); and
- c. Delete the words “drawn by the Natick Department of Public Works,” in section 2 (2); and
- d. Delete the words “, said plan being on record with Town Clerk and said plan” in section 2 (2); and
- e. Inserting the words “, said plan being on record with the Natick Community Development Office” at the end of section 2 (2); and
- f. Replace the words “forty-five (45)” with the words “sixty (60)” in section 5.

Main motion for Article 32 passed by majority vote.

ARTICLE 33: Amend By-Laws Article 41: Contracts, Town Property, Regulations of Town Boards and Officials

To see if the Town will vote to amend Article 41 of the Town of Natick By-Laws, as follows:

1. In Section 1:

- a) Insert a new first paragraph which reads:

The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with Mass. Gen. Laws Chapter 30B; Chapter 30 Section 39M; Chapter 7; Chapter 149; or

other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract.”

- b) In the present first paragraph, first sentence, insert “, which must be authorized by the Chief Procurement Officer, or quotes” between “proposals” and “for”; delete the second sentence; and insert the words “or quotes” at the end of the present third sentence;
 - c) In the present second paragraph, first sentence, insert “, which must be authorized by the Chief Procurement Officer, or bids” between “proposals” and “for”, and insert “or bids” at the end of the first sentence; in the second sentence, insert “or bids” between “proposals” and “will” and at the end of the second sentence; and insert two new sentences at the end of the paragraph, which read:
“The opening of all proposals shall be witnessed. All bids shall be opened in public.”
 - d) In the present third paragraph, delete the first sentence, which reads “All proposals shall be opened in public”.
 - e) Insert a new paragraph at the end of Section 1, which reads:
“All contracts of the Town of Natick shall bear the signature of the Comptroller verifying the availability of funds in the full amount of the contract.”
2. In Section 2:
Insert at the beginning of the first sentence the words “To the extent permitted by applicable state procurement law”; insert the words “or the School Committee, as applicable,” between “Selectmen” and “may”; and delete from the end of the first sentence the words “or when no reasonably suitable substitute can be obtained for the article or service to be purchased or contracted for”.
- a) In the present second sentence insert “or School Committee, as applicable,” between “Selectmen” and “in”; insert “as soon as practical” between “contract” and “, and”; and insert “procurement” between “other” and “records”.
3. Delete the present text of Section 3 and insert in its place the following text:
“The designated procurement officer shall retain complete files for every procurement of the Town of Natick, including solicitation, responses, contracts, and amendments thereto, if applicable. Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish a copy of said documents to the procurement officer, with the original contract and original amendments thereto, if applicable, to the Town Comptroller within ten (10) days after the execution of all such documents. The procurement officer and the Town Comptroller shall keep such documents on file consistent with applicable public records laws.”
4. In Section 5, delete “fifty dollars (\$50.00)” and insert in its place “five hundred dollars (\$500.00)” and insert “or School Committee, as applicable,” between “Selectmen” and “who”.

5. In Section 6, last sentence, insert “or successor legislation, or as said laws may hereinafter be amended” after “37-84A”.
6. In Section 11:
 - a) In the first paragraph, first sentence, insert “or successor legislation, or as said laws may hereinafter be amended” at the end of the sentence.
 - b) In the first paragraph, second sentence, insert “, except as may otherwise be required or allowed by these By-Laws or the Charter of the Town” at the end of the sentence.
 - c) In the second paragraph, first sentence, delete the word “yearly” and insert “as well in advance as practicable” at the end of the sentence.
7. In the table at the end of Article 41, in the column entitled “Official Responsible for Publication” change “Planning Director” to read “Community Development Director” in all three locations and in the column entitled “Title” insert “(Plan of Organization)” after “Administrative Code” so that Article 41, as amended, would read:

(By-Law)
“ARTICLE 41
CONTRACTS, TOWN PROPERTY, AND REGULATIONS
OF TOWN BOARDS AND OFFICIALS

Section 1 Procedures for Award of Contracts

The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with MGL Chapter 30B; Chapter 30 Section 39M; Chapter 7; Chapter 149; or other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract.

No contract for the purchase of services, equipment, supplies, or materials, the actual or estimated cost of which amounts to five thousand dollars (\$5,000.00) or more, but less than twenty-five thousand dollars (\$25,000.00), shall be awarded unless proposals, which must be authorized by the Chief Procurement Officer, or quotes for the contract have been invited from no less than three (3) vendors, contractors or other qualified persons. The Town of Natick shall reserve the right to reject any or all such proposals or quotes.

No contract for the purchase of services, equipment, supplies or materials, the actual or estimated cost of which amounts to twenty-five thousand dollars (\$25,000.00) or more, shall be awarded unless proposals, which must be authorized by the Chief Procurement Officer, or bids for the contract have been invited by advertisement in at least one newspaper, published or circulated in the Town of Natick, such publication to be at least seven (7) days before the time specified for the opening of said proposals or bids. Such advertisement shall state the place where plans and specifications for proposed work or purchases may be obtained and the time and place at which proposals or bids will be opened, and shall reserve to the Town of Natick the right to reject any or all such proposals or bids. The opening of all proposals shall be

witnessed. All bids shall be opened in public.

No contract, and no purchase, service or work for which a contract is proposed, shall be split or divided for the purpose of evading any provision of this section.

This section shall not apply to professional services, or to services performed by a person regularly employed by the Town as part of the duties of such employment. This section shall apply to architectural consulting services and engineering consulting services for which no procurement process is required by Massachusetts law.

All contracts of the Town of Natick shall bear the signature of the Comptroller verifying the availability of funds in the full amount of the contract.

Section 2 Emergencies

To the extent permitted by applicable state procurement law, the Selectmen or the School Committee, as applicable, may exempt a purchase or contract from any or all of the provisions of the preceding section when, in their opinion, an emergency exists requiring immediate action on such purchase or contract to protect the health and safety of persons or property. Evidence indicating that such an emergency exists, or that no reasonable substitute for a purchase or service can be obtained shall be furnished to the Selectmen or School Committee, as applicable, in writing by the officer, board, or committee making such purchase or contract as soon as practical, and shall be kept on file with other procurement records of such transactions.

Section 3 Contract Files

The designated procurement officer shall retain complete files for every procurement of the Town of Natick, including solicitation, responses, contracts, and amendments thereto, if applicable. Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish a copy of said documents to the procurement officer, with the original contract, and original amendments thereto, if applicable, to the Town Comptroller within ten (10) days after the execution of all such documents. The procurement officer and the Town Comptroller shall keep such documents on file consistent with applicable public records laws.

Section 4 Compensation of Town Officers and Employees

No Town officer and no salaried employee of the Town shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law, without permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

Section 5 Disposal of Property

Whenever any property of the Town, other than real estate, the replacement value of which exceeds five-hundred dollars (\$500.00), shall have become obsolete, disused, worn out or necessary to replace, the Town official or officials having jurisdiction thereof shall so certify in writing to the Board of Selectmen or School Committee, as applicable, who may reserve action relative to its disposal for consideration of a Town Meeting or may by vote authorize the official or officials to abandon, to trade, or to sell such property at a private or public sale.

Section 6 Sale of Tax Title Land

The Selectmen and Town Treasurer may sell at public auction and in such manner, upon such terms and for such consideration as in their judgment is for the best interest of the Town, lands held from time to time by the Town under tax titles the right of redemption from which has been foreclosed. Notice of such sales shall be advertised at least once in a newspaper published in the Town no less than fourteen (14) days prior to the date of the sale, and such notice shall include the location of such lands by street address or comparable description. The Conservation Commission and the Historical Commission of the Town shall be notified of such sale at the time that the advertisement is prepared.

(For more precise requirements on such sales, see Mass. Gen. Laws, Chapter 60, Sections 37-84A or successor legislation, or as said laws may hereinafter be amended).

Section 7 Designation of Town Vehicles

All automobiles and other vehicles owned by the Town shall be so designated by a circular label not less than six (6) inches in diameter bearing the words "Town of Natick" and the name of the Department, with the exception of those vehicles exempted from this by-law by the Board of Selectmen.

Section 8 Annual Audit

There shall be an annual audit of the accounts of the Town under the direction of the Director of the Bureau of Accounts of the Commonwealth of Massachusetts.

Section 9 Authorization for Expenditure of Funds

The Town Comptroller shall not approve for payment any warrant for the expenditure of public funds unless there shall appear thereon the signatures of at least a majority of the Town board, commission, or committee authorized to make expenditures.

Section 10 Fees Paid to the Town

All Town officers except constables shall pay into the Town Treasury all fees received by them by virtue of their office.

Section 11 Compliance with Open Meeting Law

All meetings of Town boards, commissions, committees, and subcommittees, elected, appointed or otherwise constituted, shall be in accordance with the provisions of Section 7-9 of the Charter and Sections 23A through 23C of Chapter 39 of the General Laws or successor legislation, or as said laws may hereinafter be amended. In addition, in any matter requiring a vote of the Board, the vote shall be by voice or roll call and no secret or written ballots shall be used, except as may otherwise be required or allowed by these By-Laws or the Charter of the Town.

All elected boards and committees shall notify the Town Clerk of their organization, rules and regulations and shall file with him a schedule of regular meetings as well in advance as practicable. The Town Clerk shall be notified of changes in or additions to the meeting schedule not less than forty-eight (48) hours before the meeting concerned.

Appointed standing committees shall meet as required by their duties and shall notify the Town Clerk not less than forty-eight (48) hours before any meeting.

No portion of this section shall apply to any Committee or individual designated or appointed for purposes of collective bargaining pursuant to the General Laws 149, Section 1781.

Section 12 Availability of Regulations

Up-to-date copies of all regulations adopted by the Town, as listed in the table entitled “Town Regulations,” which appears at the end of this article and is incorporated into this section by reference, shall be available for review by the public in the office of the official responsible for publication, in the office of the Town Clerk, and in the Morse Institute library.

Whenever changes to regulations are adopted, the responsible official shall either publish a complete new edition or provide a package of change pages. If packages of change pages are provided, the pages shall be marked with a distinguishing date or a change number, and a list of current pages shall be included so that other persons can accurately update copies in their possession.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 33.

MOTION: (Requires majority vote)

Moved by Mr. Jennett seconded by Mr. Sidney to amend Article 41 of the Town By-Laws, with administrative changes as follows:

- a. Insert a new paragraph at the beginning of Section 1 which reads “The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with Mass. Gen. Laws Chapter 30B; Chapter 30 Section 39M; Chapter 7; Chapter 149; or other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract.”; and
- b. Insert the words “, which must be authorized by the Chief Procurement Officer, or quotes” after the word “proposals” and before the word “for” in the present first paragraph, first sentence of Section 1; and
- c. Delete the sentence “Administrative procedures for seeking such proposals shall be established by the Town Administrator except the administrative procedures for seeking proposals for the purchase of equipment and services other than School Department equipment, shall be under the jurisdiction of the Central Equipment Purchasing Committee.” from the current first paragraph of section 1; and
- d. Insert the words “or quotes” at the end of the last sentence of the current first paragraph of section 1; and
- e. Insert the words “, which must be authorized by the Chief Procurement Officer, or bids” after the word “proposals” and before the word “for” in the first sentence of the current second paragraph of section 1; and

- f. Insert the words “or bids” at the end of the first sentence of the current second paragraph of section 1; and
- g. Insert the words “or bids” between the words “which proposals” and “will be opened” in the second sentence of the current second paragraph of section 1; and
- h. Insert the words “or bids” at the end of the current second paragraph of section 1; and
- i. Insert the sentences “The opening of all proposals shall be witnessed. All bids shall be opened in public.” at the end of the current second paragraph of section 1; and
- j. Delete the sentence “All proposals shall be opened in public.” from the current third paragraph of section 1; and
- k. Insert a new paragraph at the end of section 1, which reads “All contracts of the Town of Natick shall bear the signature of the Comptroller verifying the availability of funds in the full amount of the contract.”; and
- l. Delete the word “The” and insert the words “To the extent permitted by applicable state procurement law, the” at the beginning of the first sentence of section 2; and
- m. Insert the words “or the School Committee, as applicable,” after the word “Selectmen in the first sentence of section 2:”; and
- n. Delete the words “, or when no reasonably suitable substitute can be obtained for the article or service to be purchased or contracted for” at the end of the first sentence of section 2; and
- o. Insert the words “or School Committee, as applicable,” after the words “the Selectmen” in the second sentence of section 2; and
- p. Insert the words “as soon as practical” after the words “making such purchase or contract” in the second sentence of section 2; and
- q. Insert the word “procurement” between the words “other” and “records” in the second sentence of section 2; and
- r. Replace the text of section 3 with the paragraph “The designated procurement officer shall retain complete files for every procurement of the Town of Natick, including solicitation(s), responses, contracts, and amendments thereto, if applicable. Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish a copy of said documents to the procurement officer. The original contract, and original amendments thereto, if applicable, shall be submitted to the Town Comptroller within ten (10) days after the execution of all such documents. The procurement officer and the Town Comptroller shall keep such documents on file consistent with applicable public records laws.”; and
- s. Replace the words “fifty dollars (\$50.00)” with the words “five hundred dollars (\$500.00)” in the first sentence of section 5; and

- t. Insert the words “or School Committee, as applicable,” after the words “Board of Selectmen” in the first sentence of section 5; and
- u. Insert the words “or successor legislation, or as said laws may hereinafter be amended” inside the parentheses and after the words “Mass. Gen. Laws, Chapter 60, sections 37-84A” in the last sentence of section 6; and
- v. Insert the words “or successor legislation, or as said laws may hereinafter be amended” at the end of the first sentence of the first paragraph Section 11; and
- w. Insert the words “, except as may otherwise be required or allowed by these By-Laws or the Charter of the Town” at the end of the second sentence of the first paragraph of Section 11; and
- x. Delete the word “yearly” from the first sentence of the second paragraph of section 11; and
- y. Insert the words “as well in advance as practicable” at the end of the first sentence of the second paragraph of Section 11; and
- z. Replace the words “Planning Director” with the words “Community Development Director” in all three places where they appear in Official Responsible for Publication column in the table of Town Regulations; and
- aa. Insert the words “(Plan of Organization)” after the words “Administrative Code” in the Title column in the table of Town Regulations.

Ms. White spoke to this article which was sponsored by the Charter and By-Law Review Committee.

The main motion under Article 33 passed by majority vote.

ARTICLE 34: Amend By-Laws Article 50: Police Regulations (Charter & By-Law Review Committee)

To see if the Town will vote to amend Article 50 of the Town of Natick By-Laws, as follows:

1. In Section 15, delete the words “nor use, set, place or maintain any type of leghold, steel-jaw, or Conibear trap”, so that said Section 15 reads as follows:

“Section 15 Use of Firearms on Other Hunting Equipment

No person shall fire or discharge any firearms of any kind nor shall use bow and arrow where the arrow is equipped with a metal or other dangerous tip within the limits of any highway, park, or other public property or on any private property, except with the written consent of the owner or legal occupant or person having the right of control thereof, provided, however, that this By-Law shall not apply to the lawful defense of life or property or to any military exercises or funeral”

2. In Section 22.3, in the last sentence of this paragraph:
 - a. Insert the phrase “shall be located no more than ten (10) feet away, and” between the words “This sign” and “shall be located at a height...”; and

- b. Remove the phrase “, not” and replace it with the word “nor” so that the last sentence of Section 22.3 reads as follows:

“This sign shall be located no more than ten (10) feet away, and shall be located at a height of not less than five (5) feet nor more than eight (8) feet to the top of the sign.” or otherwise act therein.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 34.

MOTION: (Requires majority vote)

Moved by Mr. Jennett, seconded by Mr. Sidney to amend Article 50 of the Town By-Laws as follows:

- a. Delete the words “nor use, set, place or maintain any type of leghold, steel-jaw, or Conibear trap” from the first sentence of section 15; and
- b. Insert the words “shall be located no more than ten (10) feet away, and” after the words “This sign” and before the words “shall be” in the last sentence of section 22.3; and
- c. Replace the words “, not” with the word “nor” between the words “five (5) feet” and “more than eight (8)” in the last sentence of section 22.3.

The main motion for Article 34 passed by majority vote.

ARTICLE 35: Amend By-Laws and/or Charter: Allow for a Change in the Dates of the Town Election, Preliminary Election, Nomination Deadlines (Board of Selectmen and Charter & By-Law Review Committee)

To see what action the Town will take to allow the Board of Selectmen to change the date of the Annual Town Election, officially known as the Annual Town Meeting for the election of Town officers, and/or to change the date of the preliminary election related to the Annual Town Election, and/or to change the deadline to file nomination papers related to the Annual Town Election, including without limitation to amend the Natick Home Rule Charter and/or to amend the Town of Natick By-Laws; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 6, 2010, recommends favorable action with regard to the subject of Article 35.

MOTION: (Requires majority vote)

Moved by Mr. Jennett, seconded by Mr. Sidney, to amend Article 1 of the Natick By-Laws as follows:

- a. Insert the words “Election and Town” between the words “Town” and “Meetings” in the title of the by-law; and
- b. Insert the words “Election and Town” between the words “Annual Town” and “Meetings” in the title of Section 1; and
- c. Identify the second sentence of section 1 as sub-section “a”; and
- d. Identify the third sentence of section 1 as sub-section “b”; and

- e. Identify the fourth sentence of section 1 as sub-section “c”; and
- f. Insert a new sentence at the end of subsection “a” that reads “On or before November 15, the Board of Selectmen, by a two-thirds (2/3) vote, may change the date of the next town election to any Tuesday in March or April.”

The main motion for Article 35 passed by majority vote.

ARTICLE 36: Amend By-Laws and/or Charter: Allow for a Change of Date for Fall Town Meeting (Board of Selectmen and Charter & By-Law Review Committee)

To see what action the Town will take to allow the Board of Selectmen to change the date of the Fall Annual Town Meeting, including without limitation to amend the Natick Home Rule Charter and/or to amend the Town of Natick By-Laws; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 6, 2010, recommends favorable action with regard to the subject of Article 36.

MOTION: Moved by Mr. Jennett and seconded by Mr. Sidney to amend Article 1 of the Natick By-Laws by adding the sentence “The Board of Selectmen may delay the start of the Fall Annual Town Meeting, provided that the delayed Fall Annual Town Meeting shall start in October or November.” At the end of the present fourth sentence of Section 1. Said fourth sentence of Section 1 will be subsection c of Section 1 if the By-Law amendment proposed by Article 35 in the warrant for this Town Meeting is approved by Town Meeting and becomes effective.

Mr. Linehan made a motion to amend the main motion by: changing the word “delay” to change and “delayed” to “changed”. The amendment was seconded by Mr. Margil.

The amendment to the main motion failed.

The main motion for Article 36 passed by majority vote.

Mr. Goldman rose for a point of personal privilege and the Moderator declared Town Meeting to be in recess. The Moderator called the meeting back in order, at which time Mr. Jennett moved to adjourn until Tuesday, May 4 at 7:30. The motion was seconded by Mr. Goldman. The meeting adjourned at 10:10 PM.

A record of the Second Session of
Annual Spring Town Meeting, April 29, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

May 4, 2010

Third Session

The Third Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:38 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Third Session of 2010 Spring Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. The Moderator gave the oath of office to all new Town Meeting members. The Moderator swore in Mr. Steve Levinsky as the interim Town Clerk for the evening.

The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill. The Moderator introduced the officials present on stage and in the well of the auditorium. The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant. He also reiterated that all motions must be received in time for them to be reviewed by the Moderator and if necessary, Town Counsel.

Several administrative and procedural matters were reviewed by the Moderator. The Department of Public works announced an open house and the Moderator addressed the issue of attendance which was raised at the previous meeting.

Mr. Sidney moved that Article 47 be considered after completion of Article 42. Mr. Margil seconded.

The motion to take Article 47 upon completion of Article 42 passed by a 2/3 vote.

**ARTICLE 37: Amend By-Laws Article 60: Fire Regulations
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 60 of the Town of Natick By-Laws by deleting the current text in its entirety and inserting in its place the following text:

**By-Law
"Article 60
Fire and Life Safety Regulations**

Section 1 Orders, Rules, Investigations, and Inspections

For the purpose of ensuring compliance and reasonable safety of the public and firefighters, as authorized by Massachusetts General Laws (MGL) Chapter 148 "Fire Prevention Laws", 527CMR "Fire Protection Regulations", and, where authorized, by 780CMR "State Building Code", or this By-Law, the Chief of the Fire Department (the Chief) or his designee may:

1. Enter, at any reasonable hour, any building, structure, or premises to make investigation

and inspection;

2. Make rules or orders consistent with laws and regulations cited in this By-Law.

Section 2 Definitions

Fire Protection Systems, devices, and equipment used to detect a fire and its by-products, actuate an alarm, or suppress or control a fire and its by-products, or any combination thereof.

Life Safety Systems Systems that enhance or facilitate evacuation of smoke, or devices and alarms that detect and notify the presence of carbon monoxide.

Auxiliary Fire Alarm As defined by the latest edition of the National Fire Alarm Code, *Systems, (Municipal NFPA-72*, as published by the National Fire Protection

Master-Boxes), Central Association, Quincy, MA.
Station and Remote Stations

Section 3 Regulatory Policies

Notwithstanding any general or special law to the contrary, the Chief may promulgate regulatory policies for the purpose of clarifying the intent of any sections of the By-Laws, MGL, regulations, or codes stipulated in Section 1. Regulatory policies and promulgations under this section shall be approved by the Board of Selectmen (the Board). Regulatory policies may include, but are not limited to:

- A. Obstruction or blockage of a public or private way to prevent access by fire apparatus or equipment to any building.
- B. Fire lanes, markings, postings, and maintenance.
- C. Fire Department vehicle access to private roadways.
- D. Method of supervision (Fire Department notification) of fire protection and life safety systems within all buildings by means of auxiliary fire alarm systems (municipal master-boxes), central station systems, remote station systems, or combination, including testing, maintenance and maintaining operational readiness.
- E. Fire protection and life safety systems, functions, equipment, and component locations.
- F. Fire hydrant location and placement, public and private.
- G. Inspection, testing, and maintenance of fire protection systems.
- H. Impairments affecting fire protection life safety systems' function and Fire Department notification.
- I. Issuance of permits for the use of open flames in or around buildings or structures.
- J. Conditions for the permitted use of open flames in or around buildings or structures.

Section 4 Appeals

Anyone aggrieved by the Chief's interpretation, order, requirement, direction, or failure to act under the provisions of this By-Law, notwithstanding any general law or special law to the contrary, may, within ten (10) days of such action, file an appeal in writing with the Board. Once the appeal is filed with the Board, there is a stay of all proceedings until a decision is reached. The Board shall notify the appellant and the Chief in writing at least ten (10) days prior to the hearing date. The Board shall render a decision within thirty (30) days following the hearing. The appellant, if aggrieved by the decision of the Board, may seek further review by a court of appropriate jurisdiction.

Section 5 Adoption of Local Option Law

The Chief or his designee shall enforce the following local option MGLs adopted by the town and any other MGLs subsequently adopted by the Town.

MGL 148, 26C “Certain Public Accommodations”: automatic smoke or heat detectors. Date of adoption: ATM April 12, 1988, Art. 42.

MGL 148, 26G “Non-residential Buildings or Additions”: automatic suppressant or sprinkler systems. Date of adoption: ATM April 12, 1988, Art. 43.

MGL 148, 26H “Lodging or Boarding Houses”: Automatic sprinkler systems. Date of adoption: ATM April 12, 1988, Art. 44.

MGL 148, 26I “Multiple Dwelling Units”: New construction: Automatic Sprinkler Systems. Date of adoption: ATM October 19, 2006, Art. 12.

Section 6 Fire Department Radio Communication

The Chief may require the installation of two-way in-building radio communication systems within any new or existing building to enhance communication among Fire Department personnel. Such two-way in-building radio communication systems shall comply with Fire Department specifications and installation requirements.

Section 7 Fire Department Building Access

The Chief may require the installation of specialized, secured lock-boxes on any building or structure to permit emergency access during non-occupied or normal business hours. Specialized, secured lock-boxes shall comply with Fire Department specifications and installation requirements.

Section 8 Fees

The Chief may recommend to the Board reasonable fees for the issuance or renewal of licenses, permits, the supervision of auxiliary fire alarm systems (municipal master-box), and temporary impairments of auxiliary fire alarm systems (municipal master-box) affected by installation, testing, inspection, or maintenance of fire protection and life safety systems.

9 Fire Alarm System Malfunctions (False Alarms) and Fines Structure

9.1 In order to reduce the number of unnecessary responses by the Fire Department due to faulty fire alarm systems, the Chief may assess a fine against a fire alarm system owner for each fire alarm system malfunction per calendar year according to the following schedule:

- a. First through third malfunction. No Charge. Upon receipt of the third such false alarm by the Fire Department, the Chief shall notify the owner of the fire alarm system in writing, and by registered mail, return receipt requested, of such fact, and inform the owner of the Department’s policy relative to charging for false fire alarms. A copy of the By-Law shall be enclosed with the formal notice.
- b. Fourth malfunction: \$100.00.
- c. Fifth malfunction: \$200.00.
- d. Each malfunction after the fifth: \$300.00 per call.

9.2 Private fire alarm systems connected to the Fire Department by other automatic means

or through a central station system shall be subject to the aforementioned fee structure (subsection 9.1).

9.3 Any false fire alarm which is the result of the failure of the property owner, occupant, or their agent(s) to notify the Fire Department of repair, maintenance, or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with subsection 9.1.

9.4 For the purposes of this regulation, a false fire alarm shall be defined as any alarm caused by:

- a. The operation of a faulty smoke, heat, or water flow detection device.
- b. A faulty control panel or associated equipment.
- c. A water pressure surge in an automatic sprinkler system.
- d. Accidental operation of an automatic sprinkler system.
- e. Any action causing accidental activation of an internal fire alarm system by:
 1. An owner of the protected premises;
 2. An occupant of the protected premises;
 3. Any employee or contractor of an owner or occupant of the protected premises;
 4. Any agent of an owner or occupant of the protected premises;
 5. Any agent of an employee or contractor of the owner or occupant of the protected premises.

9.5 Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town Treasurer for deposit in the general fund. If the bill is not paid within thirty (30) days, a second notice will be sent; if the bill is not paid after another thirty (30-day) period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified after thirty (30) days of said final notice." or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 15, 2010, recommends favorable action with regard to the subject of Article 37.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett to replace the text of Article 60 of the Town By-Laws with:

**“ARTICLE 60
FIRE AND LIFE SAFETY REGULATIONS**

Section 1 Orders, Rules, Investigations, and Inspections

For the purpose of ensuring compliance and reasonable safety of the public and firefighters, as authorized by Massachusetts General Laws (MGL) Chapter 148 “Fire Prevention Laws,” 527CMR “Fire Protection Regulations,” and, where authorized, by 780CMR “State Building Code,” or this By-Law, the Chief of the Fire Department (the Chief) or his designee may:

3. Enter, at any reasonable hour, any building, structure, or premises to make investigation and inspection;
4. Make rules or orders consistent with laws and regulations cited in this By-Law.

Section 2 Definitions

Fire Protection Systems Systems, devices, and equipment used to detect a fire and its by-products, actuate an alarm, or suppress or control a fire and its by-products, or any combination thereof.

Life Safety Systems Systems that enhance or facilitate evacuation of smoke, or devices and alarms that detect and notify the presence of carbon monoxide.

Auxiliary Fire Alarm As defined by the latest edition of the National Fire Alarm Code, *Systems, (Municipal NFPA-72*, as published by the National Fire Protection *Master-Boxes), Central Association, Quincy, MA.*
Station and Remote Stations

Section 3 Regulatory Policies

The Chief may promulgate regulatory policies for the purpose of clarifying the intent of any sections of the By-Laws, MGL, regulations, or codes stipulated in Section 1. Regulatory policies and promulgations under this section shall be approved by the Board of Selectmen (the Board).

Regulatory policies may include, but are not limited to:

- A. Obstruction or blockage of a public or private way to prevent access by fire apparatus or equipment to any building.
- B. Fire lanes, markings, postings, and maintenance.
- C. Fire Department vehicle access to private roadways.
- D. Method of supervision (Fire Department notification) of fire protection and life safety systems within all buildings by means of auxiliary fire alarm systems (municipal master-boxes), central station systems, remote station, or combination of both, including testing, maintenance and maintaining operational readiness.
- E. Fire protection and life safety systems, functions, equipment, and component locations.
- F. Fire hydrant location and placement, public and private.
- G. Inspection, testing, and maintenance of fire protection systems.
- H. Impairments affecting fire-protection-life-safety-systems' function and Fire Department notification.
- I. Issuance of permits for the use of open flames in or around buildings or structures.
- J. Conditions for the permitted use of open flames in or around buildings or structures.

Section 4 Appeals

Anyone aggrieved by the Chief's interpretation, order, requirement, direction, or failure to act under the provisions of this By-Law may, within ten (10) days of such action, file an appeal in writing with the Board. Once the appeal is filed with the Board, there is a stay of all proceedings until a decision is reached. The Board shall notify the appellant and the Chief in writing at least ten (10) days prior to the hearing date. The Board shall render a decision within thirty (30) days following the hearing. The appellant, if aggrieved by the decision of the Board, may seek further review by a court of appropriate jurisdiction.

Section 5 Adoption of Local Option Law

The Chief or his designee shall enforce the following local option MGLs adopted by the Town

and any other MGLs subsequently adopted by the Town.

MGL 148, 26C “Certain Public Accommodations”: automatic smoke or heat detectors. Date of adoption: ATM April 12, 1988, Art. 42.

MGL 148, 26G “Non-residential Buildings or Additions”: automatic suppressant or sprinkler systems. Date of adoption: ATM April 12, 1988, Art. 43.

MGL 148, 26H “Lodging or Boarding Houses”: Automatic sprinkler systems. Date of adoption: ATM April 12, 1988, Art. 44.

MGL 148, 26I “Multiple Dwelling Units”: New construction: Automatic Sprinkler Systems. Date of adoption: ATM October 19, 2006, Art. 12.

Section 6 Fire Department Radio Communication

The Chief may require the installation of two-way in-building radio communication systems within any new or existing building to enhance communication among Fire Department personnel. Such two-way in-building radio communication systems shall comply with Fire Department specifications and installation requirements.

Section 7 Fire Department Building Access

The Chief may require the installation of specialized, secured lock-boxes on any building or structure to permit emergency access during non-occupied or normal business hours. Specialized, secured lock-boxes shall comply with Fire Department specifications and installation requirements.

Section 8 Fees

The Chief may recommend to the Board reasonable fees for the issuance or renewal of licenses, permits, the supervision of auxiliary fire alarm systems (municipal master-box), and temporary impairments of auxiliary fire alarm systems (municipal master-box) affected by installation, testing, inspection, or maintenance of fire protection and life safety systems.

Section 9 Fire Alarm System Malfunctions (False Alarms) and Fines Structure

9.1 In order to reduce the number of unnecessary responses by the Fire Department due to faulty fire alarm systems, the Chief may assess a fine against a fire alarm system owner for each fire alarm system malfunction per calendar year according to the following schedule:

- a. First through third malfunction. No Charge. Upon receipt of the third such false alarm by the Fire Department, the Chief shall notify the owner of the fire alarm system in writing, and by registered mail, return receipt requested, of such fact, and inform the owner of the Department’s policy relative to charging for false fire alarms. A copy of the By-Law shall be enclosed with the formal notice.
- b. Fourth malfunction: \$100.00.
- c. Fifth malfunction: \$200.00.
- d. Each malfunction after the fifth: \$300.00 per call.

9.2 Private fire alarm systems connected to the Fire Department by other automatic means or through a central station system shall be subject to the aforementioned fee structure (subsection 9.1).

9.3 Any false fire alarm which is the result of the failure of the property owner, occupant, or their agent(s) to notify the Fire Department of repair, maintenance, or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with subsection 9.1.

9.4 For the purposes of this regulation, a false fire alarm shall be defined as any alarm caused by:

- a. The operation of a faulty smoke, heat, or water flow detection device.
- b. A faulty control panel or associated equipment.
- c. A water pressure surge in an automatic sprinkler system.
- d. Accidental operation of an automatic sprinkler system.
- e. Any action causing accidental activation of an internal fire alarm system by:
 1. An owner of the protected premises;
 2. An occupant of the protected premises;
 3. Any employee or contractor of an owner or occupant of the protected premises;
 4. Any agent of an owner or occupant of the protected premises;
 5. Any agent of an employee or contractor of the owner or occupant of the protected premises.

9.5 Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town Treasurer for deposit in the general fund. If the bill is not paid within thirty (30) days, a second notice will be sent; if the bill is not paid after another thirty (30-day) period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified after thirty (30) days of said final notice."

In response to a question from the Moderator, Mr. Freedman confirmed that no administrative changes were necessary.

The main motion for Article 37 passed unanimously.

**ARTICLE 39: Amend By-Laws Article 74: Junk Dealers
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 74, Section 3 of the Town of Natick By-Laws by inserting the words "Sections 2 and 3 of" in the second last paragraph of Section 3, between the words "of" and "this", so that said paragraph reads "Violations of the provisions of Sections 2 and 3 of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense."

or otherwise act therein.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 15, 2010, recommends favorable action with regard to the subject of Article 39.

MOTION: (Requires majority vote)

Moved by Mr. Freedman and seconded by Mr. Jennett to amend Article 74 of the Town By-

Laws, with administrative changes, by inserting the words “Sections 2 and 3 of” between the words “provisions of” and “this by-law” in the fourth paragraph of section 3 “, so that said fourth paragraph reads “Violations of the provisions of Sections 2 and 3 of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.”

There was discussion on the article and several questions were asked of Town Counsel. Mr. Coburn moved referral of Article 39 to the Town Administrator. It was seconded by Mr. Linehan.

The motion to refer the subject matter of Article 39 to the Town Administrator passed by majority vote.

ARTICLE 40: Amend By-Laws Article 81: Chemical Storage Tanks and Systems (Charter & By-Law Review Committee)

To see of the Town will vote to amend Article 81 of the Town of Natick By-Laws as follows:

1. In Section 8 a.(1), insert the words “shall be double-walled” between the words “construction” and “(equipped” so that said Section 8 a.(1) reads:

“(1) All fiberglass construction shall be double-walled (equipped with a striker plate); steel with bonded fiberglass or enamel coating and noncorrosive lining; the Steel Tank Institute 3-Way Protective System; any other system which can be shown to provide equivalent protection at the discretion of the Board of Health.”

2. In Section 8c.:

- a. in the first sentence insert the words “double-walled” between the words “of” and “fiberglass” and insert at the end of the sentence “,impervious membrane liner or the best available technology as approved by the Board of Health”;
- b. in the second sentence delete the words “,the design and number of devices subject to Board of Health approval” and replace them with the words “within the interstitial space of the tank”;
- c. insert a new third sentence which reads “Additional devices may be required.” and
- d. insert a new fourth sentence which reads “The design and number of said devices shall be subject to Board of Health approval.” so that said Section 8c. reads:

“c. All tank installation within four (4) feet of high water table or within one hundred feet of a surface-water body shall be double-walled fiberglass construction and located in a water-tight vault, impervious membrane liner or the best available technology as approved by the Board of Health. Tanks so located shall be monitored by an approved leak detection system within the interstitial space of the tank. Additional devices may be required. The design and number of said devices shall be subject to Board of Health approval.”

3. In Section 10 a., delete the words “two thousand feet of a public water supply well” and insert in their place the words “the Aquifer Protection District as described in Section III-A.5 of the Zoning By-Laws” and insert at the end of the section the words “and with the issuance of a Special Permit in accordance with the requirements found in Section III-A.5 of the Zoning

By-Laws” so that said Section 10 a. reads:

“a. No new installation of underground fuel or chemical storage tanks and systems shall be allowed within the Aquifer Protection District as described in Section III-A.5 of the Zoning By-Laws except as proved in Section 13 below and with the issuance of a Special Permit in accordance with the requirements found in Section III-A.5 of the Zoning By-Laws.”

4. In Section 10 b., delete the words “two thousand feet of a public water supply well” and insert in their place the words “the Aquifer Protection District” so that said Section 10 b. reads:

“b. Where, fuel, gasoline or other chemicals stored underground are located within the Aquifer Protection District or other sensitive areas, the Board of Health may require the installation of an approved leak detection system, the design and number of devices to be subject to the Board of Health approval.”

or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 40.

MOTION: (Requires majority vote)

Mr. Freedman moved and Mr. Jennett seconded to amend Article 81 of the Town By-Laws, with administrative changes as follows:

- a. Insert the words “shall be double-walled” between the words “construction” and “(equipped” in the first sentence of Section 8 a (1); and
- b. Insert the words “double-walled” between the words “of” and “fiberglass” in the first sentence of Section 8 c; and
- c. Insert the words “, impervious membrane liner or the best available technology as approved by the Board of Health” at the end of the first sentence of Section 8 c; and
- d. Replace the word “, the” with the words “within the interstitial space of the tank. Additional devices may be required. The” in the second sentence of Section 8 c; and
- e. Insert the word “said” between “number of” and “devices” in the last sentence of Section 8 c; and
- f. Insert the words “shall be” between the words “devices” and “subject to” in the last sentence of Section 8 c; and
- g. Replace the words “two thousand feet of a public water supply well” with the words “the Aquifer Protection District as described in Section III-A.5 of the Zoning By-Laws” in Section 10 a; and
- h. Insert the words “and with the issuance of a Special Permit in accordance with the requirements found in Section III-A.5 of the Zoning By-Laws” at the end of Section 10 a; and
- i. Replace the words “two thousand feet of a public water supply well” with the words “the Aquifer Protection District” in Section 10 b.

The main motion for Article 40 passed by majority vote.

**ARTICLE 41: Amend By-Laws Article 82: Water Conservation
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 82 of the Town of Natick By-Laws as follows:

1. In Sections 5, 6a. and 6b., delete the words “Inspector of Buildings” and insert in their place the words “Building Commissioner”.
2. In Section 11, delete the words “the Inspector of Buildings” and insert in their place the words “the Conservation Commission, the Building Commissioner,” so that said Section 11 reads:

“Appeals

Person aggrieved by a decision of the Board of Health, the Conservation Commission, the Building Commissioner, or the Director of Public Works as to the denial of building, occupancy permits or water connections in this By-Law may appeal said decision under any applicable law.”; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 41.

MOTION: (Requires majority vote)

Moved by Mr. Freedman seconded by Mr. Jennett to amend Article 82 of the By-Laws, with administrative changes as follows:

- a. Replace the words “Inspector of Buildings” with the words “Building Commissioner” in Section 5; and
- b. Replace the words “Inspector of Buildings” with the words “Building Commissioner” in Section 6 a; and
- c. Replace the words “Inspector of Buildings with the words “Building Commissioner” in Section 6 b; and
- d. Insert the words “the Conservation Commission,” after the words “the Board of Health,” in Section 11; and
- e. Replace the words “Inspector of Buildings” with the words “Building Commissioner” in Section 11.

The main motion for Article 41 passed by majority vote.

**ARTICLE 42: Amend By-Laws Article 83: No Smoking in Public Places
(Charter & By-Law Review Committee)**

To see if the Town will vote to amend Article 83 of the Town of Natick By-Laws by deleting the present text in its entirety and inserting in its place the following text:

**“ARTICLE 83
NO SMOKING IN PUBLIC PLACES**

Section 1 Smoking in Public Places

It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violates the rights of nonsmokers to breathe air free of smoke contamination.

Section 2 Definitions

As used in this section the following words shall have the following meanings unless otherwise specified:

- a. Business agent:** An individual who has been designated by the owner or operator of any establishment to manage or be otherwise in charge of the establishment.
- b. Compensation:** Money, gratuity, privilege, or benefit received from an employer in return for work performed or services rendered.
- c. Employee:** An individual or person who performs a service for compensation for an employer at an employer's workplace. Temporary employees, contract employees, and independent contractors are included in this definition.
- d. Employer:** An individual, person, partnership, association, corporation, trust, organization, school or educational institute, whether public, private or non-profit, that uses the services of one or more employees at one or more workplaces at any one time.
- e. Enclosed indoor space:** A space bounded by walls, with or without windows or fenestrations, that are continuous from floor to ceiling and enclosed by one or more doors.
- f. Lodging home:** A dwelling or part thereof that contains one or more rooming units in which space is let or sublet by the owner or operator for compensation and is let or sublet to four or more persons. The residential portions of boarding houses, rooming houses, dormitories and other similar dwelling places are included in this definition. Hospitals, jails, homeless shelters, and assisted living homes are not included in this definition.
- g. Membership association:** A non-profit entity that has been established and operates for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreational, or similar purpose, and that is an organization that falls into at least one of the following categories: societies, organizations, or associations of a fraternal nature that operate under a lodge system with one or more affiliated chapters; corporations organized under Massachusetts General Law (MGL) Chapter 180; established religious places of worship whose property is tax exempt in the Commonwealth; veterans' organizations that are incorporated or chartered by the Congress of the United States and that have one or more affiliated chapters or branches in any state. This definition does not include membership associations that permit membership for a period of less than 90 days unless they are places of religious worship.
- h. Outdoor space:** An outdoor area open to the air at all times and that cannot be enclosed by a wall or side covering.
- i. Public building:** A building or part thereof owned by the Commonwealth or any political subdivision thereof, or the Town of Natick. This definition shall include any enclosed indoor space occupied by a state or local agency or department.
- j. Residence:** The part of a structure used as a dwelling. This definition shall include, but not be limited to private homes, town houses, condominiums, apartments, residential units in governmental public housing facilities, and the residential portions of school or educational institute dormitories or facilities. This definition does not include hotels, motels, inns, lodges, bed-and-breakfast facilities and other similar accommodations, hospitals, nursing homes, or assisted living facilities.
- k. Retail tobacco store:** An establishment that is not required to possess a retail food permit and that prohibits the entry of persons under the age of 18, and that maintains a valid permit for retail sale of tobacco products as required to be issued by the appropriate authorities in the Town of Natick, and that, as its primary purpose, offers tobacco products and paraphernalia for sale to consumers and not for resale.
- l. Smoking or smoke:** The lighting or possession of a lighted cigar, cigarette, pipe, or other tobacco product or non-tobacco product designed to be combusted or inhaled.

- m. Smoking bar:** An establishment that occupies exclusively an enclosed indoor space, and that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises, and that derives revenue from the sale of food, alcohol or other beverages incidental to the sale of tobacco products, and that prohibits, at all times during which the establishment is open for business, entry to persons under the age of 18, and that prohibits any food or beverage not sold directly by the business to be consumed on the premises, and that maintains valid permits to operate a smoking bar, one issued by the appropriate authority in the Town of Natick, and the other issued by the Department of Revenue.
- n. Workplace:** An indoor area, structure, or facility, or a portion thereof, at which one or more employees perform a service for compensation for the employer; or any other enclosed space rented to or otherwise used by the public and where the employer has the right or authority to exercise control over the space.
- o. Work space(s):** An enclosed area occupied by an employee during the course of his employment.

Section 3 Employer's Responsibility

It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace.

Section 4 No Smoking in Public Places

No person shall smoke, nor shall any person, employee, employer, or other person having control of the premises in which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any room to which the public is invited or in which the public is permitted, including but not limited to, workplaces, work spaces, common work areas, conference and meeting rooms, offices, cafeterias, employee lounges, lobbies, elevators, hallways, waiting rooms, staircases, restrooms, restaurants, bars, taverns, cafes, or in any place where food or drink is sold for consumption on or off the premises, supermarket and retail food store, medical facility, health care facility, classroom, lecture hall, theater, motion picture theater, opera house, concert hall, arena, library, auditorium, school, municipal building, retail store, reception area, restroom or lavatory, waiting room, elevator, staircases, hallways or public area of a bank, in or upon any public transportation vehicle or facility including trains, taxis, buses, rain stations, bus stations or enclosed outdoor platforms.

Section 5 Exceptions to No Smoking Locations

Notwithstanding Section 3, smoking may be permitted in the following places and circumstances:

- a. Private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care-related office or facility;
- b. Premises occupied by a membership association, if the premises are owned or under a written lease for a term of not less than 90 consecutive days by the association during the time of the permitted activity and if the premises are not located in a public building; but no smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:
 - i. open to the public; or

- ii. occupied by a non-member who is not an invited guest of a member or an employee of the association; or
 - iii. rented from the association for fee or other agreement that compensates the association for the use of such space.
- c. An enclosed indoor space of a membership association at all times if the space is restricted by the association to admittance only of its members, the invited guests of members, and the employees of the membership association. A person who is a contract employee, temporary employee, or independent contractor shall not be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or branch of a membership association that is fraternal in nature operating under the lodge system and is visiting the affiliated association, shall be an invited guest for the purposes of this subsection.
- d. A guest room in a hotel, motel, inn, bed and breakfast or lodging home that is designated and normally used for sleeping and living purposes, that is rented to a guest and designated as a smoking room pursuant to paragraph j. of Section 5.
- e. By a theatrical performer upon a stage or in the course of a professional film production, if the smoking is part of a theatrical production and if permission has been obtained from the appropriate local authority;
- f. By a person, organization or other entity that conducts medical or scientific research on tobacco products, if the research is conducted in an enclosed space not open to the public, in a laboratory facility at an accredited school of higher education or in a professional testing laboratory as defined by regulation of the Department of Public Health;
- g. Religious or cultural ceremonies where smoking is part of the ritual.
- h. If an outdoor space has a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers, the space will be considered enclosed when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If doors, windows, sliding or folding windows or doors or other fenestrations form any part of the border to the outdoor space, the openings shall be closed to prevent the migration of smoke into the enclosed work space. If the windows, sliding or folding windows or doors or other fenestrations are open or otherwise do not prevent the migration of smoke into the work space, the outdoor space shall be considered an extension of the enclosed work space and subject to this section.
- i. A nursing home licensed pursuant to Section 71 of MGL Chapter 111 and any acute care substance abuse treatment center under the jurisdiction of the Commonwealth may apply to the Board of Health for designation of part of the facility as a residence.
- (i) All applications shall designate the residential area of the facility. The residential area shall not contain an employee work space, such as offices, restrooms or other areas used primarily by employees.
 - (ii) The entire facility may not be designated as a residence.
 - (iii) The designated residential area must be for the sole use of permanent residents of the facility. No temporary or short-term resident may reside in the residential portion of the facility.
 - (iv) All areas in the designated residential area in which smoking is allowed shall be conspicuously designated as smoking areas and be adequately ventilated to prevent migration of smoke to nonsmoking area.
 - (v) The facility shall provide suitable documentation, acceptable to the Board of Health that information on the hazards of smoking and second-hand smoke have been provided to all residents and that smoking cessation aids are available to all

residents who use tobacco products.

- (vi) The designated residential area shall be in conformance with the smoking requirements of Section 72X of MGL Chapter 111 and 105 CMR 150.015(D)(11)(b). All residential areas shall be clearly designated as such and shall not be altered or otherwise changed without the express approval of the Board of Health.
 - (vii) All areas of a nursing home not designated as a residence shall comply with this section.
 - (viii) The nursing home shall make reasonable accommodations for an employee, resident or visitor who does not wish to be exposed to tobacco smoke.
 - (ix) Upon compliance with this section, submission of the required documentation and satisfactory inspection, the Board of Health shall certify the designated portion of the facility as a residence. The certification shall be valid for one year from the date of issuance. No fewer than 30 days before the expiration of the certification, the facility may apply for re-certification. If the Board of Health does not renew the certification before its expiration or provide notice that it has found sufficient cause to not recertify the residence portion of the nursing home as such, the certification shall be considered to continue until such time as the Board of Health notifies the nursing home of its certification status.
- j. A designated smoking room in a hotel, motel, inn, bed and breakfast or lodging home shall be clearly marked as a designated smoking room on the exterior of all entrances from a public hallway and public spaces; and in the interior of the room. Instead of marking each room, an entranceway may designate an entire floor of residential rooms as smoking. The floor shall be conspicuously designated as smoking at each entranceway onto the floor. Smoking shall not be allowed in the common areas of the floor, such as halls, vending areas, ice machine locations and exercise areas and shall comply with the posting of “no smoking” signs in every area in which smoking is prohibited. The signs shall be posted in conspicuous locations so as to be clearly visible to all employees, customers or visitors while in the workplace
- (i) Additional signs may be posted in public areas such as lobbies, hallways, cafeterias, conference rooms, locker rooms, lounges, elevators and offices.
 - (ii) Approved signs and templates for signage design may be obtained from the Department of Public Health or Natick’s Board of Health.
 - (iii) It shall be the responsibility of the establishment to ensure that the appropriate signage is displayed and that an individual or group renting the space enforces the prohibition against smoking.

Section 6 Retail Tobacco Stores

- a. Smoking shall not be permitted within any indoor enclosed portion of a retail tobacco store in the Town of Natick.
- b. Smoking bars shall not be permitted in the Town of Natick.

Section 7 Enforcement

The Natick Board of Health, the Department of Public Health, other authorized local municipal government agencies or agents within the Town of Natick, or the Alcoholic Beverage Commission shall enforce this By-Law.

- a. An individual or person who violates this By-Law by smoking in a place where smoking

is prohibited shall be subject to fines according to the Natick Board of Health’s Non-Criminal Disposition Procedures.

First offense	\$100.00
Second offense within two (2) years of the date of the first offense	\$200.00
Third and subsequent offenses (each day a violation occurs shall be considered a separate offense)	\$300.00

b. Any person, owner, manager, or other person having control of a building or vehicle and who violates this By-Law in a place where smoking is prohibited shall be punished by the following fines.

First offense	\$100.00
Second offense within two (2) years of the date of the first offense	\$200.00
Third and subsequent offenses (each day a violation occurs shall be considered a separate offense)	\$300.00

If an owner, manager or other person in control of a building or vehicle violates this Article repeatedly, the Board of Health may revoke or suspend the violator’s license to operate and shall send notice of the suspension or revocation to the Department of Public Health.

Section 8 Future Changes in Smoking Laws

Nothing in this By-Law shall make smoking lawful in any area in which smoking is or may hereafter be prohibited by law. Nothing in this By-Law shall preempt further limitations of smoking by the Board of Health or any other town departments.

Section 9 Complaints

- a. Any person may register a complaint to initiate an investigation and enforcement with the Natick Board of Health, the Department of Public Health, or other authorized local municipal agencies or agents or equivalent.
- b. An individual, person, entity or organization subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this By-Law or furnishing information concerning a violation to a person, entity or organization or to an enforcement authority.

Section 10 Severability

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 42.

MOTION: (*Requires majority vote*)

Moved by Mr. Freedman, seconded by Mr. Jennett to replace the entire text of Article 83 of the Town By-Laws with the following:

**“ARTICLE 83
NO SMOKING IN PUBLIC PLACES**

Section 1 Smoking in Public Places

It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violates the rights of nonsmokers to breathe air free of smoke contamination.

Section 2 Definitions

As used in this section the following words shall have the following meanings unless otherwise specified:

- a. **Business agent:** An individual who has been designated by the owner or operator of any establishment to manage or be otherwise in charge of the establishment.
- b. **Compensation:** Money, gratuity, privilege, or benefit received from an employer in return for work performed or services rendered.
- c. **Employee:** An individual or person who performs a service for compensation for an employer at an employer’s workplace. Temporary employees, contract employees, and independent contractors are included in this definition.
- d. **Employer:** An individual, person, partnership, association, corporation, trust, organization, school or educational institute, whether public, private or non-profit, that uses the services of one or more employees at one or more workplaces at any one time.
- e. **Enclosed indoor space:** A space bounded by walls, with or without windows or fenestrations, that are continuous from floor to ceiling and enclosed by one or more doors.
- f. **Lodging home:** A dwelling or part thereof that contains one or more rooming units in which space is let or sublet by the owner or operator for compensation and is let or sublet to four or more persons. The residential portions of boarding houses, rooming houses, dormitories and other similar dwelling places are included in this definition. Hospitals, jails, homeless shelters, and assisted living homes are not included in this definition.
- g. **Membership association:** A non-profit entity that has been established and operates for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreational, or similar purpose, and that is an organization that falls into at least one of the following categories: societies, organizations, or associations of a fraternal nature that operate under a lodge system with one or more affiliated chapters; corporations organized under Massachusetts General Law (MGL) Chapter 180; established religious places of worship whose property is tax exempt in the Commonwealth; veterans’ organizations that are incorporated or chartered by the Congress of the United States and that have one or more affiliated chapters or branches in any state. This definition does not include membership associations that permit membership for a period of less than 90 days unless

- h. they are places of religious worship.
- i. Outdoor space: An outdoor area open to the air at all times and that cannot be enclosed by a wall or side covering.
- j. Public building: A building or part thereof owned by the Commonwealth or any political subdivision thereof, or the Town of Natick. This definition shall include any enclosed indoor space occupied by a state or local agency or department.
- k. Residence: The part of a structure used as a dwelling. This definition shall include, but not be limited to private homes, town houses, condominiums, apartments, residential units in governmental public housing facilities, and the residential portions of school or educational institute dormitories or facilities. This definition does not include hotels, motels, inns, lodges, bed-and-breakfast facilities and other similar accommodations, hospitals, nursing homes, or assisted living facilities.
- l. Retail tobacco store: An establishment that is not required to possess a retail food permit and that prohibits the entry of persons under the age of 18, and that maintains a valid permit for retail sale of tobacco products as required to be issued by the appropriate authorities in the Town of Natick, and that, as its primary purpose, offers tobacco products and paraphernalia for sale to consumers and not for resale.
- m. Smoking or smoke: The lighting or possession of a lighted cigar, cigarette, pipe, or other tobacco product or non-tobacco product designed to be combusted or inhaled.
- n. Smoking bar: An establishment that occupies exclusively an enclosed indoor space, and that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises, and that derives revenue from the sale of food, alcohol or other beverages incidental to the sale of tobacco products, and that prohibits, at all times during which the establishment is open for business, entry to persons under the age of 18, and that prohibits any food or beverage not sold directly by the business to be consumed on the premises, and that maintains valid permits to operate a smoking bar, one issued by the appropriate authority in the Town of Natick, and the other issued by the Department of Revenue.
- o. Workplace: An indoor area, structure, or facility, or a portion thereof, at which one or more employees perform a service for compensation for the employer; or any other enclosed space rented to or otherwise used by the public and where the employer has the right or authority to exercise control over the space.
- p. Work space(s): An enclosed area occupied by an employee during the course of his employment.

Section 3 Employer's Responsibility

It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace.

Section 4 No Smoking in Public Places

No person shall smoke, nor shall any person, employee, employer, or other person having control of the premises in which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any room to which the public is invited or in which the public is permitted, including but not limited to, workplaces, work spaces, common work areas, conference and meeting rooms, offices, cafeterias, employee lounges, lobbies, elevators, hallways, waiting rooms, staircases, restrooms, restaurants, bars, taverns, cafes, or in any place where food or drink is sold for consumption on or off the premises, supermarket and retail food store, medical facility, health care facility, classroom, lecture hall,

theater, motion picture theater, opera house, concert hall, arena, library, auditorium, school, municipal building, retail store, reception area, restroom or lavatory, waiting room, elevator, staircases, hallways or public area of a bank, in or upon any public transportation vehicle or facility including trains, taxis, buses, rain stations, bus stations or enclosed outdoor platforms.

Section 5 Exceptions to No Smoking Locations

Notwithstanding Section 3, smoking may be permitted in the following places and circumstances:

- a. Private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care-related office or facility;
- b. Premises occupied by a membership association, if the premises are owned or under a written lease for a term of not less than 90 consecutive days by the association during the time of the permitted activity and if the premises are not located in a public building; but no smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:
 - (i) open to the public; or
 - (ii) occupied by a non-member who is not an invited guest of a member or an employee of the association; or
 - (iii) rented from the association for fee or other agreement that compensates the association for the use of such space.
- c. An enclosed indoor space of a membership association at all times if the space is restricted by the association to admittance only of its members, the invited guests of members, and the employees of the membership association. A person who is a contract employee, temporary employee, or independent contractor shall not be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or branch of a membership association that is fraternal in nature operating under the lodge system and is visiting the affiliated association, shall be an invited guest for the purposes of this subsection.
- d. A guest room in a hotel, motel, inn, bed and breakfast or lodging home that is designated and normally used for sleeping and living purposes, that is rented to a guest and designated as a smoking room pursuant to paragraph j. of Section 5.
- e. By a theatrical performer upon a stage or in the course of a professional film production, if the smoking is part of a theatrical production and if permission has been obtained from the appropriate local authority;
- f. By a person, organization or other entity that conducts medical or scientific research on tobacco products, if the research is conducted in an enclosed space not open to the public, in a laboratory facility at an accredited school of higher education or in a professional testing laboratory as defined by regulation of the Department of Public Health;
- g. Religious or cultural ceremonies where smoking is part of the ritual.
- h. If an outdoor space has a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers, the space will be considered enclosed when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If doors, windows, sliding or folding windows or

doors or other fenestrations form any part of the border to the outdoor space, the openings shall be closed to prevent the migration of smoke into the enclosed work space. If the windows, sliding or folding windows or doors or other fenestrations are open or otherwise do not prevent the migration of smoke into the work space, the outdoor space shall be considered an extension of the enclosed work space and subject to this section.

- i. A nursing home licensed pursuant to Section 71 of MGL Chapter 111 and any acute care substance abuse treatment center under the jurisdiction of the Commonwealth may apply to the Board of Health for designation of part of the facility as a residence.
 - (i) All applications shall designate the residential area of the facility. The residential area shall not contain an employee work space, such as offices, restrooms or other areas used primarily by employees.
 - (ii) The entire facility may not be designated as a residence.
 - (iii) The designated residential area must be for the sole use of permanent residents of the facility. No temporary or short-term resident may reside in the residential portion of the facility.
 - (iv) All areas in the designated residential area in which smoking is allowed shall be conspicuously designated as smoking areas and be adequately ventilated to prevent the migration of smoke to nonsmoking areas.
 - (v) The facility shall provide suitable documentation, acceptable to the Board of Health that the facility is the permanent domicile of the residents residing in that portion of the facility, that information on the hazards of smoking and second-hand smoke have been provided to all residents and that smoking cessation aids are available to all residents who use tobacco products.
 - (vi) The designated residential area shall be in conformance with the smoking requirements of Section 72X of MGL Chapter 111 and 105 CMR 150.015(D)(11)(b). All residential areas shall be clearly designated as such and shall not be altered or otherwise changed without the express approval of the Board of Health.
 - (vii) All areas of a nursing home not designated as a residence shall comply with this section.
 - (viii) The nursing home shall make reasonable accommodations for an employee, resident or visitor who does not wish to be exposed to tobacco smoke.
 - (ix) Upon compliance with this section, submission of the required documentation and satisfactory inspection, the Board of Health shall certify the designated portion of the facility as a residence. The certification shall be valid for one year from the date of issuance. No fewer than 30 days before the expiration of the certification, the facility may apply for re-certification. If the Board of Health does not renew the certification before its expiration or provide notice that it has found sufficient cause to not recertify the residence portion of the nursing home as such, the certification shall be considered to continue until such time as the Board of Health notifies the nursing home of its certification status.
- j. A designated smoking room in a hotel, motel, inn, bed and breakfast or lodging home shall be clearly marked as a designated smoking room on the exterior of all entrances from a public hallway and public spaces; and in the interior of the room. Instead of marking each room, an entranceway may designate an entire floor of residential rooms as smoking. The floor shall be conspicuously designated as smoking at each entranceway onto the floor. Smoking shall not be allowed in the common areas of the floor, such as halls, vending

areas, ice machine locations and exercise areas and shall comply with the posting of “no smoking” signs in every area in which smoking is prohibited. The signs shall be posted in conspicuous locations so as to be clearly visible to all employees, customers or visitors while in the workplace.

- (i) Additional signs may be posted in public areas such as lobbies, hallways, cafeterias, conference rooms, locker rooms, lounges, elevators and offices.
- (ii) Approved signs and templates for signage design may be obtained from the Department of Public Health or Natick’s Board of Health.
- (iii) It shall be the responsibility of the establishment to ensure that the appropriate signage is displayed and that an individual or group renting the space enforces the prohibition against smoking.

Section 6 Retail Tobacco Stores

- a. Smoking shall not be permitted within any indoor enclosed portion of a retail tobacco store in the Town of Natick.
- b. Smoking bars shall not be permitted in the Town of Natick.

Section 7 Enforcement

The Natick Board of Health, the Department of Public Health, other authorized local municipal government agencies or agents within the Town of Natick, or the Alcoholic Beverage Commission shall enforce this By-Law.

- a. An individual or person who violates this By-Law by smoking in a place where smoking is prohibited shall be subject to fines according to the Natick Board of Health’s Non-Criminal Disposition Procedures.

First offense	\$100.00
Second offense within two (2) years of the date of the first offense	\$200.00
Third and subsequent offenses (each day a violation occurs shall be considered a separate offense)	\$300.00

- b. Any person, owner, manager, or other person having control of a building or vehicle and who violates this By-Law in a place where smoking is prohibited shall be punished by the following fines.

First offense	\$100.00
Second offense within two (2) years of the date of the first offense	\$200.00
Third and subsequent offenses (each day a violation occurs shall be considered a separate offense)	\$300.00

If an owner, manager or other person in control of a building or vehicle violates this Article repeatedly, the Board of Health may revoke or suspend the violator’s license to operate and shall send notice of the suspension or revocation to the Department of Public Health.

Section 8 Future Changes in Smoking Laws

Nothing in this By-Law shall make smoking lawful in any area in which smoking is or may hereafter be prohibited by law. Nothing in this By-Law shall preempt further limitations of smoking by the Board of Health or any other town departments.

Section 9 Complaints

- a. Any person may register a complaint to initiate an investigation and enforcement with the Natick Board of Health, the Department of Public Health, or other authorized local municipal agencies or agents or equivalent.
- b. An individual, person, entity or organization subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this By-Law or furnishing information concerning a violation to a person, entity or organization or to an enforcement authority.

Section 10 Severability

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.”

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Mr. Sidney moved referral of Article 42 to the Board of Health. The motion was seconded by Mr. Foster.

The motion to refer the subject matter of Article 42 to the Board of Health passed unanimously.

ARTICLE 47: Extend Term of Charter & By-Law Review Committee (Charter & By-Law Review Committee)

To see if the Town will vote to extend the term of the Charter and By-Law Review Committee, established by vote of the Spring, 2008 Annual Town Meeting under Article 34; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010,

recommends no action with regard to the subject of Article 47.

MOTION:

Moved by Mr. Freedman, seconded by Mr. Jennett that no action be taken.

Ms. Gloff thanked Town Meeting and the Charter and By-Law Review Committee (CBRC) for their work. Mr. Jennett also thanked the CBRC for their efforts and work.

The motion for no action on Article 47 passed unanimously.

ARTICLE 43: Amend Zoning By-Laws: Amendments to Floodplain Management Regulations (Town Administrator)

To see if the Town will vote to amend Section III-A.3 of the Natick Zoning By-Laws, Flood Plain District, as follows:

1. Delete the first paragraph in Section III-A.3(b)2. and insert in its place:

“All special flood hazard areas within the Town of Natick designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Natick are panel numbers 25017C0509E, 25017C0517E, 25017C0519E, 25017C0528E, 25017C0529E, 25017C0536E, 25017C0537E, 25017C0538E, 25017C0539E, 25017C0543E, 25017C652E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Department of Public Works.”

2. Insert the following sentence at the end of the second paragraph in Section III-A.3(b) 2:

“The Natick Drainage Study can only be used in areas where the Base Flood Elevations are equal to or more restrictive than the FIRM and FIS.”

3. In Section III-A.3(c)3d, in the first two lines, delete the words “Flood Boundary and Floodway Map, and insert in their place the following words: “Middlesex County FIRMS as stated in Section III-A.3(b)2.

4. Insert the following new paragraph 3 in Section III-A.3(c)3d:

“Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

5. Renumber Section III-A.3(c)4 as III-A.3(c)5.

6. Insert a new Section III-A.3(c)4 which reads:

“Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.”

7. Insert new Section III-A.3(d) and Section III-A.3(e) which read:

“(d) **Notification of Watercourse Alteration:** In a river or stream situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP State Coordinator (currently located at)
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist (currently located at)
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(e) **Reference to Existing Regulations:** The floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Section of the Massachusetts State Building Code which Addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, “Flood Resistant Construction And Construction in Coastal Dunes”);
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CRM 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of the state regulations.”

or take any other action relative thereto.

RECOMMENDATION: The Finance Committee, by a vote of 12–0–0 on April 15, 2010, recommends favorable action with regard to the subject of Article 43.

MOTION: (Two-thirds vote required)

Moved by Mr. Freedman seconded by Mr. Jennett to amend Section III-A.3 of the Natick Zoning By-Laws, Flood Plain District as printed in the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee on pages 449 and 450, with

administrative changes.

The main motion regarding the subject matter of Article 43 passed by a 2/3 vote.

ARTICLE 44: Amend Zoning By-Laws: Assisted Living Facilities (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws to accommodate the siting and permitting of Assisted Living Facilities, or otherwise take action thereon.

RECOMMENDATION: The Finance Committee, by a vote of 8–0–0 on March 25, 2010, recommends favorable action with regard to the subject of Article 44.

MOTION: (Two-thirds vote required)

Moved by Mr. Freedman seconded by Mr. Jennet that the Natick Zoning Bylaws are hereby amended, with administrative changes as follows:

(A) Amend Section 200 of the Natick Zoning By-Laws (Definitions) by adding the following, after the definition of Assisted Housing:

“Assisted Living Residence(s): A residential facility providing residents with personal care services (assistance with one or more activities of daily living and self-administered medication management, either through physical support or supervision), assistance with activities of daily living (tasks related to bathing, dressing, grooming, ambulation, eating, toileting, and similar tasks), and such services as may be necessary to meet the needs of seniors and the elderly, and as may be specified pursuant to the Commonwealth of Massachusetts’ Assisted Living Residence regulations (651CMR 12).”

(B) Amend Section 200 of the Natick Zoning By-Laws (Definitions) by deleting the following:

“Health Care or Retirement Facility: a structure or portion thereof in which persons are housed, reside, or visit, on a short-term or long-term basis, and have available therein medical or nursing professional services, and/or facilities or services to assist in daily living, sustenance, care, or rehabilitation; such as, but not limited to: assisted living, continuing care retirement facility or community lifecare community, congregate housing for the elderly, board and care facility, rehabilitative care facility, convalescent or nursing home, rest home, adult day care, skilled nursing facility, diagnostic and health care professional offices and hospital. (Art. 1, STM #5, 11/16/93)”

and replacing it with the following, after the definition of Half Story:

“Health Care Facility: a structure or portion thereof in which persons are housed, reside, or visit, on a short-term or long-term basis, and have available therein medical or nursing professional services, and/or facilities or services to assist in daily living, sustenance, care, or rehabilitation; such as, but not limited to: rehabilitative care facility, convalescent or nursing home, rest home, skilled nursing facility, diagnostic and health care professional offices, and hospital. (Art. 1, STM #5, 11/16/93)”

(C) Amend Section III-A.2 (Use Regulation Schedule), by inserting the following below the headers

RG	RM	RS	PCD				SH	AP
DM	CII	INI					INII	H

“50B. Assisted Living
 O A A A A A O A
 A”
 Residence

(A = Use allowed by special permit; O = an excluded or prohibited use)

(D) Amend SECTION III, by inserting after Section III-H the following:

“Section III-I: Assisted Living Residences

1. Purpose and Intent: To provide a residential environment that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life.

2. Applicability: The Planning Board, acting as Special Permit Granting Authority (SPGA), may grant a Special Permit/Site Plan Approval in accordance with Section VI-DD and VI-EE of these by-laws, for the construction of an Assisted Living Residence (ALR).

3. Allowed Uses: The SPGA, as hereinafter provided, may grant a Special Permit/Site Plan Approval pursuant to the provisions of this By-Law, under the following standards and requirements:

- a. An Assisted Living Residence (ALR) shall provide residences of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly together with their spouses, surviving spouses, and resident staff.
- b. Such facility may include common areas and community dining facilities, and may provide personal care services, activities of assistance with daily living, and other related programs and services. This may include, but is not strictly limited to, meal care services, beauty salon, sundry shop, and banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
- c. At the time of application, the Applicant must demonstrate to the satisfaction of the SPGA the feasibility of future conversion of the facility to a use permitted for the zoning district.
- d. The SPGA, in order to approve the Special Permit/Site Plan Approval for an ALR, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district.

4. Procedures: The procedures to be followed in obtaining approval for an Assisted Living Residence (ALR) are:

- a. Special Permit Granting Authority: The Planning Board shall act as the Special Permit Granting Authority (SPGA) for uses administered under Section III-I of the

Zoning By-Laws.

- b. Pre-application: The Applicant is encouraged to meet with the Community Development Director and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
- c. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include at a minimum a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALR parcel prior to submitting a formal application. The application for a Special Permit/Site Plan Approval shall be filed by the applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.
- d. Further procedures: Once a Special Permit/Site Plan Approval is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such Special Permit/Site Plan Approval in the manner set forth in Section VI-DD.

5. Number of Living Units: The number of living units allowed in an ALR shall not exceed 30 living units per acre (43,560 s.f.), subject to the requirements of Section 6 and the grant of a Special Permit/Site Plan Approval by the SPGA.

6. Intensity Regulations: The Assisted Living Residence (ALR) is subject to the intensity regulations pertinent to its zoning district, as set forth in Section IV-B

7. Preserved Open Space: It is desirable that open space that is created for use in conjunction with the facility is retained as a visual amenity for neighbors and to residents of the Town.

8. Affordability Requirements: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Subsidized Housing Inventory (SHI) as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$5 multiplied by the total number of square feet of area in living units in the ALR. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.

9. Modifications and Waivers: The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, provided that it makes a specific finding in writing that a waiver and/or modification will not create conditions that are substantially more detrimental to the neighborhood in which the parcel is located than if the waiver and/or modification were not granted.”

(E) Amend SECTION V-D (Off-Street Parking and Loading Requirements), subsection 3 (Parking Facilities Required by Category of Parking Demand) by adding the following new

sub-section:

“r) Assisted living residences – 0.5 spaces per living unit; provided that sufficient parking is also provided or banked to meet future parking requirements of the facility for its demonstrated alternative use, as set forth in Section III-I, 3c and Section V-D.”

Mr. Coburn called for a point of order, asking for clarification of the administrative changes. The Moderator asked Mr. Freedman to review the changes and Mr. Walters-Young to make sure that they were up on the screen. Mr. Sidney raised a point of order, asking if the handout provided to Town Meeting members during the previous week entitled **“Final 19, April 10”** is correct. Ms. Evans, a Town Meeting Member and Chair of the Planning Board, said that the handout is correct and that it was distributed at the meeting of April 29, 2010. The Moderator asked the members of Town Meeting if they are clear as to the changes. Mr. Freedman raised a point of order to make sure that the changes that were displayed on the screen are correct. The Moderator clarified at the same time that the handout marked **“Final 19, April 10”** is correct.

Mr. Connolly moved, and seconded by Mr. Sidney, that the subject matter of Article 44 be postponed until after consideration of the subject matter of Article 45.

The motion to postpone consideration of the subject matter of Article 44 until after consideration of the subject matter of Article 45 passed unanimously.

ARTICLE 45: Amend Zoning By-Laws: Drive-In Theater District (Planning Board)
To see if the Town will vote to amend the Zoning Bylaws to delete the “Drive In Theatre” zoning district, or otherwise take action thereon.

RECOMMENDATION: The Finance Committee, by a vote of 8–0–0 on March 25, 2010, recommends favorable action with regard to the subject of Article 45.

MOTION: (Two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Natick Zoning Bylaws is hereby amended as follows:

Section II-A.1. of the Natick Zoning Bylaws (Types of Districts) is hereby amended by deleting the following:

“Drive-In Theatres D”and

Section III-A.2. of the Natick Zoning Bylaws (Use Regulations Schedule) is hereby amended by deleting the following from the schedule:

“D” and such notations “P, O, A” as may exist in the column beneath “D”and

“14. Outdoor movie theatre O O O O O O (*) O O O A O”and

Section IV-B of the Natick Zoning Bylaws (Intensity Regulations By Zoning District) is hereby amended by deleting the following:

“D 800,000 200(e) None None None None None None None”

The main motion for Article 45 passed by 2/3 vote.

The subject matter of Article 44 was opened for discussion.

Mr. Jennett made an amendment to the main motion which would strike the words “seniors and elderly” and insert the words “facility residents”. The Moderator called a recess to review the amendment. A point of personal privilege was raised by Mr. Kupchik with regard to the length of the recess. The Moderator ruled that the recess was appropriate because the need to assure that the wording in any motion is clear and accurate is critical. Mr. Jennett withdrew his previous amendment. The Moderator allowed the withdrawal to be made. Mr. Jennett put forward a different amendment which said **“Move to amend Item A by deleting the words “seniors and the elderly” and inserting the words “facility residents” and delete on page 454 in “(D) paragraph 1 the words “55 years of age or older”.** **There was debate on the amendment.**

Mr. Margil rose to make an amendment to the amendment. The Moderator ruled that this amendment was out of order at the time and would have to wait until debate on the first amendment had been completed.

Mr. Connolly moved to lay the amendment and the main motion on the table. This motion was seconded by Mr. Kupchik. There was discussion on this issue and the Moderator defined **“laying on the table”** to the members.

The motion to lay Article 44 on the table failed.

Mr. Jennett moved to withdraw the amendment to the main motion which he had proposed. Mr. Coburn raised a point of order to ask how an amendment may be withdrawn. The Moderator explained that a motion may be withdrawn by either a majority vote or a unanimous consent of Town Meeting. Mr. Coburn called a point of order to determine if a motion to withdraw is debatable or not. The Moderator ruled that it is not and that the meeting would vote on the motion to withdraw the amendment.

The motion to withdraw the amendment to the main motion passed by majority vote.

The main motion was back on the table and there was continued discussion. Mr. Pierce made a motion to move the question which could not be taken as there were at least 3 members waiting to speak.

Ms. Shea made a motion, seconded by Mr. Farquharson, to refer the article back to the Planning Board.

Mr. Allen raised a point of order regarding the issue of “call the question”. The Moderator requested that people say “Mr. Moderator” rather than yelling out “Move the question.”

Discussion regarding the motion continued. Mr. Volpe made the motion to move the question and close debate. The motion was seconded by Mrs. Foss. The Moderator accepted the motion

to close debate.

The motion to move the question and close debate passed by a 2/3 vote.

The motion for referral to the Planning Board failed.

The main motion for Article 44 passed by a 2/3 vote.

Mr. Connolly made a motion that when Town Meeting adjourns this evening that they adjourn until a fixed time of Thursday, May 13, 2010. The motion was seconded by Mr. Sidney.

The motion to adjourn until the fixed time of May 13, 2010, upon adjournment, passed by majority vote.

ARTICLE 46: Amend Zoning By-Laws: Building Height, Hospital District (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws to restrict building height in Hospital (H) Districts within certain proximity of Residential Districts, or otherwise take action thereon.

RECOMMENDATION: The Finance Committee, by a vote of 8–0–0 on March 25, 2010, recommends favorable action with regard to the subject of Article 46.

MOTION: (Two-thirds vote required)

Moved by Mr. Freedman seconded by Mr. Jennett that Section 200 (Definitions) of the Zoning Bylaw is hereby amended, with administrative changes by adding the following after the definition of “Side Yard”:

“Sky Exposure Plane: A theoretical inclined plane, through which the height of a building may not penetrate, that is designed to provide light and air at street level in medium and higher density districts. It rises over the zoning lot at a ratio of vertical distance to horizontal distance set forth in the applicable district regulations.”

It is further moved that Section IV-B (Footnotes to Intensity Regulations, Section c) of the Zoning Bylaw is hereby amended by deleting the following:

“**c.** Note type of construction in the Commonwealth of Massachusetts, State Building Code, which shall solely govern height limitations for zoning purposes where same is more restrictive than the specifications hereinabove, provided, however, any building erected in a CII or In-I District the nearest portion of which building is more than 250 feet from the nearest residential boundary line shall be governed by only a height limitation of 75 feet. (Art. 1, STM #3, Oct. 27, 1981)”

and replacing it with the following:

“**c.** Note type of construction in the Commonwealth of Massachusetts, State Building Code, which shall solely govern height limitations for zoning purposes, where same is more restrictive than the specifications hereinabove, provided, however:

i. any building erected in a CII or In-I District the nearest portion of which building is more than 250 feet from the nearest residential boundary line shall be governed by only a height limitation of 75 feet. (Art. 1, STM #3, Oct. 27, 1981)

ii. any building erected in a Hospital (H) District shall not exceed forty-five (45) feet in height within 150 feet of any residential district. The maximum allowable height may be increased up to eighty-five (85) feet upon issuance of a Special Permit by the SPGA, so long as those portions in excess of forty-five (45) feet in height do not exceed one or more forty-five (45) degree sky exposure planes beginning at the ground one hundred (100) feet from the nearest residential district.”

Mr. Landry made a motion to strike the word “zoning” before the word “lot” in the second sentence of the definition of “Sky Exposure Plane”. The motion was seconded by Mr. Linehan. ***The amendment to the main motion was passed by majority vote.***

The main motion, as amended for Article 46 passed by 2/3 vote.

Mr. Sidney moved adjournment. Motion was seconded by Mr. Coburn. The meeting adjourned at 9:50 PM.

A record of the Second Session of
Annual Spring Town Meeting, May 4, 2010

s/Steve Levinsky
Steve Levinsky, Acting Town Clerk

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

May 13, 2010

Fourth Session

The Fourth Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fourth Session of 2010 Spring Annual Town Meeting. The Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none.

The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill. The Moderator introduced the officials present on stage and in the well of the auditorium.

The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant. He also reiterated that all motions must be received in time for them to be reviewed by the Moderator and if necessary, Town Counsel.

Ms. Honthumb moved to take Article 48 out of order and it was seconded by Mr. Goldman. ***The motion to take Article 48 out of order passed by a 2/3 vote.***

Ms. Evans moved reconsideration of Article 44 and it was seconded by Mr. Foster. The Moderator announced that he would rule on the reconsideration before the end of Town Meeting.

Ms. Honthumb moved that the Town receive and place the report of the Expense Control Task Force on file without ratification of any action taken, or authorization of any action proposed. Mr. Levinsky seconded the motion. Mr. Patrick Hayes made the presentation.

Mr. Jennett moved that the Town receive and place the report of the Financial Planning Committee on file without ratification of any action taken, or authorization of any action proposed. Ms. Adelman-Foster seconded the motion. Mr. Ostroff made the presentation.

ARTICLE 1: Fiscal 2010 Omnibus Budget (Town Administrator)

To determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, during Fiscal Year 2010 (July 1, 2009 through June 30, 2010) and to provide for a reserve fund for Fiscal Year 2010, and to see what budgets for Fiscal 2010 will be reduced to offset said additional appropriations, or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 10-0-0 on April 13, 2010, recommends referral to the town administrator with regard to the subject of Article 1.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town refer the subject matter of Article 1 to the Town Administrator.

Referral motion on Article 1 passed unanimously.

ARTICLE 2: Fiscal 2011 Omnibus Budget (Town Administrator)

To determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest during Fiscal Year 2011 (July 1, 2010 to June 30, 2011), and to provide for a reserve fund for Fiscal Year 2011, or to otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 10-0-0 on April 13, 2010, recommends Favorable Action with regard to the subject matter of Article 2 and recommends the appropriation of \$110,303,128 to operate the various Town departments during Fiscal Year 2011.

It was noted that Town Meeting will vote on each motion under Article 2 separately.

Education and Learning

Motion for Section A under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Natick Public Schools	
Salaries & Expenses	44,005,754
Total Natick Public Schools	\$ 44,005,754
Keefe Tech	
Expenses (Assessment)	\$ 1,469,598
Total Keefe Tech	\$ 1,469,598
Motion Total	\$ 45,475,352
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 45,475,352
	\$ 45,475,352

Favorable action on Article 2, Motion A moved by Mr. Freedman and seconded by Mr. Jennett. Dr. Sanchioni gave a presentation regarding the budget for the Natick Public Schools and Mr. Lynch gave a presentation regarding the budget for the South Middlesex Regional Technical School District (Keefe Tech). There was some discussion regarding the budgets. Ms. Weithman made a motion to postpone consideration of Article 2, Motion A until Tuesday, May 18, 2010. The motion was seconded by Mr. Berggren. Motion to postpone was counted and the final count was 53 yes and 47 no. ***The motion to postpone prevailed.***

Public Safety

Motion for Section B under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Emergency Management	
Expenses	\$ 4,100
Total Emergency Management	\$ 4,100
Police	
Salaries	\$ 5,248,018
Expenses	\$ 216,650
Other Chgs. & Expenses	\$ 10,500
Total Police	\$ 5,475,168
Fire	
Salaries	\$ 6,396,890
Expenses	\$ 162,875
Total Fire	\$ 6,559,765
Motion Total	\$ 12,039,033
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 12,039,033
	\$ 12,039,033

Motion B

Favorable action moved by Mr. Freedman and seconded by Mr. Jennett. Town Meeting had some discussion on this budget.

Favorable action on Article 2, Motion B passed by majority vote.

Motions for Section C: Public Works

Motion for Section C under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
DPW Administration	
Salaries	\$ 172,173
Expenses	\$ 41,565
Total DPW Administration	\$ 213,738
DPW Building Maintenance	
Salaries	\$ 384,676
Expenses	\$ 462,500
Total DPW Build. Maint.	\$ 847,176
DPW Energy	
Purchase of Services	\$ 1,425,000
Other Charges	\$ 1,000
Total DPW Energy	\$ 1,426,000
DPW Engineering	
Salaries	\$ 355,418
Expenses	\$ 99,900
Total DPW Engineering	\$ 455,318
DPW Equipment Maintenance	
Salaries	\$ 494,280
Expenses	\$ 264,400
Total DPW Equip. Maint.	\$ 758,680
DPW Highway & Sanitation	
Salaries	\$ 1,235,684
Expenses	\$ 374,450
Other - Charges & Expenditures	\$ 1,378,825
Total DPW Highway & San.	\$ 2,988,959
DPW Land, Facilities & Nat. Resources	
Salaries	\$ 435,097
Expenses	\$ 161,200
Total DPW LF & NR	\$ 596,297
Motion Total	\$ 7,286,168
And that the above Total Budget Amount be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 7,286,168
	\$ 7,286,168

Favorable action on Article 2, Motion C was moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on Article 2, Motion C passed by majority vote.

Point of personal privilege raised by Ms. Salamoff, requesting that page numbers in the addendum be referenced so that the members may follow the motions easier.

Health and Human Services

Motion for Section D under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Council on Aging	
Salaries	\$ 235,276
Expenses	\$ 17,434
Other Changes & Expenditures	\$ 19,000
Total Council on Aging	\$ 271,710
Human Services	
Salaries	\$ 95,653
Expenses	\$ 8,038
Total Human Services	\$ 103,691
Veterans Services	
Salaries	\$ 109,283
Expenses	\$ 6,775
Other Changes & Expenditures	\$ 158,310
Total Veterans Services	\$ 274,368
Board of Health	
Salaries	\$ 335,679
Expenses	\$ 24,450
Other Changes & Expenditures	\$ 15,000
Total Board of Health	\$ 375,129
Recreation	
Salaries	\$ 479,459
Operating Expenses	\$ 31,734
Other Supplies	\$ 21,800
Total Recreation	\$ 532,993
Motion Total	\$ 1,557,891
And that the above Total Budget Amount be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 1,557,891
	\$ 1,557,891

Favorable action on Article 2, Motion D was moved by Mr. Freedman and seconded by Mr. Jennett.

The motion for favorable action of Article 2, Motion D passed by majority vote.

Motions for Section E: Administrative Support Services

Motion for Section E under Article 2:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:

Board of Selectmen

Salaries	\$	503,567
Expenses	\$	147,750
Other Charges & Expenditures	\$	18,357
Total Board of Selectmen	\$	669,674

Personnel Board

Other Charges & Expenditures	\$	1,000
Total Personnel Board	\$	1,000

Town Report

Professional Services	\$	5,000
Total Town Report	\$	5,000

Legal

Expenses	\$	263,500
Other Charges & Expenditures	\$	10,000
Total Legal Services	\$	273,500

Comptroller

Salaries	\$	271,288
Expenses	\$	25,150
Total Comptroller	\$	296,438

Assessors

Salaries	\$	273,293
Expenses	\$	40,800
Other Charges & Expenditures	\$	75,000
Total Assessors	\$	389,093

Collector

Salaries	\$	186,288
Expenses	\$	154,250
Total Collector	\$	340,538

Motion continued on next Page --->

Motions for Section E: Administrative Support Services

Treasurer	
Salaries	\$ 144,480
Expenses	\$ 60,750
Total Treasurer	\$ 205,230
Information Technology	
Salaries	\$ 219,219
Expenses	\$ 351,100
Other Chgs. & Expenditures	\$ 265,000
Total Information Technology	\$ 835,319
Town Clerk & Elections	
Salaries	\$ 192,991
Expenses	\$ 24,700
Total Town Clerk	\$ 217,691
Elections	
Salaries (Registrars)	\$ 46,725
Expenses (Registrars)	\$ 44,360
Total Elections	\$ 91,085
Sealer of Weights & Measures	
Salaries	\$ 14,372
Expenses	\$ 850
Total Sealer Weights/Meas.	\$ 15,222
Parking Enforcement	
Salaries	\$ 35,950
Expenses	\$ 78,700
Total Parking Enforcement	\$ 114,650
Community Development	
Salaries	\$ 601,910
Expenses	\$ 26,561
Total Community Development	\$ 628,471
Motion Total	\$ 4,082,911
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 4,022,911
Parking Meter Revenues	\$ 60,000
	\$ 4,082,911

Mr. Freedman moved, seconded by Mr. Jennett, favorable action on Article 2, Motion E.

Favorable action for Article 2, Motion E passed by majority vote.

Motions for Section F: Committees and Commissions

Motion for Section F under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Finance Committee	
Expenses	\$ 21,000
Total Finance Committee	\$ 21,000
Commission on Disability	
Expenses	\$ 1,810
Total Commission on Disability	\$ 1,810
Natick Cultural Council	
Expenses	\$ 700
Total Natick Cultural Council	\$ 700
Historical Commission	
Expenses	\$ 1,000
Total Historical Commission	\$ 1,000
Historic District Commission	
Expenses	\$ 500
Total Historic District Commission	\$ 500
Motion Total	\$ 25,010
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 25,010
	\$ 25,010

Favorable action on Article 2, Motion F moved by Mr. Freedman, seconded by Mr. Jennett.

Favorable action on Article 2, Motion F passed by majority vote.

Motions for Section G: Shared Expenses (Unclassified)

Motion for Section G under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of funding the accounts and funds shown below.	
Said funds are to be expended under the direction of the following officials or committees:	
(con't) Reserve Fund – Finance Committee; Property and Liability Insurance - Town Administrator; Employee Fringe Benefits - Town Administrator; Debt Service - Finance Director/Treasurer, Collector; Contributory Retirement System Pension Liability – Finance Director/Treasurer, Collector; Non Contributory Retirement Pension Liability - Comptroller.	
Employee Fringe	
Other Personnel Services	\$ 15,282,089
Other Personnel Services	\$ 18,750
Total Employee Fringe	\$ 15,300,839
Property & Liability Insurance	
Purchased Services	\$ 496,150
Total Prop. & Liab. Insurance	\$ 496,150
Contributory Retirement	
Pension Assessment	\$ 5,384,366
ERI Assessment	\$ -
Total Contributory Retirement	\$ 5,384,366
Non-Contributory Retirement	
Pensions	\$ 88,569
Total Non-Contributory Retire.	\$ 88,569
Debt Service	
Leased Equipment	\$ 40,000
Principal	\$ 4,967,896
Interest	\$ 2,009,423
Total Debt Service	\$ 7,017,319
Reserve Fund	
Other Charges	\$ 400,000
Total Reserve Fund	\$ 400,000
Motion Total	\$ 28,687,243
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 23,894,586
Free Cash	\$ 2,113,499
Stabilization Fund	\$ 98,550
Title V Septic	\$ 7,684
Water-Sewer User Fees	\$ 2,449,757
School Building Assistance	\$ 123,167
	\$ 28,687,243

Favorable action on Article 2, Motion G moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on Article 2, Motion G passed by two thirds vote.

The motion below is for section H1 under Article 2.

Finance Committee Recommendation

Motions for Section H: Water/Sewer Enterprise

Motion for Water/Sewer Enterprise Fund - Section H under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Sanitary Sewer	
Salaries	\$ 642,476
Expenses	\$ 167,150
Other - Chgs. & Expenditures	\$ 4,443,595
Total Sanitary Sewer	\$ 5,253,221
Water	
Salaries	\$ 934,860
Expenses	\$ 951,700
Other - Chgs. & Expenditures	\$ 191,500
Total Water	\$ 2,078,060
Utility Billing	
Salaries	\$ 100,948
Expenses	\$ 120,700
Total Utility Billing	\$ 221,648
Fringe Benefits	
Other Personal Services	\$ 456,942
Other - Chgs. & Expenditures	\$ 179,453
Total Benefits	\$ 636,395
Water & Sewer Debt Service	
Principal	\$ 1,805,640
Interest	\$ 567,776
New Debt Service	\$ 25,000
Total Debt Service	\$ 2,398,416
Water & Sewer Reserve Fund	
Expenses	\$ 200,000
Total W & S Reserve Fund	\$ 200,000
Motion Total	\$ 10,787,740
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Water-Sewer User Fees	\$ 10,787,740
	\$ 10,787,740

Favorable action for Article 2, Motion was moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on Article 2, Motion H1 passed unanimously

The motion below is for section H2 under Article 2.

Motions for Section H: Water/Sewer Enterprise

Water/Sewer Indirect Cost Allocations - Motion under Article 2	
Move that the Town vote to approve the following indirect cost allocations raised in the General Fund:	
PERCENTAGE ALLOCATIONS	TOTAL
DPW ADMINISTRATION	\$ 93,371
BUILDING MAINTENANCE	124,412
ENGINEERING SERVICES	394,794
GIS SERVICES	(64,937)
EQUIPMENT MAINTENANCE	379,595
HIGHWAY MAINTENANCE	173,236
 PUBLIC SAFETY	 336,034
 FINANCIAL / ADMINISTRATIVE	 544,238
DEBT SERVICE	79,894
PROPERTY INSURANCE	198,460
ENERGY	190,660
SUBTOTAL - GENERAL FUND	2,449,757
And that the Sum of \$2,449,757 appropriated in the General Fund be raised from the following source:	
Water-Sewer User Fees	\$ 2,449,757
(See Motion for Section G, Article 5: Shared Expenses (Unclassified))	\$ 2,449,757

Favorable action for Article 2, Motion H 2 was moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on Article 2, Motion H2 passed by majority vote.

Finance Committee Recommendation

Motions for Section I: Sassamon Trace Enterprise Fund

Motion for Sassamon Trace Enterprise Fund - Section I under Article 2:	
Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments shown under the associated categories, said funds are to be expended under the direction of each Department Head or Director:	
Sassamon Trace Operations	
Salaries	\$ 144,294
Expenses	\$ 457,998
Total Sassamon Trace	\$ 602,292
Sassamon Trace Reserve Fund	
Expenses	\$ -
Total GC Reserve Fund	\$ -
Sassamon Trace Fringe Benefits	
Other Personal Services	\$ 13,276
Other - Chgs. & Expenditures	\$ 11,799
Total GC Fringe Benefits	\$ 25,075
Sassamon Trace Debt Service	
Principal	\$ 195,931
Interest	\$ 108,224
Total GC Debt Service	\$ 304,155
Motion Total	\$ 931,522
And that the above Total Budget Amount be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 334,500
Golf User Fees	\$ 540,600
Golf Retained Earnings	\$ 56,422
	\$ 931,522

Favorable action for Article 2, Motion I moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on Article 2, Motion I passed by majority vote.

ARTICLE 3: Stabilization Fund (Town Administrator)

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the stabilization fund under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

REVISED RECOMMENDATION: The Finance Committee by a vote of 12-0-0 on May 6, 2010 recommends favorable action with regard to the subject of Article 3 in the amount of \$1,634,439.

MOTION: (Requires Two Thirds Vote)

Move by Mr. Freedman, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$1,634,439 to the Stabilization Fund, and that sum of \$1,634,439 be raised from the Tax Levy of Fiscal Year 2011.

Ms. White spoke on this article. Mr. Connolly offered an amendment to change the dollar amount to \$600,000. The amendment was seconded by Mr. Culkin. There was discussion on the amendment. Mr. Pierce moved the question, seconded by Mr. Volpe. The motion to move the question passed by majority vote.

The motion on the amendment failed.

The main motion on Article 3 passed by two thirds vote.

Mr. Goldman moved adjournment, seconded by Mr. Coburn. Town Meeting adjourned at 10:15 PM.

A record of the Second Session of
Annual Spring Town Meeting, May 13, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

May 18, 2010

Fifth Session

The Fifth Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:45 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fifth Session of 2010 Spring Annual Town Meeting. The Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none.

The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill.

The Moderator introduced the officials present on stage and in the well of the auditorium. The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant. He also reiterated that all motions must be received in time for them to be reviewed by the Moderator and if necessary, Town Counsel. The Moderator made several announcements.

The first order of business was the reconsideration of Article 44. The Moderator ruled that the reconsideration of Article 44 would be allowed.

Ms. Miller stood on a point of personal privilege regarding the quantity of information that had been provided to Town Meeting Members. The Moderator noted the point.

Ms. Evans spoke regarding the reconsideration of Article 44. The motion to reconsider Article 44 passed unanimously.

Reconsideration of Article 44

Ms. Evans moved, seconded by Mr. Foster, that as printed on the handout "Final 19 Apr. 10 change the letter "r" to a "t".

The motion to change to Article 44 passed by 2/3 vote.

Article 2, Motion A was the next order of business as it had been postponed until May 18, 2010.

Favorable action on the main motion of Article 2, Motion A was moved by Mr. Freedman and seconded by Mr. Jennett. Mr. Kruczynski wanted to amend a line item in the Natick Public Schools budget. The Moderator explained that this was not possible as the School Department has bottom line authority for the budget. Per the member's request, Dr. Sanchioni provided more information on the Information Technology budget.

Mr. Kruczynski moved, Mr. Snow seconded, to reduce the Natick Public Schools budget by \$331,000 to \$43,674,574, maintaining the \$1,469,598 for the Keefe Technical School budget

resulting in a total budget of \$45,144,352. There was a discussion on this amendment. Mr. Volpe moved the question, seconded by Mr. Coburn. The motion to move the question passed by majority vote.

The motion to amend the main motion failed. The discussion continued on the main motion. Mr. Meyler moved the question, seconded by Ms. Foss. The motion to move the question passed by 2/3 vote.

The main motion for Article 2, Motion A passed by majority vote.

ARTICLE 4: Fiscal 2011 Morse Institute Library Budget (Morse Institute Library Trustees)

To see what sum of money the Town will vote to raise and appropriate, or otherwise provide, for the maintenance and operation of the Morse Institute Library, for Fiscal Year 2011 (July 1, 2010 through June 30, 2011), or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on May 6, 2010 recommends favorable action with regard to the subject of Article 4 and that the sum of \$1,728,070 be appropriated from the Tax Levy.

MOTION: (Requires majority vote)

Motion for Morse Institute Library (Article 4)	
Motion: Move that the Town vote to appropriate the Total Budget Amount shown below to be expended under	
Morse Institute Library	
Salaries & Expenses	\$ 1,728,070
Total Morse Institute Library	\$ 1,728,070
And that the above <u>Total Budget Amount</u> be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 1,728,070
	\$ 1,728,070

Favorable action on the subject matter of Article 4 was moved by Mr. Freedman and seconded by Mr. Jennett.

Favorable action on the subject matter of Article 4 passed by majority vote.

ARTICLE 5: Fiscal 2011 Bacon Free Library Budget (Bacon Free Library Trustees and Bacon Free Library Maintenance Committee)

To see what sum of money the Town will raise, borrow or transfer for the maintenance and operation of the Bacon Free Library, for Fiscal Year 2011 (July 1, 2010 through June 30, 2011), or otherwise act thereon.

RECOMMENDATION: By a vote of 10-0-0 on March 18, 2010, the Finance Committee recommends FAVORABLE ACTION with regard to the subject of Article 5 and that the sum of \$105,805 to be appropriated from the Tax Levy.

Motion for Bacon Free Library (Article 5) (Requires Majority Vote)	
Motion: Move that the Town vote to appropriate the sum of \$105,805 to be expended under the direction of the Bacon Free Library Committee for the operation of the Bacon Free Library, for the Fiscal Year July 1, 2010 through June 30, 2011 and that the above Total Budget Amount be raised from the Tax Levy of Fiscal Year 2011.	
Bacon Free Library	
Salaries & Expenses	\$ 105,805
Total Bacon Free Library	\$ 105,805
And that the above Total Budget Amount be raised from the following sources:	
Tax Levy of Fiscal Year 2011	\$ 105,805
	\$ 105,805

Favorable action on the subject matter of Article 5 was moved by Mr. Freedman and seconded by Mr. Jennett.

Moved by Mr. Connolly, seconded by Ms. Foss to change the phrase “Bacon Free Library Committee” to the “Trustees of the Bacon Free Library”. There was discussion regarding this and Town Counsel was consulted. It was determined that there are no Trustees of the Bacon Free Library so that amendment would not be acceptable. Mr. Sidney moved, seconded by Mr. Goldman, postponement of Article 5 until Thursday, May 20. The motion to postpone failed.

Ms. Strauss moved to insert the word “Maintenance” after the word “Library” and before the word “Committee”. The amendment was seconded by Mr. Chouinard. The motion to amend the main motion passed unanimously.

The main motion now reads “Move that the Town vote to appropriate the sum of \$105,805 to be expended under the direction of the Bacon Free Library Maintenance Committee for the operation of the Bacon Free Library, for the Fiscal Year July 1, 2010 through June 30, 2011 and that the above total Budget amount be raised from the Tax levy of Fiscal Year 2011”.

The amended main motion for Article 5 passed unanimously.

Ms. Packer asked not to preside as Clerk during discussion of Article 6. Mr. Flynn, Town Counsel took over as Clerk for the discussion of Article 6 only.

ARTICLE 6: Elected Officials Salary (Town Administrator)

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town of Natick for Fiscal Year 2011 (July 1, 2010 through June 30, 2011) as provided by Section 108 of Chapter 41 of the General Laws, as amended, or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 7-3-0 on April 13, 2010, has no recommendation with regard to the subject matter of Article 6.

MOTION: (Majority Vote Required)

Move that the town vote to fix the salary and compensation of the following elected officer of the Town for the Fiscal Year July 1, 2010 through June 30, 2011 as provided by Section 108 of Chapter 41 of the Massachusetts General Laws:

Town Clerk..... \$53,500

The Finance Committee did not have a recommendation on this article. Mr. Levinsky, spoke as Chair of the Personnel Board regarding the article and made a positive main motion, which was seconded by Mr. Jennett.

Ms. Adelman-Foster moved to amend the main motion and set the salary at \$62,300. The motion was seconded by Mr. Connolly. Mr. Sidney spoke regarding a point of order. He pointed out that this article only sets the salary and that the salary had been appropriated under Article 2. There was a great deal of discussion regarding this article. The vote had to be counted and the count was 52 yes and 51 no. The motion to amend Article 6 passed by majority vote. Mr. Goldman moved the question, seconded by Mr. Sidney. The motion to move the question passed by majority vote.

The amended main motion on the subject matter of Article 6 passed by majority vote.

Mr. Coburn moved, Mr. Margil seconded, to take Article 12 out of order. The motion to take Article 12 out of order passed by 2/3 vote.

ARTICLE 12: School Bus Transportation Subsidy Article (School Committee)

To see if the Town will vote to appropriate and raise, or transfer from available funds, a sum of money for the purpose of operation and administration of the school bus transportation system, and to reduce or offset fees charged for students who elect to use the school bus transportation system for transportation to and from school; or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 10-0-0 on April 1, 2010, recommends favorable action with regard to the subject of Article 15 and that the sum of \$320,522 be appropriated from Tax Levy.

MOTION: (Majority Vote Required)

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$320,522 from Tax Levy for the purposes of operation and administration of the school bus transportation system, and to reduce or offset fees charged to students who elect to use the school bus transportation system for transportation to and from school, said funds to be expended under the direction of the Natick School Committee.

The main motion for Article 12 passed by majority vote.

Mr. Sidney moved, seconded by Mr. Goldman adjournment. Town Meeting adjourned at 10:20 PM.

A record of the Fifth Session of
Annual Spring Town Meeting, May 18, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 SPRING ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

May 20, 2010

Sixth Session

The Sixth Session of the 2010 Spring Annual Town Meeting was called to order by Moderator, Frank W. Foss at 8:10 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Sixth Session of 2010 Spring Annual Town Meeting. The Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none.

The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for several members of our meeting who are ill.

The Moderator introduced the officials present on stage and in the well of the auditorium. The Moderator informed the body that the same general rules and procedures for Town Meeting were in effect including waiving the reading of the warrant.

The first order of business was Article 7.

ARTICLE 7: Collective Bargaining (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical unit
- b) Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works Laborers unit
- c) Public Employees Local Union 1116 of the Laborers International Union of North America – Library employees
- d) Public Employees Local Union 1116 of the Laborers International Union of North America – Recreation employees
- e) Supervisors and Administrators Association
- f) The Natick Patrol Officers Association
- g) New England Police Benevolent Association, AFL-CIO, Local 82
- h) Service Employees International Union Local 888, Dispatch
- i) Local 1707 International Association of Firefighters
- j) The Deputy Fire Chiefs Association
- k)

Or otherwise act thereon.

RECOMMENDATION: The Finance Committee recommends, by a vote of 10–0–0 on April 13, 2010, referral to the town administrator with regard to the subject of Article 7.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town refer the subject matter of Article 7 to the Town Administrator.

Ms. White spoke to the article.

The referral motion for Article 7 passed unanimously.

ARTICLE 8: Personnel Board Pay Plan (Town Administrator)

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend the by-laws by adding to Article 24, Section 3, a new paragraph deleting certain position titles, adding new position titles and effecting changes in the salary ranges as presently established and will provide the money necessary therefore, or otherwise act thereon.

RECOMMENDATION: The Finance Committee recommends, by a vote of 8-0-0 on March 25, 2010, favorable action regarding the subject matter of Article 8.

MOTION: (Majority Vote Required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend the By-Laws by changing in its entirety the table entitled Classification and Pay Plan that is incorporated by reference into Article 24, Section 3, Paragraph 3.10. The new Classification and Pay Plan is as follows, with one administrative change: (documents attached)

Main motion for Article 8 passed by majority vote.

ARTICLE 9: Capital Equipment (Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for capital equipment for the various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

RECOMMENDATION: The Finance Committee recommends, by a vote of 11-0-0 on March 23, 2010, favorable action with regard to the subject matter of Article 9 and that the sum of \$913,760 be raised from the various sources as indicated.

MOTION A: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$147,760 to be expended under the direction of the Police Department for the purpose of funding police radios and police cruisers and under the direction of the Fire Department for the purpose of funding the replacement of fire hose and partial funding towards the purchase of an ambulance, individually shown as items 1, 2, 3 and 4 in the table on pages 303 and 304 of the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the sum of \$147,760 be raised from Free Cash.

Article 9, Motion A passed by majority vote.

MOTION B: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum

of \$640,000 to be expended under the direction of the Fire department for the purpose of funding a ground repeater system and partial funding toward the purchase of an ambulance, and under the direction of the Department of Public Works for the purpose of funding two snow plows/dump trucks, individually shown as items 3, 5, 6 and 7 in the table on pages 303 and 304 of the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$640,000 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 \$640,000 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.

Article 9, Motion B passed by two-thirds vote.

MOTION C: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$126,000 to be expended under the direction of the Department of Public Works for the purpose of replacement of water meter radio transmitters and a passenger vehicle, individually shown as items 8 and 9 in the table on page 304 of the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the sum of \$126,000 be raised from Water and Sewer User Fees.

Mr. Culkin moved that the Town vote to appropriate \$26,000 and to strike the words “water radio transmitter” and change the word “items” to item. The amendment was seconded by Mr. Chouinard, There was a great deal of discussion regarding the amendment. Mr. Pierce moved the question, seconded by Mr. Coburn. Motion to move the question passed. The amended main motion C failed. There was continued discussion regarding the main Motion C.

Article 9, Motion C passed by majority vote

**Article 9
Capital Equipment
2010 Spring Annual Town Meeting
Project Descriptions**

#	<u>Proposed Item</u>	<u>Amount</u>	<u>Funding Source</u>
1	<p>Police Department RADIOS</p> <p>This is the second-year of a three-year replacement for the remaining older handheld radios used daily by the Natick Police Department. Since replacement began in 2007, 46 radios have been purchased out of approximate 60 radios for the department. This request will purchase approximately 8 portable radios / label mics. \$10,400 was appropriated at the Spring 2009 Annual Town Meeting for the purchase of a comparable amount of radios.</p>	\$ 10,400	Free Cash
2	<p>Police Department CRUISER REPLACEMENT</p> <p>This request is an annual request to replace front-line cruisers for the Natick Police Department. Rather than replace 5 cruisers once a year, the DPW has examined current use and has found that the Town can afford to replace 2 cruisers now and 2 cruisers in the fall. All cruisers are run to 100,000 miles and then get replaced or if they remain under 100,000 miles are transferred to another function in the Police Department.</p>	\$ 62,360	Free Cash
3	<p>Fire Department REPLACE AMBULANCE</p> <p>This will replace a 2005 Ambulance currently used as Ambulance 2. Ambulances are due for replacement every five to seven years. It currently has 54,000 miles on it and averages around 350 calls annually. Although an ambulance's service life can be extended beyond the recommended replacement cycle, the DPW & Fire Department have found historically that maintenance costs increase significantly after seven years. Beyond the maintenance costs, the current Ambulance 2 also has cosmetic body damage suffered as a result to an accident. Estimates are that it will cost around \$10,000 to repair. The DPW has not performed the repairs until it is determined whether or not the vehicle will be replaced.</p>	\$ 130,000 \$ 50,000	G/F Borrowing Free Cash
4	<p>Fire Department FIRE HOSE</p> <p>This is the second year of a three year to replace all of the fire hose used by the Natick Fire Department. The FY 2010 appropriation replaced 100% of all of the attack lines - those lines used in connection with nozzles to actually apply water to active incidents. The FY 2011 request will replace approximately 50% of the supply lines. The final 50% will be replaced in FY 2012. The current hose is over 10 years old and has reached the end of its service life. Though no hose has yet failed a service test, the aging hose has increasing come closer to doing so.</p>	\$ 25,000	Free Cash
5	<p>Fire Department IMPROVE FIRE GROUND REPEATER SYSTEM</p> <p>This request is to complete the transition of the Fire Department communication system from VHF to UHF. This equipment would be used to pick up and amplify the signal from mobile and portable radios used by front-line personnel. All of the other equipment - the radios & handsets are already in stock. Money was not appropriated originally for this purpose as most of the radios and other equipment was secured via grant funding. The goal of this to make sure that the system we are switching to (UHF) has the same degree of robustness of the current system.</p>	\$ 150,000	G/F Borrowing

#	Proposed Item	Amount	Funding Source
6	Public Works - Highway REPLACE H-53 This is a 1986 Mack Dump Truck with 103,000 miles on it. The vehicle is used as a street sander, snow plow and general dump truck. The manufacturer's expected life on these trucks was 15 years. This vehicle has a cracked frame which have been repaired many times, but due to the excessive corrosion incurred through over twenty years of sanding and salting Natick's roadways, the metal has been deteriorated and cannot be replaced further. This vehicle will be unavailable for any use as a road-worthy vehicle once their current inspection sticker expires (because due to the structural integrity they will not be re-certified by the State) The replacement vehicle will be a comparable sander/dump truck with a plow and a heavier GVW. The dump/sander body will be stainless steel and the truck chassis frame will be a single-frame instead of a double-channel frame. (both will extend the useful life).	\$ 180,000	G/F Borrowing
7	Public Works - Highway REPLACE H-44 This is a 1988 Mack Dump Truck with 96,000 miles on it. The vehicle is used as a street sander, snow plow and general dump truck. The manufacturer's expected life on these trucks was 15 years. This vehicle has a cracked frame which have been repaired many times, but due to the excessive corrosion incurred through over twenty years of sanding and salting Natick's roadways, the metal has been deteriorated and cannot be replaced further. This vehicle will be unavailable for any use as a road-worthy vehicle once their current inspection sticker expires (because due to the structural integrity they will not be re-certified by the State) The replacement vehicle will be a comparable sander/dump truck with a plow and a heavier GVW. The dump/sander body will be stainless steel and the truck chassis frame will be a single-frame instead of a double-channel frame. (both will extend the useful life).	\$ 180,000	G/F Borrowing
8	Water/Sewer WATER METER RADIO TRANSMITTERS The existing water meter radio transmitters were installed between 5-8 years ago and are beginning to reach their end of life cycle. These transmitters are crucial for maintaining timely reads of customers water usage, and thus key to the billing cycle and the ability to determine problems within the system. This proposal would begin a multi-year replacement cycle (between \$100,000-\$250,000 annually) for the next 5 years to allow the purchase, installation and replacement of all transmitters throughout Natick. The replacement transmitters should last for up to 15 years once replaced. The radio transmitters are battery operated. Staff has a 3 year quote at \$85 each. We have 10703 transmitters. FY 2011 - Amount Requested: 100000 - Transmitters Purchased: 1176 FY 2012 - Amount Requested: 150000 - Transmitters Purchased: 1764 FY 2013 - Amount Requested: 200000 - Transmitters Purchased: 2352 FY 2014 - Amount Requested: 200000 - Transmitters Purchased: 2222	\$ 100,000	W/S User Fees
9	Water/Sewer REPLACE W-2 W-2 is a 1999 Ford Explorer utilized daily in the operation of the Water/Sewer Division. The vehicle has 77,000 miles. The vehicle suffers from body rot and rust. The department is currently reviewing the hybrid option. Absent a grant, the hybrid is not the most cost effective option. This request is for a Ford Escape or a Ford F150.	\$ 26,000	W/S User Fees
Total		\$ 913,760	
Funding Sources			
	Free Cash	\$ 147,760	
	Tax Levy Borrowing	\$ 640,000	
	Water/Sewer User Fees	\$ 126,000	
Total Funding for Appropriations under Article 9		\$ 913,760	

ARTICLE 10: Capital Improvement (Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums 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.

RECOMMENDATION: The Finance Committee, By a vote of 10-1-0 on March 23, 2010, recommends favorable action with regard to the subject matter of Article 10 and that the sum of \$234,500 be raised from the various sources as indicated.

MOTION A: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$84,500 to be expended under the direction of the Department of Public Works for the purpose of funding the replacement of steam traps & returns at the East School and Eliot School and the under the direction of Recreation Department for the purpose of renovating the Civil War Monument on Natick Common, individually shown as items 1 and 2 in the table on page 309 of the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the sum of \$84,500 be raised from Free Cash.

Article 10, Motion A passed by majority vote.

MOTION B: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Department of Public Works for the purpose of relining sewer mains, shown as item 3 in the table on page 309 of the 2010 Spring Town Meeting Recommendations of the Natick Finance Committee, and that the sum of \$150,000 be raised from the Water & Sewer Inflow & Infiltration Fund.

Article 10, Motion B passed by majority vote.

ARTICLE 11: Lease and/or Repair (Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for the lease and/or repair of equipment for various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or to otherwise act thereon.

RECOMMENDATIONS: The Finance Committee, by a vote of 12-0-0 on April 6, 2010, recommends referral to the town administrator with regard to the subject of Article 11.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 11 to the Town Administrator.

The referral motion for Article 11 passed unanimously.

ARTICLE 13: Fair Labor Standards Act Funding (Town Administrator)

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to fully fund amounts due to town employees pursuant to the federal Fair Labor Standards Act, or take any other action relative thereto.

RECOMMENDATION: The Finance Committee, by a vote of 10-0-0 on April 13, 2010, recommends favorable action regarding the subject matter of Article 13 in the amount of

\$315,000.

MOTION: (Majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$315,000 from Free Cash, said sum to be expended under the direction of the Town Administrator for the purpose of paying obligations to eligible municipal employees of the Town of Natick as required under the Federal Fair Labor Standards Act.

Main motion for Article 13 passed unanimously.

ARTICLE 14: 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.

RECOMMENDATION: The Finance Committee, by a vote of 12-0-0 on April 6, 2010, recommends referral to the town administrator with regard to the subject of Article 14.

MOTION: (Requires Majority Vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 14 to the Town Administrator.

The referral motion for Article 14 passed unanimously.

ARTICLE 15: Funding for Economic Development (Board of Selectmen)

To see what sum the Town may appropriate for Economic Development, or otherwise act thereon.

RECOMMENDATION: The Finance Committee, by a vote of 10-0-0 on April 13, 2010, recommends favorable action regarding the subject matter of Article 15 in the amount of \$40,000.

MOTION: (Majority vote required)

Moved by Mr. Freedman with an administrative change, seconded by Mr. Jennett, that the Town vote to appropriate the sum of \$40,000 from FY 2011 Tax Levy for the purpose of developing and implementing a formal program for economic development, said funds to be expended under the direction of the Board of Selectmen.

Mr. Joseph made a presentation and there was discussion by the members. Mr. Pierce moved the question, seconded by Mr. Griesmer. The motion to move the question passed by two-thirds vote.

The main motion for Article 15 passed by majority vote.

The motion to dissolve was moved by Mr. Goldman, seconded by Mr. Margil. The motion to dissolve passed unanimously.

A record of the Sixth Session of
Annual Spring Town Meeting, May 20, 2010

s/Diane Packer

Diane Packer, Town Clerk

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet:

The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

on **TUESDAY, THE ELEVENTH DAY OF MAY, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidate for the following office:

SENATOR IN GENERAL COURT - NORFOLK, BRISTOL AND MIDDLESEX

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

You are directed to serve this warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick, to wit: Precinct 1:Reliable Cleaners, 214 West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, 17 Watson Street; Precinct 4: TCAN; Summer Street; Precinct 5: Wilson Middle School, 24 Rutledge Road; Precinct 6: East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7: Bacon Street Farm, 100 Bacon Street; Precinct 8: Natick High School, 15 West Street; Precinct 9: Natick Town Hall, 13 East Central Street; and Precinct 10: South Natick Fire Station, 45 Eliot Street.

Above locations being at least one public place in each Precinct in the Town of Natick, and also posted in the two Natick Post Offices, Bacon Free Library, and Morse Institute Library seven days at least before May 11, 2010 also by causing an attested copy of said Warrant to be published in the newspaper called "The MetroWest Daily News", said publication to be May 1, 2010.

Given under our hands this 26th day of April, 2010.

s/Joshua Ostroff
JOSHUA OSTROFF
Chairman

s/Carol A. Gloff
CAROL A. GLOFF
Vice Chair

s/Paul R. Joseph
PAUL R. JOSEPH
Clerk

s/ Charles M. Hughes
CHARLES M. HUGHES
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

**OFFICER'S RETURN
COMMONWEALTH OF MASSACHUSETTS**

Natick, Middlesex

Pursuant to the within Warrant, I have this day notified the qualified voters to assemble at the time, place and for the purpose within mentioned as within directed. Also by causing an attested copy of said Warrant to be published in the newspaper called the "*The MetroWest Daily News*", this newspaper published in the said Town of Natick in the issue dated May 1, 2010

Nicholas S. Mabardy
Nicholas S. Mabardy, Interim Chief of Police

Certified copies of the Warrant available at the Office of the Town Clerk, First Floor, Natick Town Hall, 13 East Central Street, Natick, MA 01760 between the hours of 8:00 am - 5:00 pm, Monday-Friday, and the Town web site www.natickma.gov.

Town of Natick						
Special State Election						
Senator in General Court						
Tuesday, May 11, 2010						
Voter Summary Worksheet						
		<u>Pct 6</u>	<u>Pct 7</u>	<u>Pct 9</u>	<u>Pct 10</u>	<u>Total</u>
Richard J. Ross		225	177	157	247	806
Peter B. Smulovitz		248	300	205	229	982
Write-ins		1	2	4	1	8
Blanks		0	0	0	0	
Total		474	479	366	477	1,796
						1,796
Total voters		2,331	2,424	2,337	2,585	9,677
Percentage turnout		20.3%	19.8%	15.7%	18.5%	18.6%

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet at:

The voters of Precinct 1	in Kennedy Middle School
The voters of Precinct 2	in Cole Recreational Building
The voters of Precinct 3	in Kennedy Middle School
The voters of Precinct 4	in Wilson Middle School
The voters of Precinct 5	in Wilson Middle School
The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 8	in Morse Institute Library
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

on **TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

**GOVERNOR/LT. GOVERNORFOR THE COMMONWEALTH
ATTORNEY GENERAL.....FOR THE COMMONWEALTH
SECRETARY OR STATEFOR THE COMMONWEALTH
TREASURERFOR THE COMMONWEALTH
AUDITOR.....FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESSSEVENTH DISTRICT
COUNCILLORSECOND DISTRICT
SENATOR IN GENERAL COURTNORFOLK, BRISTOL AND MIDDLESEX
SENATOR IN GENERAL COURTSECOND MIDDLESEX AND NORFOLK
REPRESENTATIVE IN GENERAL COURTFIFTH MIDDLESEX
REPRESENTATIVE IN GENERAL COURTFOURTEENTH NORFOLK
DISTRICT ATTORNEYNORTHERN DISTRICT
SHERIFFMIDDLESEX COUNTY**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 9th day of August A.D., 2010

Joshua A. Ostroff
JOSHUA OSTROFF
Chairman

Carol A. Gloff
CAROL A. GLOFF
Vice Chair

Paul R. Joseph
PAUL R. JOSEPH
Clerk

s/ Charles M. Hughes
CHARLES M. HUGHES
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 AM – 5:00 PM, Monday through Friday and at the Town web site www.natickma.org

**TOWN OF NATICK
STATE PRIMARY SEPTEMBER 14, 2010**

TOTAL BALLOT COUNT

OFFICIAL RESULTS

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Democratic ballots	87	253	181	139	196	200	198	206	185	235	1,880
Republican ballots	51	139	117	82	127	130	143	99	109	141	1,138
Libertarian ballots	0	0	0	1	1	0	0	2	0	0	4
Total	138	392	298	222	324	330	341	307	294	376	3,022
Total Registered Voters	2,054	2,296	2,258	2,075	2,164	2,338	2,433	2,269	2,329	2,579	22,795
% voted	6.7%	17.1%	13.2%	10.7%	15.0%	14.1%	14.0%	13.5%	12.6%	14.6%	13.3%

Town of Natick Representative in General Court Fifth Middlesex Recount on September 25, 2010					
Republican Primary					
	Precinct 5	Precinct 6	Precinct 7	Precinct 9	Total
Christopher Resmini	15	21	52	14	102
All Others	0	1	1	2	4
Blanks	112	108	90	93	403
Total	127	130	143	109	509

TOWN OF NATICK											
STATE PRIMARY SEPTEMBER 14, 2010											
DEMOCRATIC PARTY											
OFFICIAL RESULTS											
	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Governor											
Deval L. Patrick	68	194	146	121	146	149	161	165	146	185	1,481
write in	4	3	2	1	5	4	3	5	2	2	31
blanks	15	56	33	17	45	47	34	36	37	48	368
total	87	253	181	139	196	200	198	206	185	235	1,880
Lt. Governor											
Timothy P. Murray	72	202	153	124	153	157	161	177	145	182	1,526
write-in	0	0	0	0	0	1	0	0	3	1	5
blanks	15	51	28	15	43	42	37	29	37	52	349
total	87	253	181	139	196	200	198	206	185	235	1,880
Attorney General											0
Martha Coakley	71	196	156	123	152	149	161	159	148	192	1,507
write in	4	0	0	1	1	6	1	0	1	3	17
blanks	12	57	25	15	43	45	36	47	36	40	356
total	87	253	181	139	196	200	198	206	185	235	1,880
Secretary of State											0
William Francis Galvin	74	200	157	125	155	153	158	171	145	193	1,531
write in	1	0	0	0	0	0	0	0	1	0	2
blanks	12	53	24	14	41	47	40	35	39	42	347
total	87	253	181	139	196	200	198	206	185	235	1,880

TOWN OF NATICK											
STATE PRIMARY SEPTEMBER 14, 2010											
DEMOCRATIC PARTY											
OFFICIAL RESULTS											
	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Councillor											
Kelly A. Timilty	45	113	97	65	82	97	97	109	80	87	872
Robert L. Jubinville	32	91	55	51	77	72	63	63	57	107	668
write in	0	0	1	0	0	0	1	0	1	0	3
blanks	10	49	28	23	37	31	37	34	47	41	337
total	87	253	181	139	196	200	198	206	185	235	1,880
State Senator											
Karen E. Spilka	73	202	154	119	156			178			882
Write-in	1	0	1	0	0	6	1	0	6	3	18
blanks	13	51	26	20	40	194	197	28	179	232	980
total	87	253	181	139	196	200	198	206	185	235	1,880
State Rep											
David Paul Linsky	76	203	157	121	166	165	172	178	153		1,391
Alice Hanlon Peisch										193	193
write in	0	2	0	1	2	2	0	1	3	0	11
blanks	11	48	24	17	28	33	26	27	29	42	285
total	87	253	181	139	196	200	198	206	185	235	1,880
District Attorney											
Gerard T. Leone Jr.	74	189	151	116	136	141	145	166	127	161	1,406
write-ins	0	0	1	0	0	0	0	0	0	0	1
blanks	13	64	29	23	60	59	53	40	58	74	473
total	87	253	181	139	196	200	198	206	185	235	1,880
Sheriff											
James V. DiPaola	72	187	145	113	136	135	139	151	115	152	1,345
write in	0	0	0	0	0	0	0	0	1	0	1
blanks	15	66	36	26	60	65	59	55	69	83	534
total	87	253	181	139	196	200	198	206	185	235	1,880

TOWN OF NATICK											
STATE PRIMARY SEPTEMBER 14, 2010											
DEMOCRATIC PARTY											
OFFICIAL RESULTS											
	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Treasurer											
Steven Grossman	57	182	133	105	145	144	133	140	126	186	1,351
Stephen J. Murphy	23	50	33	24	36	40	41	44	42	35	368
write in	0	0	0	0	0	0	0	0	0	1	1
blank	7	21	15	10	15	16	24	22	17	13	160
total	87	253	181	139	196	200	198	206	185	235	1,880
Auditor											
Suzanne M. Bump	38	95	77	61	79	83	107	89	84	118	831
Guy William Glodis	21	61	43	16	43	47	38	46	34	30	379
Mike Lake	23	67	36	52	49	46	35	47	45	58	458
write in	0	0	0	0	1	0	0	0	0	0	1
blanks	5	30	25	10	24	24	18	24	22	29	211
total	87	253	181	139	196	200	198	206	185	235	1,880
Rep in Congress											
Edward J. Markey	76	202	159	121	157	159	171	177	145	187	1,554
write in	2	1	0	1	2	0	0	1	0	2	9
blanks	9	50	22	17	37	41	27	28	40	46	317
total	87	253	181	139	196	200	198	206	185	235	1,880

STATE PRIMARY

LIBERTARIAN PARTY

OFFICIAL RESULTS

	<u>P1</u>	<u>P2</u>	<u>P3</u>	<u>P4</u>	<u>P5</u>	<u>P6</u>	<u>P7</u>	<u>P8</u>	<u>P9</u>	<u>P10</u>	<u>Total</u>
Blank					1						
Governor											
write in				1				1			2
Blank								1			1
U.S. Governor											
write in								1			1
Attorney General											
write in								1			1
Secretary of State											
Treasurer											
Auditor											
Rep in Congress											
Councillor											
State Senator											
State Rep											
District Attorney											
Sheriff											

TOWN OF NATICK

STATE PRIMARY

REPUBLICAN PARTY

OFFICIAL RESULTS

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Governor											
Charles D. Baker	44	124	109	75	117	121	125	93	99	131	1,038
write in	2	4	0	2	1	2	7	3	3	1	25
blanks	5	11	8	5	9	7	11	3	7	9	75
total	51	139	117	82	127	130	143	99	109	141	1,138
Lt. Governor											
Richard H. Tisei	43	112	101	64	106	11	106	80	91	122	836
Write in/Keith Davis	1	4	0	5	3	3	8	2	2	0	28
blanks	7	23	16	13	18	116	29	17	16	19	274
total	51	139	117	82	127	130	143	99	109	141	1,138
Attorney General											
Guy Carbone	6	9	9	9	15	7	18	12	13	15	113
Jim McKenna	11	18	9	14	14	33	42	17	20	12	190
Write ins	0	2	2	1	1	1	1	0	1	6	15
blanks	34	110	97	58	97	89	82	70	75	108	820
total	51	139	117	82	127	130	143	99	109	141	1,138
Secretary of State											
William C. Campbell	41	101	97	58	103	107	110	75	90	111	893
write in	0	1	0	0	0	1	0	0	1	0	3
blanks	10	37	20	24	24	22	33	24	18	30	242
total	51	139	117	82	127	130	143	99	109	141	1,138

**TOWN OF NATICK
STATE PRIMARY**

REPUBLICAN PARTY

OFFICIAL RESULTS

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
Treasurer											
Karen E. Polito	44	111	95	65	106	116	115	82	98	125	957
write in	0	0	1	0	1	0	0	0	0	1	3
blanks	7	28	21	17	20	14	28	17	11	15	178
total	51	139	117	82	127	130	143	99	109	141	1,138
Auditor											
Mary Z. Connaughton	45	127	109	70	116	119	124	85	96	127	1,018
Kamal Jain	3	9	6	5	4	3	7	9	6	6	58
write in	0	0	0	0	0	1	0	0	0	0	1
blanks	3	3	2	7	7	7	12	5	7	8	61
total	51	139	117	82	127	130	143	99	109	141	1,138
Rep in Congress											
Gerry Dembrowski	17	47	36	25	39	53	55	32	44	46	394
Thomas P. Tierney	29	83	72	50	75	63	72	56	55	88	643
write in	0	0	1	2	0	2	0	1	0	0	6
blanks	5	9	8	5	13	12	16	10	10	7	95
total	51	139	117	82	127	130	143	99	109	141	1,138
Councilor											
Steven M. Glowsky	41	107	93	59	92	103	107	67	86	110	865
write in	0	1	1	0	0	0	2	0	2	0	6
blanks	10	31	23	23	35	27	34	32	21	31	267
total	51	139	117	82	127	130	143	99	109	141	1,138

TOWN OF NATICK

STATE PRIMARY

REPUBLICAN PARTY

OFFICIAL RESULTS

	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	Total
State Senator											
Edward B. McGrath	31	107	92	63	98			74			465
Richard J. Ross						109			96	118	432
write in	0	1	1	1	1	0	3	1	0	1	9
blanks	20	31	24	18	28	21	31	24	13	22	232
total	51	139	117	82	127	130	143	99	109	141	1,138
State Rep											
Chris Resmini	5	7	3	8	15	21	52	13	14	0	138
Royall H. Switzler										24	
write-in	1	1	0	1	0	1	1	1	2	2	10
blanks	45	131	114	73	112	108	90	85	93	115	966
total	51	139	117	82	127	130	143	99	109	141	1,138
District Attorney											
write ins	0	1	2	1	0	1	2	2	5	1	15
blanks	51	138	115	81	127	129	141	97	104	140	1,123
total	51	139	117	82	127	130	143	99	109	141	1,138
Sheriff											
write in	1	1	2	0	4	1	1	1	3	0	14
blanks	50	138	115	82	123	129	142	98	106	141	1,124
total	51	139	117	82	127	130	143	99	109	141	1,138

**WARRANT
FALL ANNUAL TOWN MEETING
OCTOBER 19, 2010**

THE COMMONWEALTH OF THE MASSACHUSETTS
Middlesex, ss

To Any Constable of the Town of Natick in said County:
Greeting:

In the name of the Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Wilson Middle School Auditorium, Natick on **Tuesday Evening October 19, 2010 at 7:30 PM**, then and there to act on the following Articles:

- Article 1 Omnibus Budget Fiscal 2011
- Article 2 Creation of Capital Stabilization Fund: Revenue from Meals Tax & Revenue From Hotel/Motel 2% Increase
- Article 3 Funding of Capital Stabilization Fund
- Article 4 Stabilization Fund
- Article 5 Collective Bargaining
- Article 6 Personnel Board Pay Plan
- Article 7 Amend By-Law Article 24: Personnel By-Law
- Article 8 Retiree Health Insurance
- Article 9 Capital Equipment
- Article 10 Capital Improvement
- Article 11 Acquisition of Land Adjacent to Fire Station 4
- Article 12 Unpaid Bills
- Article 13 Natick 360: Progress Report
- Article 14 Home Rule Petition Regarding Duration of Contract with Police Chief
- Article 15 Home Rule Petition Regarding Disposition of Former East School
- Article 16 Home Rule Petition: Beer & Wine Licenses
- Article 17 Home Rule Petition: Removal of Building Commissioner Position from Civil Service
- Article 18 Amend Composition & Charge of High School Building Committee
- Article 19 Amend By-Law Article 40 – Town Reports and Records
- Article 20 Amend By-Law Article 41 – Advance Actions by Town Boards on Town Meeting Warrant Articles
- Article 21 Amend By-Law Article 60 - Fire Regulations
- Article 22 Amend By-Law Article 74 - Junk Dealers
- Article 23 Amend By-Law Article 72 – Building Fees
- Article 24 Amend By-Law Article 72 - Fences
- Article 25 Amend By-Laws: Construction Hours
- Article 26 Street Acceptance: Main Street
- Article 27 Street Acceptance: North Main Street (portion)
- Article 28 Street Acceptance: East Central (portion); West Central (portion)
(Route 135)
- Article 29 Amend By-Laws: Create Sex Offender By-Law

- Article 30 Amend Zoning By-Laws: Off-Street Parking Construction & Acquisition Fund
- Article 31 Funding for Crossing Guard Positions
- Article 32 Consolidate School & Town Administrative Functions, Including but not Limited to Financial, Personnel, and Maintenance Functions
- Article 33 School and Municipal Budget Cooperation
- Article 34 Funding for Improvements to Oak Street Gravel Pit/Public Works Storage
- Article 35 Funding for Improvements to Memorial Field/West Street at High School
- Article 36 Acceptance of Drainage Easement – East Central Street

The following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 2 of the Acts of 1938 and Amendments thereto and the Town Charter and subject to the referendum provided thereby.

And you are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the two Post Offices in said Natick; and at the following public places in said Natick, to wit: Precinct 1: Reliable Cleaners, West Central Street; Precinct 2: Fire Station, Speen Street; Precinct 3: Station 5 Grille, Watson Street; Precinct 4: TCAN, Summer Street; Precinct 5: Wilson Middle School; Precinct 6: East Natick Fire Station, Rhode Island Avenue; Precinct 7: Bacon Street Farm, Bacon Street; Precinct 8: Natick Senior High School, West Street; Precinct 9: Natick Town Hall, East Central Street and Precinct 10: South Natick Fire Station, Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the two Natick U.S. Post Offices, Bacon Free Library and Morse Institute Library seven days at least before October 20, 2009; also by causing an attested copy of said Warrant to be published once in the Newspaper called “*The Metrowest Daily News*”, with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be September 17, 2010.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this 23rd day of August 23, 2010

s/Joshua Ostroff
 JOSHUA OSTROFF
 Chairman

s/Carol A. Gloff
 CAROL A. GLOFF
 Vice Chair

s/Paul R. Joseph
 PAUL R. JOSEPH
 Clerk

s/Charles M. Hughes
 CHARLES M. HUGHES
 Member

s/John J. Connolly
 JOHN J. CONNOLLY
 Member

Board of Selectmen for the Town of Natick

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 AM – 5:00 PM, Monday through Friday and at the Town web site www.natickma.org

**OFFICER'S RETURN
COMMONWEALTH OF MASSACHUSETTS**

Natick, Middlesex

Pursuant to the within warrant, I have this day notified the qualified Town Meeting Members to assemble at the time, place and for the purpose within mentioned as within directed. Also by causing an attested copy to be published in the newspaper called *The MetroWest Daily News*, this newspaper published in the said Town of Natick in the issue dated September 17, 2010.

s/Nicholas S. Mabardy

Chief of Police, Nicholas S. Mabardy

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

October 19, 2010

First Session

The First Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the First Session of 2010 Fall Annual Town Meeting. Mr. Foss presented the official warrant signed by the Board of Selectmen with the officer's return thereon, which had been duly posted. The Moderator turned the document over to the Town Clerk to be entered into the official record of the town. The hall stood for the Pledge of Allegiance followed by a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. Mr. Foss swore in all new Town Meeting members. The Moderator introduced the officials present on stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

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 of Town Meeting Members. The proceedings of Town Meetings shall be governed by **Town Meeting Time**, the Natick By-Laws, the Town of Natick Home Rule Charter and the General Laws of the Commonwealth of Massachusetts.

All motions offered for the consideration of the Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member. No person shall speak upon an 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, once a member is recognized, it is the practice of Town Meeting Members to first ask questions, then propose a motion and/or debate the highest ranking motion. This practice is unchanged. Once a speaker is called upon, by the Moderator, the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick By-Laws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound question and divided by the Moderator. When a question on an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," found in the Natick By-Laws, the Town Meeting Member Handbook and **Town Meeting Time**. 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 motion for the previous question shall not be entertained by the Moderator if three or more persons are seeking recognition, who have not previously spoken to the question. By rule, indefinite postponement shall be considered a negative main motion and may be entered by the Moderator whenever any main motion or subsidiary motion is in order. This shall not change the order of precedence of motions as specified in section 6 of our by-laws or any other practice regarding indefinite postponement as specified in our Charter, the Natick By-Laws or ***Town Meeting Time***. Without objection, the preceding statements are accepted as rules of 2010 Fall Annual Town Meeting. There were no objections.

At that time the Moderator suggested a motion to waive the reading articles and motions. Move to waive reading the text of all 2010 Fall Annual Town Meeting warrant articles and move to waive reading the text of motions, excluding the amounts to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of Recommendations of the Natick Finance Committee publications. Moved by Mr. Sydney and seconded by Mr. Freedman. Motion passed unanimously.

Mr. Moderator made several announcements regarding upcoming community events.

Mr. Kessel moved, seconded by Ms. Evans that Town Meeting authorize the Chair of the Board of Selectman offer a citation. The motion passed by majority vote. Mr. Ostroff rose and presented a citation from the Board of Selectman to Mr. David Dimmick. Mr. Joseph moved, seconded by Ms. Ball that Town Meeting enter the citation into the record of the meeting. The motion passed unanimously.

CITATION

Presented to David Dimmick

WHEREAS David Dimmick has served the Town of Natick as a volunteer for many years, making enduring contributions across a range of areas including housing, land conservation, information technology, recreation and education, and

WHEREAS Dave served as an elected Town Meeting Member for thirty nine years, and has been an active member of the Lookout Farm Advisory Committee, the Open Space Advisory Committee, the Information Systems Advisory Board, the Memorial School Council, Natick Low/Moderate Income Housing, Inc., Natick Soccer, Broadmoor Audubon Sanctuary and the Upper Charles Conservation Land Trust, and

WHEREAS Dave has given selflessly to the community with integrity, vision, humility and dedication, in the best tradition of volunteer service, and

WHEREAS Dave has relocated to Cape Cod with his wife Francesca, but will always treasure his connections to the Town of Natick and be remembered for his good-natured and thoughtful stewardship,

NOW THEREFORE the Natick Board of Selectmen thanks and congratulates David Dimmick for his accomplishments and service to the Town, and presents this citation to David at the Fall

2010 Annual Town Meeting in recognition of his extraordinary contributions to our community.

October 19, 2010

s/Joshua Ostroff
Joshua Ostroff, Chair

s/Carol Gloff
Carol Gloff, Vice Chair

s/Paul Joseph
Paul Joseph, Clerk

s/Charles Hughes
Charles Hughes

s/ John Connolly
John Connolly

Mr. Dimmick spoke and thanked everyone for the citation.

Dr. Keefe moved to present a resolution recognizing and saluting the Friends of the Morse Institute Library, seconded by Ms. Salamoff. Dr. Keefe read the resolution.

RESOLUTION

On behalf of the Board of Trustees of the Morse Institute Library, I offer the following Resolution.

That the Natick Town Meeting of October 2010 recognizes and salutes The Friends of the Morse Institute Library, an all-volunteer, non-profit organization as it celebrates its twentieth year of existence this fall. Founded in September 1990, and composed of over 750 households from Natick and nearby communities the Friends serves to bring people together in a common cause that:

Promotes both the recognition and use of the Morse Institute Library; Actively supports both financially and intellectually the Morse Institute Library as a center of cultural, educational, and recreational activity; And encourages the involvement in community affairs and activities of persons of every age and interest.

The efforts of the Friends over these last two decades have enriched the programs and resources available to the library's patrons through the financial and volunteer support for ongoing programs, services and major capital purchases. The organization has also played a leading role in efforts to recognize and express appreciation to the staff of the Morse Institute. Some concrete examples of the supportive efforts of the Friends are:

The \$50,000 gift to aid the purchase of the Bookmobile and continued support for its town wide service to the public.

Payment for the restoration of the classic stained glass windows.

Payment for the restoration of pieces of the Library's antique furniture.

Payment for the manufacture and installation of the custom doors for the Morse Room.

Payment for the new book and media return boxes outside the building.

Payment for video equipment to record both veteran's oral history and other local historical events.

Payment for a gallery quality exhibition system.

Plus payment for a myriad of projects such as the Children's Summer Reading Program, the Natick Reads campaign, foreign language learning, support for the Children's Room and museum passes to name just a few.

The work of the Friends through its successful Book sales and membership drives has raised and contributed over \$400,000 in resources to the Morse Institute and through this institution to the citizens of the Town of Natick. Most importantly, the Friends as an organization serves as a model of cooperation and collaboration between the citizens of a community and its basic institutions.

Therefore, on behalf of the Trustees, I respectfully move that the Natick Town Meeting of October 2010 go on record to salute the Friends of the Morse Institute Library for its contribution to the quality of life of our Town on the occasion of the organization's twentieth anniversary year.

10.19.10

Joseph A. Keefe for the Board of Trustees, Morse Institute Library

Acceptance of the motion was moved by Dr. Keefe and seconded by Dr. Salamoff. Dr. Salamoff moved, seconded by Mr. Sydney that Town Meeting waive the reading of the resolution again. The motion to waive the reading of the resolution passed unanimously. The motion to accept the resolution passed unanimously.

Mr. Healey moved, seconded by Mr. Friswell that Article 29 be placed first on the agenda for Tuesday, October 26, 2010. The motion passed unanimously.

ARTICLE 1: Omnibus Budget (Town Administrator)

To determine what sum or sums of money the Town will raise and appropriate, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, and to provide for a reserve fund for Fiscal Year 2011 (July 1, 2010 to June 30, 2011), and to see what budgets for Fiscal 2011 will be reduced to offset said additional appropriations, or otherwise act thereon.

RECOMMENDATION: By a vote of 13-0-0 on September 30, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 1.

MOTION A: (Requires a majority vote)

Moved by Mr. Freedman and seconded by Mr. Jennett that the Town vote to appropriate the sum of \$102,133 as amendments to the following appropriations voted at the Annual Spring Town Meeting commencing on April 27, 2010 under Article 2 as follows:

Article 2, Motion B	Police Department - Salaries	\$ 22,292
Article 2, Motion E	Comptroller - Salaries	\$ 15,000
Article 2, Motion G	Employee Fringe - Other Personnel Services	\$ 63,512
Article 2, Motion H2	Utility Billing - Salaries	\$ 98
Article 2, Motion I	Sassamon Trace Operations - Salaries	\$ 1,231

And that to meet this appropriation, the sum of \$102,133 be raised from the following sources:

Free Cash	\$ 100,804
Water/Sewer User Fees	\$ 98
Sassamon Trace User Fees	\$ 1,231
TOTAL	\$102,133

Ms. White made a presentation regarding the budget to Town Meeting. At this time she introduced the new Comptroller, Ms. Karen Kucala. Ms. White gave a brief overview of the budget for FY 2011, the closing of FY 2010 and the outlook for FY 2012.

Ms. White spoke regarding the requests under Article 1. There was considerable debate regarding the subject matter of Article 1. Mr. Pierce moved the question, seconded by Mr. Goldman. The question could not be taken as there were more than three people seeking the floor to speak. Discussion continued. Ms. Ball moved the question, seconded by Mr. Pierce. Motion to close debate passed by 2/3 vote.

The main motion under Article 1 passed by majority vote.

ARTICLE 2: Creation of Capital Stabilization Fund (Town Administrator)

To see if the Town will vote to create a Capital Stabilization Fund for the purpose of funding any capital-related project, or pieces of capital equipment, or debt-service payment related thereto, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or take other action relative thereto.

RECOMMENDATION: By a vote of 12-0-0 on September 21, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 2.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to create a Capital Stabilization Fund for the purpose of funding any capital-related project, or pieces of capital equipment, or debt-service payment related thereto, in accordance with Chapter 40, Section 5B of the General Laws, as amended, or take other action relative thereto.

Ms. White spoke regarding this article.

The main motion under Article 2 passed by 2/3 vote.

ARTICLE 3: Funding of Capital Stabilization Fund (Town Administrator)

To see if the Town will vote to appropriate a sum of money from available funds for the purpose of supplementing the Capital Stabilization Fund under Article 2 of the warrant for Fall Annual Town Meeting of 2010, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or take other action relative thereto.

RECOMMENDATION: By a vote of 12-0-0 on September 21, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 3.

MOTION: (Requires 2/3 vote)

Moved by Mr. Freedman seconded by Mr. Jennett that the Town vote to appropriate the sum of \$307,913 to the Capital Stabilization Fund, and that sum of \$307,913 be raised from Free Cash.

The main motion under Article 3 passed by 2/3 vote.

ARTICLE 4: Stabilization Fund (Town Administrator)

To see if the Town will vote to appropriate a sum of money from available funds for the purpose

of supplementing the Stabilization Fund under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 21, 2010, the Finance Committee recommends no action with regard to the subject matter of Article 4.

MOTION: Mr. Freedman moved, seconded by Mr. Jennett that no action be taken on the subject matter of Article 4.

No action passed by majority vote.

ARTICLE 5: Collective Bargaining (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical unit
- b) Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works Laborers unit
- c) Public Employees Local Union 1116 of the Laborers International Union of North America – Library employees
- d) Public Employees Local Union 1116 of the Laborers International Union of North America – Recreation employees
- e) Supervisors and Administrators Association
- f) The Natick Patrol Officers Association
- g) New England Police Benevolent Association, AFL-CIO, Local 82
- h) New England Police Benevolent Association, Inc. Natick Police Dispatchers, Local 182
- i) Local 1707 International Association of Firefighters
- j) The Deputy Fire Chiefs Association

Or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 30, 2010, the Finance Committee recommends referral to the Town Administrator with regard to the subject matter of Article 5.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town refer the subject matter of Article 5 to the Town Administrator.

The referral motion under Article 5 passed by majority vote.

ARTICLE 6: Personnel Board Pay Plan (Town Administrator and Personnel Board)

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend the by-laws by adding to Article 24, Section 3, a new paragraph deleting certain position titles, adding new position titles and effecting changes in the salary ranges as presently established and will provide the money necessary therefore, or

take any action relative thereto.

RECOMMENDATION: By a vote of 12-0-0 on September 14, 2010, the Finance Committee recommends no action with regard to the subject matter of Article 6.

MOTION:

No action was moved by Mr. Freedman and seconded by Mr. Jennett.

The motion for no action passed unanimously.

ARTICLE 7: Amend By-Laws Article 24: Town Employees and Personnel Board

(Town Administrator and Personnel Board)

To see if the Town will vote to amend Article 24 of the Town of Natick By Laws as follows:

- 1) In Section 7 – Employee Benefits, subsection 7.1 – Holidays, add a new paragraph at the end thereof to read as follows: “If the holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday.”
- 2) In Section 7 – Employee Benefits, subsection 7.2.2, delete the subsection in its entirety and replace with the following:

“Vacations shall be granted on an accrual basis, with the pro-rated vacation awarded on the first day of each month, based on the following schedule:

Length of Service	Vacation
0-5 years	3 weeks
5-10 years	4 weeks
10+ years	5 weeks

Provided, however, that the Town Administrator shall have the discretion at the time of hire of new staff to grant vacation up to a maximum of (5) five weeks, based on the new hire’s vacation earnings at his/her most recent position and market conditions affecting the Town’s ability to attract qualified personnel.”

- 3) In Section 7 – Employee Benefits, subsection 7.2.3, delete the subsection in its entirety and replace with the following:

“Vacation for a new employee shall be pro-rated based on the number of full months worked in his/her first fiscal year of employment, provided however that vacation shall not be taken until after the probation period”
- 4) In Section 7 – Employee Benefits, subsection 7.5 – Bereavement Leave, delete the subsection in its entirety, and replace with the following: “In the event of death of a member of an employee’s family (as defined below), the employee will be permitted to be absent without loss of pay based at the employee’s straight time hourly rate of pay, as follows:
 - a. For the employee’s parents, children, spouse or co-habiting significant other – five (5) days
 - b. For the employee’s siblings, grandparents, grandchildren, aunts, uncles, parents-in-law and siblings-in-law three (3) days.”
- 5) In Section 3 – Classification, subsection 3.2, add a new sentence at the end thereof to read as follows: “Provided however that the Town Administrator, pursuant to the

Employee Evaluation procedure described in Section 9 and subject to available funds, may award a bonus to those employees whose work exceeds expectations; said bonus shall not be added to base pay.”

Or take other action relative thereto.

RECOMMENDATION: By a vote of 13-0-0 on September 14, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 7.

MOTION: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 24 of the Town of Natick By Laws as follows:

- 1) In Section 7 –Employee Benefits, subsection 7.1 –Holidays, add a new paragraph at the end thereof to read as follows: “If the holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday.”
- 2) In Section 7 –Employee Benefits, subsection 7.2.2, delete the subsection in its entirety and replace with the following:

“Vacations shall be granted on an accrual basis, with the pro-rated vacation awarded on the first day of each month, based on the following schedule:

Length of Service	Vacation
0-5 years	3 weeks
5-10 years	4 weeks
10+ years	5 weeks

Provided, however, that the Town Administrator shall have the discretion at the time of hire of new staff to grant vacation up to a maximum of (5) five weeks, based on the new hire’s vacation earnings at his/her most recent position and market conditions affecting the Town’s ability to attract qualified personnel.”

- 3) In Section 7 –Employee Benefits, subsection 7.2.3, delete the subsection in its entirety and replace with the following:

“Vacation for a new employee shall be pro-rated based on the number of full months worked in his/her first fiscal year of employment, provided however that vacation shall not be taken until after the probation period”
- 4) In Section 7 –Employee Benefits, subsection 7.5 –Bereavement Leave, delete the subsection in its entirety, and replace with the following: “In the event of death of a member of an employee’s family (as defined below), the employee will be permitted to be absent without loss of pay based at the employee’s straight time hourly rate of pay, as follows:
 - a. For the employee’s parents, children, spouse or co-habiting significant other – five (5) days
 - b. For the employee’s siblings, grandparents, grandchildren, aunts, uncles, parents-in-law and siblings-in-law three (3) days.

- 5) In Section 3 –Classification, subsection 3.2, add a new sentence at the end thereof to read as follows: “Provided however that the Town Administrator, pursuant to the Employee Evaluation procedure described in Section 9 and subject to available funds, may award a bonus to those employees whose work exceeds expectations; said bonus shall not be added to base pay.”

Mr. Goldman made an amendment, seconded by Mr. Margil to add the following text at the end of Section 3, subsection 3.2. “All such bonuses shall be reported publicly to the Personnel Board at their next regularly scheduled meeting. Any bonus for personnel appointed by the Board of Selectmen shall be subject to their approval.”

Mr. Goldman moved, seconded by Mr. Jennett to waive the reading of the amendment. The motion to waive reading of the amendment passed by majority vote.

The amendment to the main motion passed by majority vote.

Ms. White spoke to the amended main motion. There was considerable debate on this article. Mr. Snow made a motion, seconded by Mr. Haugland to refer Article 7 back to the sponsors (Town Administrator and Personnel Board). Debate on both motions continued.

Mr. Linehan moved, seconded by Mr. Munnich, to divide the main motion so that each of the (5) sections of the main motion are voted as separate motions.

The motion to divide the main motion into five (5) separate motions passed by majority vote.

The referral motion was the next motion to be discussed. Ms. Salamoff moved, seconded by Mr. Sidney, to postpone consideration of Article 7 until October 26, 2010.

Mr. Meyler moved the question; seconded by Ms. Ball. The motion to close debate passed by 2/3 vote.

Motion to postpone until October 26, 2010 passed by majority vote.

Mr. Goldman moved, seconded by Ms. Oxman, adjournment. By a 2/3 vote, Town Meeting adjourned at 10 PM.

A record of the First Session of
Annual Fall Town Meeting, October 19, 2010

s/Diane Packer, Town Clerk
Diane Packer, Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

October 21, 2010

Second Session

The Second Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:30 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Second Session of 2010 Fall Annual Town Meeting. The Moderator explained that the Town Clerk had given written notice that she was unable to be there because of a previous commitment. She appointed Mr. Steve Levinsky as Interim Clerk for the October 21, 2010 session of Town Meeting. The Moderator swore in Mr. Levinsky as the Interim Clerk for this meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. Mr. Foss swore in all new Town Meeting members. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Steve Levinsky, Interim Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

The Moderator explained that the general rules read and accepted at the first session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

Mr. Moderator made several announcements regarding upcoming community events. Mr. Coburn made an announcement regarding the ground breaking ceremony for the new Natick High School at 10 AM on Friday, October 22.

ARTICLE 8: Retiree Health Insurance (Town Administrator)

To see if the Town, pursuant to the provision of Chapter 32B, Section 9E of the Massachusetts General Laws, and any other applicable authority, will vote to authorize payment of other than fifty percent of the premium for any contributory group hospital, surgical, medical, dental and other health insurance offered to employees retired from the service of the Town, and their dependents and/or surviving spouses; or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-1 on September 30, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 8.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town, pursuant to the provisions of Chapter 32B, Section 9E of the Massachusetts General Laws, and any other applicable authority, vote to

authorize payment of other than fifty percent of the premium for contributory group hospital, surgical, medical, and other health insurance offered to employees retired from the service of the Town, and their dependents and/or surviving spouses; specifically, that the Town’s contribution toward the Medicare Part B costs for said retirees, dependents and/or surviving spouses shall be reduced from 50% to 0%, and that the Town’s contribution to the Medicare Supplement Plan for said retirees, dependents and/or surviving spouses shall be 50% of the cost of said Supplement Plan plus an amount equal to 50% of the cost of the least expensive Medicare Part B plan.

Ms. White spoke regarding this article. Mr. Connolly moved, seconded by Mr. Whitney, to amend the main motion to change the words in the last sentence “of the cost of the least expensive Medicare Part B plan” to read “of the standard cost of Medicare Part B”. There was debate on the amendment.

The amendment to the main motion failed. The main motion passed by majority vote.

ARTICLE 9: Capital Equipment (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums of money as may be required for capital equipment for the various departments of the Town of Natick, determine whether this appropriation shall be raised by borrowing or otherwise, or otherwise act thereon.

Article 9 - Capital Equipment - 2010 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Schools	Replace NSD 81	Free Cash	\$ 21,000
2	Police	Replacement of Police Cruisers	Free Cash	\$ 62,360
3	Fire	Replace Car 2	Borrowing	\$ 50,000
4	DPW	Replace H-52	Borrowing	\$ 50,000
5	DPW	Replace Guardrails	Free Cash	\$ 15,000
6	DPW	Replace Dumpsters	Free Cash	\$ 10,000
7	DPW	Irrigation Controller	Free Cash	\$ 25,000
8	Health	Replace Health-2	Free Cash	\$ 22,000
9	Town Clerk	Records Preservation	Free Cash	\$ 100,000
10	Comm. Dev.	Replace CD-2	Free Cash	\$ 22,000
Total Appropriation under Article 9				\$ 377,360
Funding Sources				
Free Cash				\$ 277,360
Tax Levy Borrowing				\$ 100,000
Total Funding for Appropriations under Article 9				\$ 377,360

RECOMMENDATION: By a vote of 11-1-1 on September 30, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 9 for the amount of \$377,360 funded as noted in the motion.

MOTION A: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$277,360 to be expended under the direction of the Natick Public Schools for the purpose of funding a maintenance vehicle, under the direction of the Police Department for the purpose of funding police cruisers, under the direction of the Department of Public Works for the purpose of funding the purchase of guardrails, dumpsters and an irrigation controller, under the direction of the Board of Health for the purpose of funding an inspectional services vehicle, under the direction of the Town Clerk for the

purpose of funding the preservation and restoration of historic records and under the direction of the Department of Community Development for the purpose of funding an inspectional services vehicle, individually shown as items 1, 2, 5, 6, 7, 8, 9, and 10 in the table on page 32 of the 2010 Fall Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the sum of \$277,360 be raised from Free Cash.

Ms. White spoke to this entire article (Motion A and Motion B).

Mr. Linehan moved, seconded by Mr. Salvi, to suspend the rules for the 3 question limit per speaker for Article 9. ***The motion passed by majority vote.*** A point of order was raised regarding the 10 minute speaking limit and the Moderator informed the members that rule can't be changed by the body and is still effect.

A great deal of discussion ensued regarding this article. Ms. Vabulas moved, seconded by Mr. Chouinard' postponement of this article until October 26. Ms. Foss moved the question. The Moderator was not able to take the motion to question as there were more than three people wanting to speak. ***The motion to postpone Article 9 failed.***

Discussion continued on Article 9. Mr. Goldman moved the question; seconded by Mr. Sidney. The motion to close debate passed by 2/3 vote.

Motion A passed by majority vote.

MOTION B: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$100,000 to be expended under the direction of the Fire department for the purpose of funding a replacement to deputy chief's command vehicle, and under the direction of the Department of Public Works for the purpose of funding a heavy duty pickup-truck, individually shown as items 3 and 4 in the table on page 32 of the 2010 Fall Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$100,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$100,000 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.

Motion B passed by 2/3 vote.

ARTICLE 10: Capital Improvement (Town Administrator)

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

Article 10 - Capital Improvements - 2010 Fall Annual Town Meeting

Item #	Department	Item	Funding Source	Amount
1	Public Schools	Johnson - Replace Boilers	Borrowing	\$ 450,000
2	Public Schools	Memorial - Replace Fire Alarm System	Borrowing	\$ 275,000
3	Public Schools	Johnson - Replace Windows	Borrowing	\$ 200,000
4	Police	Reconfigure Dispatch Center	Borrowing	\$ 150,000
5	DPW	Roadway Improvements - Oak Street	Borrowing	\$2,000,000
6	DPW	Route 27 - Pavement Restoration	Borrowing	\$ 120,000
7	DPW	Rehab/Repair Storage Building at Gravel Pit	Borrowing	\$ 100,000
8	DPW	Rehab Flaring Station at Landfill	Free Cash	\$ 15,500
9	Recreation	Natick Common Electrical Repairs	Free Cash	\$ 18,000
10	Water/Sewer	Replace Ground Water Wells	W/S Debt	\$ 150,000
Total Appropriation under Article 10				\$3,478,500
Funding Sources				
Free Cash				\$ 33,500
Tax Levy Borrowing				\$3,295,000
Water & Sewer Borrowing				\$ 150,000
Total Funding for Appropriations under Article 10				\$3,478,500

Ms. White made a presentation on all items in this article.

Mr. Linehan moved, seconded by Mr. Snow, to suspend the rules for the 3 question limit per speaker for Article 10. **The motion passed by majority vote.**

MOTION A: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$3,295,000 to be expended under the direction of the Natick Public Schools for the purpose of replacing the boilers and windows at the Johnson School and replacing the Fire Alarm System at the Memorial School, under the direction of the Police Department for the purpose of reconfiguring the Dispatch Center, under the direction of the Department of Public Works for the purpose of funding roadway improvements on Oak Street and North Main Street and the rehabilitation of the storage building at the Gravel Pit, individually shown as items 1, 2, 3, 4, 5, 6 and 7 in the table on page 39 of the 2010 Fall Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$3,295,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$3,295,000 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.

Discussion ensued regarding the items included in Motion A.

Motion A passed by 2/3 vote.

MOTION B: (majority vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$33,500 to be expended under the direction of the Department of Public Works for the purpose of rehabilitation of the flaring station at the landfill and under the direction of the Recreation Department for repair of the gazebo and electrical system on Natick Common, individually shown as items 8 and 9 in the table on page 39 of the 2010 Fall Annual Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the sum of \$33,500 be raised from Free Cash.

Motion B passed unanimously.

MOTION C: (two-thirds vote required)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$150,000 to be expended under the direction of the Department of Public Works for the purpose of replacing ground water wells, individually shown as item 10 in the table on page 39 of the 2010 Fall Town Meeting Recommendations of the Natick Finance Committee, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$150,000 under Massachusetts General Laws Chapter 44, Section 8, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$150,000 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.

Motion C passed by 2/3 vote.

Mr. Goldman moved, seconded by Mr. Pierce to adjourn. The motion to adjourn passed by 2/3 vote and the meeting adjourned at 10:18 PM.

A record of the Second Session of
Annual Fall Town Meeting, October 21, 2010

s/Steve Levinsky

Steve Levinsky, Interim Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

October 26, 2010

Third Session

The Third Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:35 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Third Session of 2010 Fall Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Tony Lista, Finance Committee Vice Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

The Moderator explained that the general rules read and accepted at the First Session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

The Moderator informed the meeting that the first order of business would be Articles 29, 7 and then 11 through the end of the warrant.

ARTICLE 29: Amend By-Law: Create Sex Offender By-Law (Board of Selectmen)

To see if the Town will vote to amend the Town of Natick By-Laws by adding provisions which would limit the activities of registered or convicted sex offenders, or otherwise act thereon.

RECOMMENDATION: By a vote of 14-0-0 on September 23, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 29.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Sidney that the Town vote to amend the Town of Natick By Laws by adding a new Article 54, which Article would limit the activities of registered or convicted sex offenders, said Article 54 to read as follows:

ARTICLE 54 – SEX OFFENDERS

Section 1 Definitions

1. “Sex Offender” means a person who resides, works or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or

custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under M.G.L. c. 123A § 14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said c. 123A, whichever last occurs, on or after August 1, 1981.

2. "Classified" means a person who has been finally classified as a Level 2 or Level 3 Sex Offender by the Sex Offender Registry Board or its successor under 803 C.M.R. §§ 1.13 or 1.22-1.23, or their successor provisions as the same may be amended from time to time.
3. "Organized" means any activity including but not limited to summer camp, library reading hour, educational program or sporting event which is developed, overseen and administered by the Town of Natick or a department or agency thereof, the Town of Natick School Department, or other legal entity under agreement with the Town of Natick.
4. "Organized Youth Activity" means any Organized activity involving one or more children under seventeen (17) years of age and which activity is taking place on Property owned by the Town of Natick.
5. "Property" means any building or real property in the Town of Natick which is owned by the Town of Natick and under the control of the Board of Selectmen or a department or agency of the Town of Natick or the Town of Natick School Department.

Section 2 Prohibition

1. It shall be unlawful for a Classified Level 2 or Level 3 Sex Offender to knowingly be within three hundred (300) feet of an Organized Youth Activity.

Section 3 Enforcement

1. The Town of Natick Police Chief and duly sworn Police Officers shall be responsible for the enforcement of this by-law.
2. If a police officer has reasonable suspicion to believe that a Classified Level 2 or Level 3 Sex Offender is within three hundred (300) feet of an Organized Youth Activity as defined in Section 1, in violation of this by-law, the officer shall require said individual to provide his/her name, address, and telephone number. If it is established that the individual is a Classified Level 2 or Level 3 Sex Offender, then the officer shall notify said Sex Offender that he/she is in violation of this by-law and a fine shall be issued pursuant to this by-law.
3. Non-Criminal Fine. A violation of this by-law may be enforced by a police officer by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, § 21D. Each appearance at an Organized Youth Activity shall be deemed to be a separate offense, even if multiple appearances occur on the same day. The penalty for violation of this by-law shall be three hundred dollars (\$300.00).

Section 4 Exceptions

A Sex Offender who has been Classified as a Level 2 or Level 3 Sex Offender will not be in violation of this by-law in the following situations:

- a. The individual is a minor involved in the Organized Youth Activity;
- b. The individual is at his or her place of residence that is within three hundred (300) feet of an Organized Youth Activity;
- c. The individual is at his or her place of employment that is located within three hundred (300) feet of an Organized Youth Activity;
- d. The individual is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility that is located within three hundred (300) feet of an Organized Youth Activity;
- e. The individual is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123 and the facility is located within three hundred (300) feet of an Organized Youth Activity;
- f. The individual is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201 § 6 or a mentally retarded person subject to guardianship pursuant to M.G.L. c. 201 § 6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised twenty-four (24) hours a day and is located within three hundred (300) feet of an Organized Youth Activity;
- g. The individual is the parent of a natural or adopted child which child's participation in the Organized Youth Activity reasonably requires the attendance of the Sex Offender as the child's parent at the Organized Youth Activity but only if the Sex Offender's presence at the Organized Youth Activity occurs only during the hours of activity related to the participation by the child;
- h. The individual is walking, driving or traveling through a three hundred (300) foot zone of an Organized Youth Activity on his/her way from one location to another destination and does not stop or stand within three hundred (300) feet of the Organized Youth Activity.

Mr. Ostroff spoke on this article. Mr. Cavanaugh moved, seconded by Ms. Coughlin, to amend the main motion. Mr. Cavanaugh's amendment is as follows: to strike Subsection 1 in its entirety and renumber Subsection 2 as Subsection 1. In the new subsection 1, after the word "Classified" but before the second quotation mark in Subsection 2, insert the phrase "Level 2 or 3 Sex Offender". In the new subsection 1, after the word "under" and before the number "803", insert the phrase "M.G.L. c. 6 §§ 178C-178P and inclusive". Renumber Subsection 3 as Subsection 2. Renumber Subsection 4 as Subsection 3. Renumber Subsection 5 as Subsection 4. Insert an entirely new Subsection 5 which reads:

“5. Unless otherwise provided herein and as applicable, terms used in this by-law have the same meaning as provided in M.G.L. c. 6 § 178C and 803 C.M.R. 1.03 or their successor provisions as the same may be amended from time to time.”

Under Section 4:

In the first sentence, after the word “A” and before the word “Classified” delete the words “Sex Offender who has been”. Also in the first sentence, after the word “Classified” and before the word “Level” delete the words “as a”.

In subsection b, after the word “residence” and before the word “that”, insert the words “or secondary address”.

There was discussion on the amendment to the main motion.

The amendment to the main motion passed by majority vote.

Mr. Healy moved, seconded by Mr. Friswell to make an amendment to the amended main motion of Article 29. The amendment is as follows: To Amend the Main Motion to Article 29, by inserting in Section 1, sub-section 2, line 4, insert after the words “Town of Natick School Department” “, programs licensed by the Department of Early Education and Care for the Commonwealth of Massachusetts” and before the word “or”. In Section 1, sub-section 3, at the end, delete the period and insert “, or programs licensed by the Department of Early Education and Care for the Commonwealth of Massachusetts.” In Section 1, sub-section 4, at the end, delete the period and insert “, or programs licensed by the Department of Early Education and Care for the Commonwealth of Massachusetts.”

Members of the Natick Family Childcare Association spoke on the amendment. Members who spoke were Karen Disciullo and Ginger Healy, both residents of Natick. Ms. Disciullo and Ms. Healy spoke in support of the amendment. There was extensive debate on this amendment.

The amendment failed.

Mr. Luke, seconded by Mr. Berggren made a motion to refer Article 29 to the Board of Selectmen. Mr. Coburn, seconded by Mr. Sidney made a motion to waive the reading of the motions when a vote is taken. The motion to waive the reading of the motion for this article passed unanimously.

Mr. Golden moved the motion; seconded by Ms. Foss. The motion to close debate passed 2/3 vote. ***The referral motion failed.***

The amended main motion for Article 29 passed by majority vote.

The Moderator reviewed the status of Article 7 which is the next order of business. There is currently a referral motion for the entire article and the divided main motion on the floor. The Moderator informed Town Meeting that the first motion to be discussed is the referral motion which is on the entire amended main motion. The amended main motion is as detailed in the minutes of October 19, 2010.

Mr. Snow moved, seconded by Mr. Levinsky, to withdraw the referral motion for the entire article. The motion to refer was withdrawn.

MOTION 1:

Moved that the Town vote to amend Article 24 of the Town of Natick By-laws as follows: In Section 7 – Employee Benefits, subsection 7.1 – Holidays, add a new paragraph at the end thereof to read as follows: “If the holiday falls on a Saturday, it will be observed on the preceding Friday, and if the holiday falls on a Sunday, it will be observed on the following Monday.”

Motion 1 under Article 7 passed unanimously.

MOTION 2:

Moved that the Town vote to amend Article 24 of the Town of Natick By-laws as follows: Section 7 – Employee Benefits, subsection 7.2.2, delete the subsection in its entirety and replace with the following:

“Vacations shall be granted on an accrual basis, with the pro-rated vacation awarded on the first day of each month, based on the following schedule:

Length of Service	Vacation
0-5 years	3 weeks
5-10 years	4 weeks
10+ years	5 weeks

Provided, however, that the Town Administrator shall have the discretion at the time of hire of new staff to grant vacation up to a maximum of (5) five weeks, based on the new hire’s vacation earnings at his/her most recent position and market conditions affecting the Town’s ability to attract qualified personnel.”

Mr. Levinsky moved, seconded by Mr. Foster, an amendment to Motion 2 as follows:

In the second line of the table beginning with the words “Length of Service,” delete the numbers “5-10” and insert the numbers “6-10.”

In the third line of the table beginning with the words “Length of Service,” delete the numbers “10+” and insert the numbers “11+.”

The table as amended should read as follows:

Length of Service	Vacation
0-5 years	3 weeks
6-10 years	4 weeks
11+ years	5 weeks

There was considerable debate on this motion and the amendment. Ms. Foss, seconded by Mr. Espo, moved the question. The motion to question could not be taken as there were more than 3 people seeking the floor. Mr. Munnich made a motion, seconded by Mr. Linehan, to Strike the table after the word “vacation” in its entirety and in its place, after the word table, insert the following table:

Less than 3 months	0 days
3 months, but less than 12 months	1 day for each month of service in excess of 3 months served
12 months but less than 5 years	10 days
5 years but less than 10 years	15 days
10 years but less than 20 years	20 days
20 years or more	25 days

There was discussion on the amendment. Ms. Shea moved, seconded by Mr. Pierce, to close debate. The motion to question could not be taken as there were more than 3 people seeking the floor. Debate continued on the amendment. Ms. Parritt moved the question. The motion was seconded by Mr. Pierce. The motion to close debate passed by 2/3 vote.

The amendment failed.

The main motion as amended, passed by majority vote.

Dr. Salamoff moved to adjourn the meeting, seconded by Dr. Keefe. The vote to adjourn passed by 2/3 vote and the meeting adjourned at 10:20 PM.

A record of the Third Session of
Annual Fall Town Meeting, October 26, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

October 28, 2010

Fourth Session

The Fourth Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fourth Session of 2010 Fall Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

The Moderator explained that the general rules read and accepted at the first session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

The Moderator informed the meeting that the first order of business would be Article 7, Motion 3. The Moderator made several announcements. Town Meeting will not meet on Tuesday, November 2 because of the State Election or on Thursday, November 11 as it is Veterans Day.

ARTICLE 7, MOTION 3: (Requires majority vote)

Moved that the Town vote to amend Article 24 of the Town of Natick By-laws as follows: In Section 7 – Employee Benefits, subsection 7.2.3, delete the subsection in its entirety and replace with the following:

“Vacation for a new employee shall be pro-rated based on the number of full months worked in his/her first fiscal year of employment, provided however that vacation shall not be taken until after the probation period”

Motion 3, under Article 7 passed by majority vote.

ARTICLE 7, MOTION 4: (Requires majority vote)

Moved that the Town vote to amend Article 24 of the Town of Natick By-laws as follows:

In Section 7 – Employee Benefits, subsection 7.5 – Bereavement Leave, delete the subsection in its entirety, and replace with the following: “In the event of death of a member of an employee’s family (as defined below), the employee will be permitted to be absent without loss of pay based at the employee’s straight time hourly rate of pay, as follows:

- a. For the employee's parents, children, spouse or co-habiting significant other – five (5) days
- b. For the employee's siblings, grandparents, grandchildren, aunts, uncles, parents-in-law and siblings-in-law three (3) days.”

Mr. Levinsky, moved seconded by Mr. Foster the following amendment to Motion 4: In section a of Motion 4, insert the word “siblings,” between the words “parents” and “children.”

In section b of Motion 4, delete the word “siblings,” between the words “employee's” “grandparents.”

The amendment passed by majority vote.

Debate continued on the amended main motion. Mr. Maguire moved, seconded by Mr. Snow, to strike the words “co-habiting significant others” from section 4 or Article 7. ***The amendment failed.***

Mr. Culkin moved, seconded by Mr. Sidney to strike the phrase “co-habiting significant others” and insert in its place “or anyone with whom the employee resides on a permanent basis.” ***The amendment failed.***

Discussion continued on the amended main motion. Ms. McKenzie moved, seconded by Mr. Maguire, to insert after the phrase “the employee will be permitted to be absent” the phrase “for the said purpose for planning and attending the funeral”. Motion to question, moved by Mr. Jennett, seconded by Mr. Pierce. Motion to close debate passed by a 2/3 vote. ***The amendment failed.***

The amended main motion, Motion 4, under Article 7 passed by majority vote.

ARTICLE 7, MOTION 5: (Requires majority vote)

Moved that the Town vote to amend Article 24 of the Town of Natick By-laws as follows:

In Section 3 – Classification, subsection 3.2, add a new sentence at the end thereof to read as follows: “Provided however that the Town Administrator, pursuant to the Employee Evaluation procedure described in Section 9 and subject to available funds, may award a bonus to those employees whose work exceeds expectations; said bonus shall not be added to base pay. All such bonuses shall be reported publicly to the Personnel Board at their next regularly scheduled meeting. Any bonus for personnel appointed by the Board of Selectmen shall be subject to their approval.”

Mr. Levinsky, moved seconded by Mr. Foster to delete the first occurrence of the word “bonus” and insert the words “single instance payment.” Also, delete all subsequent occurrences of the words “bonus” or “bonuses” and insert the word “payments.” Finally, in the last sentence after the word “Any”, insert the word “such”.

The amendment prevailed by majority vote.

Debate on the amended main motion continued. Mr. Munnich moved, seconded by Ms. Brown that the subject matter of Motion 5 be referred back to the Town Administrator and the Personnel Board. Mr. Volpe moved the question; seconded by Ms. Parritt. Motion to close

debate passed by 2/3 vote. ***The referral motion failed.***

Debate continued on the main motion. Ms. Foss moved the question; seconded by Mr. Volpe. Motion to close debate passed by 2/3 vote.

The amended main motion, Motion 5 under Article 7 passed by majority vote.

ARTICLE 11: Acquisition of Land Adjacent to Fire Station #4 (Town Administrator)

To see if the Town will vote to raise and appropriate or otherwise provide, a sum of money for the purpose of purchasing from the Commonwealth of Massachusetts a parcel of land of approximately 29,011 square feet, said parcel being shown on Assessors' Map 25 as Parcel 251A, including costs associated with preparation of deeds and plans, or take other action relative thereto.

RECOMMENDATION: By a vote of 14-0-0 on September 23, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 11, funding the amount of \$20,000 from Free Cash.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$20,000 for the purpose of purchasing from the Commonwealth of Massachusetts a parcel of land of approximately 29,011 square feet, said parcel being shown on Assessors' Map 25 as Parcel 251A, including costs associated with preparation of deeds and plans, and that to meet this appropriation the sum of \$20,000 be raised from Free Cash.

Ms. White spoke to the subject matter of this article. Mr. Culkin moved, seconded by Mr. Forshner that Town Meeting refer the subject matter of Article 11 to the Town Administrator and the Fire Chief. And further that, independent of any outcome from this referral motion, the Town proceed with the environmental assessment for the parcel in question, funding for which (\$25,000 as noted in the Finance committee Recommendation books) has been set aside as recommended by the West Natick Fire Station Study Committee. And that the administration report on the status of the matter to the Spring 2011 Town Meeting.

The referral motion failed.

The main motion for Article 11 passed by 2/3 vote.

Mr. Goldman moved, seconded by Mr. Sidney, adjournment until Thursday, November 4, 2010. Motion passed by 2/3 vote.

A record of the Fourth Session of
Annual Fall Town Meeting, October 28, 2010

s/Diane Packer

Diane Packer, Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

November 4, 2010

Fifth Session

The Fifth Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Fifth Session of 2010 Fall Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

The Moderator explained that the general rules read and accepted at the first session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

Mr. Foss made several announcements. He then informed the meeting that the first order of business would be Article 12.

Mr. Coburn moved, seconded by Mr. Goldman reconsideration of Article 1. Mr. Coburn explained that several of the School Department unions have reached agreement or tentative contract agreements since Article 1 was taken up by Town Meeting. Reopening Article 1 would be only to allow Town Meeting to consider funding the contract obligations for the School Department which would be taken up under this article. The Moderator told Mr. Coburn that he must provide the Town Clerk written documentation to expand on the reconsideration motion by noon on Friday (November 5). The Moderator will take this issue up and make a ruling on reconsideration at the next meeting.

Mr. Levinsky moved, seconded by Mr. Goldman, reconsideration of Article 5. Mr. Levinsky explained that four of the Town unions have reached agreement or tentative contract agreements. He is moving reconsideration of Article 5 to ask Town Meeting to consider funding these contracts. The Moderator asked that Mr. Levinsky provide the Town Clerk written documentation to expand on the reconsideration motion by noon on Friday (November 5). The Moderator will take this issue up and make a ruling on reconsideration at the next meeting.

ARTICLE 12: 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.

RECOMMENDATION: By a vote of 13-0-0 on September 14, 2010, the Finance Committee recommends no action with regard to the subject matter of Article 12.

MOTION: No action

The motion to take no action under Article 12 passed unanimously.

ARTICLE 13: Natick 360: Progress Report (Town Administrator)

To see if the Town will hear a report from the Town and/or sponsoring boards and committees on progress with respect to the Natick 360 Strategic Plan, or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 16, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 13.

MOTION: (Requires majority vote)

Mr. Freedman moved, seconded by Mr. Jennett that the Town hear progress reports with respect to the Natick 360 Strategic Plan.

Ms. Collins moved, seconded by Mr. Coburn not to hear reports of the Natick 360. There was discussion on this issue.

The main motion under Article 13 passed by majority vote.

Reports were given by Mr. Ostroff on behalf of the Board of Selectmen and by Ms. Evans on behalf of the Planning Board.

**ARTICLE 14: Home Rule Petition Regarding Duration of Contract with Police Chief
(Town Administrator)**

RECOMMENDATION: By a vote of 10-3-0 on September 14, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 14.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation which, notwithstanding the provisions of Chapter 41, Section 97A of the Massachusetts General Laws, or any general or special law to the contrary, would authorize the Board of Selectmen to enter into an employment contract with the Chief of Police for a term not to exceed five (5) years, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

Mr. Ostroff spoke to this issue. He said that this would not affect the length of the contract for the Police Chief that they are currently trying to hire as this process takes time and it would not be resolved prior to hiring a new chief.

The main motion under Article 14 passed by a majority vote.

ARTICLE 15: Home Rule Petition Regarding Disposition of Former East School

(Town Administrator)

- (1) to see if the Town will vote: to authorize the Board of Selectmen to petition the General Court to enact legislation which, notwithstanding the provisions of Chapter 40, Section 3 of the Massachusetts General Laws, or any general or special law to the contrary, would authorize the Board of Selectmen to issue a Request for Proposals to lease for a term not to exceed ninety-nine (99) years (including any extension or renewal terms) the property at 84 Oak Street in Natick, MA, which is now or formerly the site of the East School, and which would authorize the Board of Selectmen to enter into a lease for said property for a term not to exceed ninety-nine (99) years (including any extension or renewal terms), provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and further,
- (2) authorize the Board of Selectmen to issue a Request for Proposals offering the property at 84 Oak Street for both sale and lease (such lease to be for a term not to exceed ninety-nine (99) years, including any extension or renewal terms) with said RFP providing an adequate mechanism for comparing the sale and lease options, provided that the terms of any lease or sale must be approved by a subsequent Town Meeting, and further
- (3) to appropriate the sum of \$25,000 from available funds, said funds to be spent under the jurisdiction of the Board of Selectmen for the preparation of reports and analysis, which may include but would not be limited to appraisal services, environmental assessment, asbestos and lead paint testing and analysis, analysis of building systems and development of associated capital improvement program, advertisements and other costs necessary to effectively market the building.

Or take other action relative thereto.

RECOMMENDATION: By a vote of 12-0-0 on September 30, 2010, the Finance Committee recommends favorable action for the appropriation of \$25,000 from Free Cash with regard to the subject matter of Article 15.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett to see if the Town will vote:

- (1) to authorize the Board of Selectmen to petition the General Court to enact legislation which, notwithstanding the provisions of Chapter 40, Section 3 of the Massachusetts General Laws, or any general or special law to the contrary, would authorize the Board of Selectmen to issue a Request for Proposals to lease for a term not to exceed ninety-nine (99) years (including any extension or renewal terms) the property at 84 Oak Street in Natick, MA, which is now or formerly the site of the East School, and which would authorize the Board of Selectmen to enter into a lease for said property for a term not to exceed ninety nine (99) years (including any extension or renewal terms), provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and further,
- (2) to authorize the Board of Selectmen to issue a Request for Proposals offering the property at 84 Oak Street for both sale and lease (such lease to be for a term not to exceed ninety-nine (99) years, including any extension or renewal terms) with said RFP

providing an adequate mechanism for comparing the sale and lease options, provided that the terms of any lease or sale must be approved by a subsequent Town Meeting; and further

- (3) to appropriate the sum of \$25,000 from free cash, said funds to be spent under the jurisdiction of the Board of Selectmen for the preparation of reports and analysis, which may include but would not be limited to appraisal services, environmental assessment, asbestos and lead paint testing and analysis, analysis of building systems and development of associated capital improvement program, advertisements and other costs necessary to effectively market the building.

Ms. White spoke to this article.

The main motion under Article 15 passed unanimously.

ARTICLE 16: Home Rule Petition: Beer & Wine Licenses (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation which would reduce the minimum seating requirement for a restaurant to be granted a license for the sale of wines and malt beverages and would increase the number of such licenses which may be in effect at any one time for such a restaurant within the total number of licenses which the Town of Natick may grant under Chapter 138 of the Massachusetts General Laws, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition;

Or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 28, 2010, the Finance Committee recommends referral to the sponsor with regard to the subject matter of Article 16.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 16 to the Sponsor.

The referral motion of Article 16 passed unanimously.

ARTICLE 17: Home Rule Petition: Removal of Building Inspector Position from Civil Service (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT EXEMPTING THE POSITION OF INSPECTOR OF BUILDINGS, ALSO KNOWN AS THE BUILDING COMMISSIONER, OF THE TOWN OF NATICK FROM THE PROVISIONS OF CIVIL SERVICE LAWS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by

the authority of the same, as follows:

SECTION 1. Chapter 19 of the Acts and Resolves of 1936 is hereby repealed.

SECTION 2. The position of Inspector of Buildings, also known as Building Commissioner, in the town of Natick shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 3. The provisions of Section 1 and Section 2 of this act shall not impair the civil service status of the person holding the position of Inspector of Buildings, also known as Building Commissioner, in the town of Natick on the effective date of this act.

SECTION 4. This act shall take effect upon its passage.
or otherwise act thereon.

RECOMMENDATION: By a vote of 8-3-0 on September 30, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 17.

MOTION: (Requires majority vote)

Move that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT EXEMPTING THE POSITION OF INSPECTOR OF BUILDINGS, ALSO KNOWN AS THE BUILDING COMMISSIONER, OF THE TOWN OF NATICK FROM THE PROVISIONS OF CIVIL SERVICE LAWS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 19 of the Acts and Resolves of 1936 is hereby repealed.

SECTION 2. The position of Inspector of Buildings, also known as Building Commissioner, in the town of Natick shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 3. The provisions of Section 1 and Section 2 of this act shall not impair the civil service status of the person holding the position of Inspector of Buildings, also known as Building Commissioner, in the town of Natick on the effective date of this act.

SECTION 4. This act shall take effect upon its passage.

Mr. Forshner moved, seconded by Ms. Brown to insert the words "Including any and all local inspectors after the words Building Commissioner and add a section 5 which would read: The passage of this act exempts the Town of Natick from the provisions of M.G.L. 31 only. All powers, duties, responsibilities and qualifications as specified or implied by the promulgation of any general or special law or regulation will remain applicable to the office of the building inspector, or building commissioner, as well as any and all local inspectors. The Building Commissioner along with any and all local inspectors, will remain, subject to the review, by the Commissioner of the Department of Public Safety, of any action or refusal or failure of action, the result of which does not comply with the uniform implementation of the state building code.

The Town Administrator will have the authority to terminate the employment of the building

inspector, or building commissioner, or any local inspector, by first notifying the inspector or commissioner in writing. The inspector or commissioner may request a hearing within thirty days of said notice. The hearing will be held in executive session with a chairman of the Board of Selectman, fire chief and a building inspector selected and invited by the recipient of the termination notice, from any bordering town or towns. The majority vote, of the three invited officials, will represent due cause for the termination of employment. A majority vote in support of the inspector will stay the termination notice. By requesting the hearing, the inspector or commissioner agrees to accept the vote of the invited officials as final.

Mr. Forshner spoke to this amendment. There was discussion on the amendment to this article.

Mr. Munnich moved, seconded by Mr. Linehan referral of the article and the amendment to the Board of Selectman, Planning Board and the Zoning Board of Appeals.

There was considerable debate on the referral motion. Mr. Luke moved the question, seconded by Mr. Goldman. The motion to close debate failed. Discussion continued on the referral motion. Mr. Jennett moved the question; seconded by Mr. Freedman. Motion to move the question passed by 2/3 vote.

The referral motion passed by majority vote.

ARTICLE 18: Amend Composition & Charge of High School Building Committee (Superintendent of Schools)

To amend Article 15 of the 2001 Fall Annual Town Meeting in order to see what action Town Meeting may take to amend the composition and charge of the High School Building Committee, including but not limited to ensuring compliance with the requirements of the Massachusetts School Building Authority, related statutes or regulations; or otherwise act thereon.

RECOMMENDATION: By a vote of 15-0-0 on September 23, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 18.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 15 of the 2001 Fall Annual Town Meeting as follows:

- 1) Strike all occurrences of the word “renovated” and in its place put “new”;
- 2) Strike the word “nine” in the last line of the main paragraph and in its place insert the word “ten”
- 3) Strike the word “Five” in the last line of the list of committee membership and in its place insert the word “Six”, so that the last line reads as follows: “Six members of the School Committee”

Mr. Hurley spoke to this motion. Mr. Coburn moved, seconded by Ms. Adelman Foster the following amendment: 4) After the last occurrence of the word “fields”, add the following sentence: “The committee will also include as full voting members any persons occupying elected or appointed positions whose participation in such a committee is specified by any school financing agency duly empowered by the Commonwealth of Massachusetts to regulate state reimbursements for school construction.”

Mr. Coburn spoke to the amendment to the main motion. ***The amendment passed by majority vote.***

The amended main motion under Article 18 passed by majority vote.

ARTICLE 19: Amend By-Laws Article 40: Town Reports and Records (Planning Board)

To see if the Town will vote to amend Article 40, Section 6 of the Town By-Laws to modify the deadline for distribution of Planning Board reports on warrant article recommendations to Town Meeting members, or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 19, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 19.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend the first sentence of Section 6 of Article 40 (Town Reports and Records) of the Town By-Laws as follows:

1. Replace “ten (10)” with “seven (7)”
2. After the phrase “in advance of a Town Meeting” insert the phrase “, except where compliance with this provision would defeat the purpose of a Special Town Meeting”.

Ms. Evans spoke to this article.

The main motion under Article 19 passed by majority vote.

ARTICLE 20: Amend By-Law Article 41 – Advance Actions by Town Boards on Town Meeting Warrant Articles (Paul E. Connolly, et al)

To see if the Town will vote to amend Article 41 of the Town of Natick By-Laws in order to regulate advance actions by Town boards on Town Meeting warrant articles, such actions to include, but not be limited to, preparation of agendas, publication of notices by electronic means, gathering of relevant information from the public, and voting a recommendation to Town Meeting.

RECOMMENDATION: By a vote of 11-0-0 on September 28, 2010, the Finance Committee recommends referral to the sponsor with regard to the subject matter of Article 20.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 20 to the Sponsor listed as Paul E. Connolly, et al.

Mr. Connolly moved, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 20 to the sponsors and the Information Systems Advisory Board to assess (1) the degree of compliance with the new Town policy to post on the Town website notices and agendas of meetings as required by the Open Meeting Law; (2) the feasibility of enabling a method of remote access to perform such postings by boards and committees without assigning Town employee support; and (3) the implementation of notification to subscribers of such

postings for other boards and committees in the manner that is now provided for the Board of Selectmen and the School Committee.

There was considerable discussion regarding the referral motion. Mr. Ross moved, seconded by Ms. Strauss to amend the referral motion to read “refer the matter to the Sponsors and the Information Systems Advisory Board.”

The amended referral motion passed unanimously.

ARTICLE 21: Amend By-Laws Article 60: Fire Regulations (Town Administrator)

To see if the Town will vote to amend Article 60 of the Town of Natick By Laws as follows:

1. Within Section 1, by renumbering subparagraphs “3” and “4” as subparagraphs “1” and “2”.

Or otherwise act thereon

RECOMMENDATION: By a vote of 11-0-0 on September 21, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 21.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 60 of the Town of Natick By-Laws by renumbering subparagraphs “3” and “4” within Section 1 as subparagraphs “1” and “2”.

The main motion under Article 21 passed unanimously.

ARTICLE 22: Amend By-Laws Article 74: Junk Dealers (Town Administrator)

To see if the Town will vote to amend Article 74 of the Town of Natick By Laws as follows:

1. By titling Section 1 “Licensing”.
2. In Section 1, by inserting a period after the phrase “second-hand articles”
3. In Section 1, by deleting the word “and” and capitalizing the “n” in the word “no”
4. In Section 1, by inserting a 2nd paragraph to read as follows: “A copy of this by-law will be provided to each licensee at the time of licensing or renewal.”
5. In Section 1, by inserting a 3rd paragraph to read as follows: “After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.”
6. By titling Section 2 “Inflammable Materials”
7. By titling Section 3 “Requirements of Licensees”
8. In Section 3, in the second paragraph thereof, by deleting the word “ten” and replacing it with the phrase “thirty (30)”
9. In Section 3, by deleting the 3rd, 4th and 5th paragraphs in their entirety.
10. By adding a new Section 4 to be entitled “Fines”, said Section 4 to read as follows:
“Operating as a dealer in or keeper of a shop for the purchase, sale, and/or barter of junk, old metal and second-hand articles without this license shall be punishable by a fine as established by Massachusetts General Law Chapter 140, Section 55.

Violations of the provisions of Section 2 or Section 3 of this by-law shall be punishable by a fine of one hundred (\$100.00), and each transaction in violation shall constitute a separate offense.”

Such that the resulting Article 74 of the By-Laws shall read as follows:

ARTICLE 74
JUNK DEALERS

Section 1 Licensing

The Selectmen shall license suitable persons to be dealers in and keepers of shops for the purchase, sale, and barter of junk, old metal and second-hand articles. No person shall be a dealer in or keeper of such a shop without a license.

A copy of this by-law will be provided to each licensee at the time of licensing or renewal.

After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.

Section 2 Inflammable Materials

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper, stock or other inflammable material without a written license therefor from the Selectmen.

Section 3 Requirements of Licensees

Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the Town, shall keep a record in the form prescribed by the police department, on which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made. No article shall be accepted without a showing of positive photo identification by the person offering the article for sale to the shop keeper. The shop keeper's record shall at all times be open to the inspection of the Selectmen, members of the police department and any other person authorized by the Board of Selectmen to make such inspection.

A copy of the weekly record shall be forwarded to the police department operations division at the end of each week, and any article taken into possession by the shop keeper shall be held on premises for thirty (30) days before resale.

Section 4 Fines

Operating as a dealer in or keeper of a shop for the purchase, sale, and/or barter of junk, old metal and second-hand articles without this license shall be punishable by a fine as established by Massachusetts General Law Chapter 140, Section 55.

Violations of the provisions of Section 2 or Section 3 of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.

Or take other action relative thereto.

RECOMMENDATION: By a vote of 12-0-0 on September 21, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 22.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 74 of the Town of Natick By-Laws as follows:

1. By titling Section 1 “Licensing”.
2. In Section 1, by inserting a period after the phrase “second-hand articles”
3. In Section 1, by deleting the word “and” and capitalizing the “n” in the word “no”
4. In Section 1, by inserting a 2nd paragraph to read as follows: “A copy of this by law will be provided to each licensee at the time of licensing or renewal.”
5. In Section 1, by inserting a 3rd paragraph to read as follows:
“After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.”
6. By titling Section 2 “Inflammable Materials”
7. By titling Section 3 “Requirements of Licensees”
8. In Section 3, in the second paragraph thereof, by deleting the word “ten” and replacing it with the phrase “thirty (30)”
9. In Section 3, by deleting the 3rd, 4th and 5th paragraphs in their entirety.
10. By adding a new Section 4 to be entitled “Fines”, said Section 4 to read as follows:
“Operating as a dealer in or keeper of a shop for the purchase, sale, and/or barter of junk, old metal and second-hand articles without this license shall be punishable by a fine as established by Massachusetts General Laws Chapter 140, Section 55. Violations of the provisions of Section 2 or Section 3 of this bylaw shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.”

Such that the resulting Article 74 of the By-Laws shall read as follows:

ARTICLE 74
JUNK DEALERS

Section 1 Licensing

The Selectmen shall license suitable persons to be dealers in and keepers of shops for the purchase, sale, and barter of junk, old metal and second-hand articles. No person shall be a dealer in or keeper of such a shop without a license.

A copy of this by-law will be provided to each licensee at the time of licensing or renewal.

After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.

Section 2 Inflammable Materials

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper, stock or other inflammable material without a written license therefor from the Selectmen.

Section 3 Requirements of Licensees

Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the Town, shall keep a record in the form prescribed by the police department, on which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made. No article shall be accepted without a showing of positive photo identification by the person offering the article for sale to the shop keeper. The shop keeper's record shall at all times be open to the inspection of the Selectmen, members of the police department and any other person authorized by the Board of Selectmen to make such inspection.

A copy of the weekly record shall be forwarded to the police department operations division at the end of each week, and any article taken into possession by the shop keeper shall be held on premises for thirty (30) days before resale.

Section 4 Fines

Operating as a dealer in or keeper of a shop for the purchase, sale, and/or barter of junk, old metal and second-hand articles without this license shall be punishable by a fine as established by Massachusetts General Laws Chapter 140, Section 55.

Violations of the provisions of Section 2 or Section 3 of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.

Ms. White spoke to this article.

The main motion under Article 22 passed by majority vote.

Mr. Sidney moved adjournment, seconded by Ms. Collins. The motion to adjourn passed by a 2/3 vote. The meeting adjourned at 10:05 PM.

A record of the Fifth Session of
Annual Fall Town Meeting, November 4, 2010

s/Diane Packer
Diane Packer, Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

November 9, 2010

Sixth Session

The Sixth Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Sixth Session of 2010 Fall Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectman.

The Moderator explained that the general rules read and accepted at the first session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

The Moderator made several announcements. He then informed the meeting that the first order of business would be Article 23. The Moderator ruled that there are compelling reasons to take up reconsideration of Articles 1 and 5 and that Town Meeting will do so on November 16. He announced that the Finance Committee will take up these articles at a meeting on November 16 at 6 PM in the music room at Wilson Middle School. In addition, the Moderator has requested that the School Department and the Town Administration put as much information as possible, even if it is in draft form, on the Town's website prior to the November 16 meeting.

ARTICLE 23: Amend Town By-Laws Article 72: Building Fees (Larry Forshner, et al)

Add second paragraph to Article 72 Section 3 of the By-Laws, Town of Natick By-laws
Article 72 Building Regulations

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectman and the Building Commissioner after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

At the completion of any new construction or renovations to property or structures in which the Town of Natick is the deed holder, the department or committee responsible for the

management of said property may petition the Board of Selectmen to request abatement form all or a portion of the required fees.

RECOMMENDATION: By a vote of 11-0-0 on September 16, 2010, the Finance Committee recommends referral to the sponsor with regard to the subject matter of Article 23.

MOTION: (Requires majority vote)

Moved by Mr. Forshner, seconded by Mr. Linehan that the Town vote to amend Town By-Laws Article 72, as follows:

In Section 3 of Article 72 of the Town of Natick By-Laws after the word “Building” delete the word “Inspector” and replace it with the word “Commissioner.” Add a second paragraph to read:

Requests for waiver of fees maybe requested for any new construction or renovations to property or structures in which the Town of Natick is the deed holder, by the department or committee responsible for the management of said property, by petitioning the Board of Selectman, prior to requesting the funds, and prior to any public advertising or request for proposals.

Mr. Sidney, moved, seconded by Mr. Freedman, referral to the Sponsor. Mr. Munnich moved seconded by Mr. Foster, an amendment to the referral motion to add the Board of Selectman. The motion would then be referral to the sponsor and the Board of Selectmen.

The amendment to the referral motion passed by majority vote.

The amended referral motion under Article 23 passed by majority vote.

ARTICLE 24: Amend Town By-Laws Article 72 –Fences (Craig R. Oliver, et al)

The undersigned submits this “Citizens Petition” as a request to amend *Article 72, Section 4* of the Natick Town By-Laws regarding *Fences* and hereby request for good cause as shown in this petition that the town meeting representatives make the change requested herein.

A. Action Requested:

Amend Article 72, Section 4

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to an abutter’s side of the fence for maintenance and repairs.

~~Unless written permission is secured from the abutters to erect fence on property lines, The fence must be erected within the at least one (1) foot in from boundary lines.~~

B. Statement of grounds:

The petitioners seek to amend the Natick Fence By-Law to conform with the standards and practices of its neighboring communities and those of broader Massachusetts. As part of the process, approximately 25 of Natick’s nearest neighboring communities were surveyed in July/

August 2010, and none were found to have a town bylaw that mandates a lot-line setback. The list of surveyed communities include: Wellesley, Needham, Dover, Sherborn, Wayland, Weston, Framingham, Southboro, Newton, Brookline, Westwood, Dedham, Milton, Braintree, Canton, Ashland, Holliston, Medfield, Walpole, Norwood, Millis, Acton, Sudbury, Maynard, Winchester, Belmont, and Arlington

Furthermore, the indirect implication of Natick's existing bylaw effectively isolates a portion of your property to the other side of your fence, potentially creating unintended legal, use, and safety consequences for property owners that wish to install fences by, among other factors, causing your property to be out-of-sight.

Having the proposed language state that it is "within the boundary lines", rather than on (or one foot back) enables property owners to have their own fences, without a large gap between each fence.

C. Environmental impact:

There is no known negative environmental impact from this petition or change to Article 72, Section 4.

D. Economic impact:

There is no known negative economic impact from this petition or change to Article 72, Section 4. If the amendment does occur, existing fences would still comply with the proposed by-law and would not require any existing property owners to move or remove an existing fence.

E. Certification:

The undersigned certifies, that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes any and all representative data and information known to the petitioners.

The undersigned also submits this petition to see if the town will vote to amend Article 72, Section 4 Fences of the Town of Natick By-laws, for the purpose of modifying requirements relative to the erection of fences in relation to property or boundary lines, or otherwise act thereon.

RECOMMENDATION: By a vote of 12-3-0 on September 23, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 24.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Article 72 of the Town of Natick By-Laws, specifically Section 4 thereof, by deleting the second paragraph in its entirety and replacing it with the following:

"The fence must be erected within the boundary lines."

Mr. Oliver spoke on this article.

Mr. Munnich moved, seconded by Mr. Linehan referral to the Planning Board.

The referral motion under Article 24 passed by majority vote.

ARTICLE 25: Amend By-Laws Article 79: Construction Hours (Planning Board)

To see if the Town will vote to amend the Town By-Laws to set hours for construction activity, or otherwise act thereon.

RECOMMENDATION: After voting on 3 different member motions on September 16, 2010, the Finance Committee has no recommendation with regard to the subject of Article 25.

MOTION: (Requires majority vote)

Moved by Ms. Evans, seconded by Mr. Foster that the Town vote to amend the Natick By-laws by adding a new section to Article 50 (Police Regulations), to read as follows:

“Section 24 Construction Hours

No construction activity shall be conducted in the Town of Natick on Monday through Friday other than between the hours of 7:00 A.M. through 6:00 P.M. No construction activity shall be conducted in the Town of Natick on a Saturday other than between the hours of 8:00 A.M. through 4:00 P.M. No construction activity shall be conducted in the Town of Natick on a Sunday or public holiday other than between the hours of 12:00 P.M. through 4:00 P.M.

Construction activity may be conducted outside of the foregoing times only if the Planning Board, after consideration of a request therefor at a public meeting, makes a determination that compelling circumstances exist to justify such a request.

In this context ‘construction activity’ means any activity for which a building permit is required.

Notwithstanding any other provision of this section, construction activity may be permitted outside of the foregoing times where required by emergency conditions as determined by the Building Commissioner or, in the Building Commissioner’s absence, by the Chief of Police or the designee of the Chief of Police.

Notwithstanding the foregoing, nothing in this section shall limit the authority of a Special Permit Granting Authority to set or limit construction hours as part of a special permit.”

Ms. Evans spoke to this article as the chair of the Planning Board. Ms. Williamson Ostroff moved, seconded by Mr. Sidney, to amend the main motion by inserting the words “and a Sunday” in the fourth line after the word “Saturday”; and deleting the words “Sunday” in the fifth line.

Mr. Coburn rose to amend the amendment. However, the Moderator ruled it out of order as it was an amendment to the main motion not to the amendment.

Mr. Jennett moved, seconded by Mr. Luke referral of the amendment and the main motion to the Planning Board. Mr. Volpe moved the question, seconded by Mr. Pierce. The motion to move the question and stop debate passed by 2/3 vote. A vote was taken and it was necessary to count the vote. The result of the count was 54 in favor of referral and 45 against.

The vote to refer Article 25 to the Planning Board passed by majority vote.

Article 26: Street Acceptance: Main Street (Town Administrator)

To see if the Town will vote to accept Main Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Main Street, and any appurtenant drainage, utility or other easements related to said Main Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION: By a vote of 10-1-1 on September 21, 2010, the Finance Committee recommends referral to the Town Administrator with regard to the subject matter of Article 26.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 26 to the Town Administrator.

The referral motion under Article 26 passed by unanimously.

ARTICLE 27: Street Acceptance – Portion of North Main Street (Town Administrator)

To see if the Town will vote to accept a portion of North Main Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of North Main Street, and any appurtenant drainage, utility or other easements related to said North Main Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

Or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-1 on September 21, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 27.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to accept a portion of North Main Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of North Main Street, and any appurtenant drainage, utility or other easements

related to said North Main Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.
Ms. White spoke to this article.

The main motion under Article 27 passed by unanimously.

ARTICLE 28: Street Acceptance – East Central (portion); West Central (portion) Route 135 (Town Administrator)

To see if the Town will vote to accept as a public way of the Town of Natick that portion of Route 135 (East Central Street) between the Natick/Wellesley town line and Union Street (station 59+94.55), and that portion of Route 135 (West Central Street) between Cemetery Street (station 109+24.00) and the Natick/Framingham town line, in accordance with the vote of the 1996 Natick Fall Annual Town Meeting under Article 19, or otherwise act thereon.

RECOMMENDATION: By a vote of 14-0-0 on September 23, 2010, the Finance Committee recommends no action with regard to the subject matter of Article 28.

MOTION:

Mr. Freedman moved, seconded by Mr. Jennett that no action be taken.

The motion to take no action under Article 28 passed unanimously.

ARTICLE 30: Amend Zoning By-Laws: Off-Street Parking and Loading Requirements (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws to provide for payment of parking mitigation funds to an offsite parking construction and acquisition fund, or otherwise act thereon.

RECOMMENDATION: By a vote of 11-0-0 on September 16, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 30.

MOTION: (Requires two-thirds vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to amend Section V-D.3 (Off-Street Parking and Loading Requirements) of the Natick Zoning Bylaws by inserting the following after section V-D.3.r):

“s) Payments received under the provisions of Section V-D.3.r) of this By-Law shall be maintained in an offsite parking construction and acquisition fund from which monies may be expended under the direction of the Board of Selectmen for the sole purposes of new public parking construction and acquisition in the Downtown Mixed Use and/or any HOOP Districts.”

Mr. Foster spoke to this article.

The main motion under Article 30 passed by 2/3 vote.

ARTICLE 31: Funding for Crossing Guard Positions (Michael Walz, et al)

To see what sum of money the Town will vote to appropriate and raise or otherwise provide for the purpose of funding necessary crossing guard positions for the 2010-2011 school year.

RECOMMENDATION: By a vote of 10-0-0 on September 23, 2010, the Finance Committee recommends referral to the Sponsor with regard to the subject matter of Article 31.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 31 to the Sponsor.

Mr. Margil, seconded by Mr. Brown moved to postpone consideration of this article to after reconsideration of Article 1 on November 16.

The motion to postpone Article 31 until after reconsideration of Article 1 on November 16 passed by 2/3 vote.

Mr. Sidney moved, seconded by Ms. Collins to adjourn until Tuesday, November 16. The motion to adjourn did not pass.

ARTICLE 32: Consolidate School & Town Administrative Functions, Including but not Limited to Financial, Personnel, and Maintenance Functions (Patrick Hayes, et al)

To see if the Town will vote to accept M.G.L. c.71 §37M relative to the consolidation of the financial, personnel, IT and maintenance functions of the School Committee with those of the Town; or act on anything relative thereto.

This article authorizes the creation (but does not require implementation) of a consolidated administrative and facilities maintenance function between the Town and the Natick Public Schools (NPS) Committee. This State statute permits such consolidation if it is accepted by a vote of the Town Meeting and a vote of the School Committee.

At this time, no funding is being requested to create new departments or to hire any additional professionals to manage combined departments, but acceptance of this statute allows for the planning of such actions to occur.

RECOMMENDATION: By a vote of 10-1-0 on September 28, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 32.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to accept the provisions of M.G.L. c.71 §37M to allow consolidation of administrative functions, including but not limited to financial, IT, personnel, facilities and maintenance functions, of the School Committee with those of the Town.

Mr. Hayes gave a presentation on this article. Mr. Haugland moved, seconded by Ms. Adelman Foster referral of Article 32 to the Sponsor, Board of Selectmen and the School Committee. Discussion on this article continued. Mr. Volpe moved, seconded by Mr. Goldman to close

debate on this article. ***The motion to close debate passed by a 2/3 vote.***

The first motion before Town Meeting was the referral motion. ***The motion to refer Article 32 to the sponsor, Board of Selectman and School Committee failed.***

The main motion under Article 32 passed by majority vote.

Mr. Sidney moved, seconded by Mr. Culkin adjournment. Motion to adjourn passed by 2/3 vote. Meeting adjourned until November 16 at 10:10 PM.

A record of the Sixth Session of
Annual Fall Town Meeting, November 9, 2010

s/Diane Packer
Diane Packer, Town Clerk

2010 FALL ANNUAL TOWN MEETING

Wilson Middle School

Marshall Lebowitz Town Meeting Hall

November 16, 2010

Seventh Session

The Seventh Session of the 2010 Fall Annual Town Meeting was called to order by Moderator, Frank W. Foss at 7:40 pm who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the Seventh Session of 2010 Fall Annual Town Meeting. At this time the Moderator asked that all newly elected or appointed members of Town Meeting stand to be sworn in. There were none. The hall stood for the Pledge of Allegiance followed by 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 stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Richard Jennett, Finance Committee Chair; Jonathan Freedman, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectmen.

The Moderator explained that the general rules read and accepted at the first session of Town Meeting are still in effect. Mr. Foss reminded members that 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 motion to waive the reading of articles and motions still stands.

The Moderator explained that Town Meeting would first take up reconsideration of Article 1 and then Article 31 followed by reconsideration of Article 5 and then the remainder of the articles on the warrant.

RECONSIDERATION OF ARTICLE 1

The motion to reconsider Article 1 had been made by Mr. Coburn and seconded by Mr. Goldman. ***The motion to reconsider Article 1 passed by 2/3 vote.***

The Moderator explained that all the votes previously taken under Article 1 are void and must be re-voted.

Article 1: Omnibus Budget (Town Administrator)

To determine what sum or sums of money the Town will raise and appropriate, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, and to provide for a reserve fund for Fiscal Year 2011 (July 1, 2010 to June 30, 2011), and to see what budgets for Fiscal 2011 will be reduced to offset said additional appropriations, or otherwise act thereon.

MOTION A: (Requires a majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum

of \$102,133 as amendments to the following appropriations voted at the Annual Spring Town Meeting commencing on April 27, 2010 under Article 2 as follows:

Article 2, Motion B	Police Department - Salaries	\$ 22,292
Article 2, Motion E	Comptroller - Salaries	\$ 15,000
Article 2, Motion G	Employee Fringe - Other Personnel Services	\$ 63,512
Article 2, Motion H2	Utility Billing - Salaries	\$ 98
Article 2, Motion I	Sassamon Trace Operations - Salaries	\$ 1,231

And that to meet this appropriation, the sum of \$102,133 be raised from the following sources:

Free Cash	\$ 100,804
Water/Sewer User Fees	\$ 98
<u>Sassamon Trace User Fees</u>	<u>\$ 1,231</u>
TOTAL	\$ 102,133

Motion A under Article 1 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 1, Motion B.

MOTION B: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$377,062 in addition to the sum appropriated by the vote the 2010 Spring Annual Town Meeting under Article 2, Motion A, Natick Public Schools, and that to meet this appropriation the sum of \$377,062 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) - Employee Fringe – Other Personnel Services.

Ms. White, Mr. Hurley and Ms. Coburn spoke to this motion.

Motion B under Article 1 passed by majority vote.

Town Meeting took up Article 31 as at the previous meeting debate had been postponed until after reconsideration of Article 1.

ARTICLE 31: Funding for Crossing Guard Positions (Michael Walz, et al)

To see what sum of money the Town will vote to appropriate and raise or otherwise provide for the purpose of funding necessary crossing guard positions for the 2010-2011 school year.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 31 to the Sponsor.

The referral motion under Article 31 passed unanimously.

RECONSIDERATION OF ARTICLE 5

The motion to reconsider Article 1 had been made by Mr. Levinsky and seconded by Mr.

Goldman. ***The motion to reconsider Article 5 passed unanimously.***

ARTICLE 5: Collective Bargaining(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical unit
- b) Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works Laborers unit
- c) Public Employees Local Union 1116 of the Laborers International Union of North America – Library employees
- d) Public Employees Local Union 1116 of the Laborers International Union of North America – Recreation employees
- e) Supervisors and Administrators Association
- f) The Natick Patrol Officers Association
- g) New England Police Benevolent Association, AFL-CIO, Local 82
- h) New England Police Benevolent Association, Inc. Natick Police Dispatchers, Local 182
- i) Local 1707 International Association of Firefighters
- j) The Deputy Fire Chiefs Association

Or otherwise act thereon.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion A.

MOTION A: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$11,528 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Unit, and that to meet this appropriation the following sums be transferred from the following sources:

\$10,610 from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

\$918 from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion H1, Fringe Benefits – Other Personnel.

Said funds to be added to the departmental budgets as shown in the table.

Motion A - Budget Changes	Amount to be added
General Fund	
Police Salaries	\$ 1,237

Fire Salaries	\$	921
DPW Administration Salaries	\$	475
Council on Aging Salaries	\$	408
Veterans Services Salaries	\$	473
Board of Health Salaries	\$	755
Recreation Salaries	\$	1,120
Comptroller Salaries	\$	615
Assessors Salaries	\$	672
Collector Salaries	\$	444
Treasurer Salaries	\$	858
Town Clerk Salaries	\$	1,270
Community Development Salaries	\$	1,362

General Fund Impacts	\$	10,610
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Water & Sewer Enterprise Fund

Utility Billing Salaries	\$	918
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Water/Sewer Fund Impacts	\$	918
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Motion A under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion B.

MOTION B: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$8,487 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and Public Employees Local Union 1116 of the Laborers International Union of North America – Library Employees Unit, and that to meet this appropriation the sum of \$8,487 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

Motion B - Budget Changes	Amount to be added
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General Fund

Morse Institute Salaries & Expenses	\$	8,487
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General Fund Impacts	\$ 8,487
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Motion B under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion C.

MOTION C: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$21,122 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and the Supervisors and Administrators Association, and that to meet this appropriation the following sums be transferred from the following sources:

\$13,112 from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

\$8,010 from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion H1, Fringe Benefits– Other Personnel.

Said funds to be added to the departmental budgets as shown in the table.

General Fund	
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DPW Building Maintenance Salaries	\$ 1,367
DPW Engineering Salaries	\$ 7,644
DPW Equipment Maintenance	\$ 1,367
DPW Highway Salaries	\$ 1,367
DPW Land, Facilities & Natural Resources Salaries	\$ 1,367

General Fund Impacts	\$ 13,112
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Water & Sewer Enterprise Fund	
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Sanitary Sewer Salaries	\$ 4,607
Water Salaries	\$ 3,403

Water/Sewer Fund Impacts	\$ 8,010
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Motion C under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion D.

MOTION D: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$4,384 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and the New England Police Benevolent Association, Dispatchers, Local 182, and that to meet this appropriation the sum of \$4,384 be transferred from the appropriation

voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

General Fund	
Police Salaries	\$ 4,384
General Fund Impacts	\$ 4,384

Motion D under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion E.

MOTION E: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$2,227 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and the Public Employees Local Union 1116 of the Laborers International Union of North America – Recreation Employees Unit, and that to meet this appropriation the sum of \$2,227 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

General Fund	
Recreation Salaries	\$ 2,227
General Fund Impacts	\$ 2,227

Motion E under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion F.

MOTION F: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$21,775 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and the New England Police Benevolent Association, AFL-CIO, Local 82, and that to meet this appropriation the sum of \$21,775 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

General Fund

Police Salaries \$ 21,775

General Fund Impacts \$ 21,775

Motion F under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion G.

MOTION G: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$67,987 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and Local 1707 International Association of Firefighters, and that to meet this appropriation the sum of \$67,987 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

General Fund

Fire Salaries \$ 67,987

General Fund Impacts \$ 67,987

Motion G under Article 5 passed by majority vote.

RECOMMENDATION: The Finance Committee met earlier this evening (November 9, 2010) and voted favorable action with regard to the subject matter of Article 5, Motion H.

MOTION H: (requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate the sum of \$4,756 to implement the Fiscal Year 2011 terms of the agreement reached between the Town of Natick and Deputy Fire Chiefs Association, and that to meet this appropriation the sum of \$4,756 be transferred from the appropriation voted by the 2010 Spring Annual Town Meeting under Article 2, Motion G, Shared Expenses (Unclassified) – Employee Fringe – Other Personnel Services.

Said funds to be added to the departmental budgets as shown in the table.

Motion H - Budget Changes Amount to be added |

General Fund

Fire Salaries \$ 4,756

General Fund Impacts \$ 4,756

Motion H under Article 5 passed by majority vote.

ARTICLE 33: School and Municipal Budget Cooperation (Patrick Hayes, et al)

To see if the Town will vote to accept M.G.L. c.71 §37M 1/2(a) which was amended by the Municipal Relief Act (H8477) relative to School and Municipal Budget Cooperation and which states..”. the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting.”, or at a date certain when the legislative body shall next meet.

This article authorizes such budget cooperation meetings, planning and efforts for cost savings and efficiencies between the Town and the Natick Public Schools (NPS) Committee. This State statute permits such planning and implementation efforts if it is accepted by a vote of the Town Meeting. This article does not require a vote of the School Committee.

At this time, no funding is being requested and acceptance of this article does not require the creation of any new departments or hiring of additional personnel.

RECOMMENDATION: By a vote of 11-0-0 on September 28, 2010, the Finance Committee recommends no action with regard to the subject matter of Article 33.

MOTION:

Mr. Freedman moved, seconded by Mr. Jennett that no action be taken on Article 33.

No action under Article 33 passed by majority vote.

ARTICLE 34: Funding for Improvements to Oak Street Gravel Pit/Public Works Storage (Sarkis Sarkisian, et al)

To determine whether the Town of Natick will vote to raise and appropriate or otherwise provide a sum or sums of money to be expended to make improvements to the Oak Street Gravel Pit/Public Works Storage area which shall include demolition of structures, design and construction of an additional fields and determine whether this appropriate shall be raised by borrowing or otherwise act thereon.

RECOMMENDATION: By a vote of 9-2-1 on September 28, 2010, the Finance Committee recommends referral to the Sponsor, Town Administrator, DPW and Recreation Departments with regard to the subject matter of Article 34.

MOTION: (Requires majority vote)

Move that the Town vote to refer the subject matter of Article 34 to the Sponsor, Town Administrator, Department of Public Works and Recreation Department.

The Moderator, without objection changed the name of the Recreation Department to Recreation and Parks Department.

The referral motion under Article 34 passed unanimously.

ARTICLE 35: Funding for Improvements to Memorial Field/West Street at High School

(Sarkis Sarkisian, et al)

To determine whether the Town of Natick will vote to raise and appropriate or otherwise provide a sum or sums of money to be expended to make improvements to Memorial Field/West Street at Natick High School which shall include design and construction of an additional turf field and determine whether this appropriation shall be raised by borrowing or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 28, 2010, the Finance Committee recommends referral to the Sponsor with regard to the subject matter of Article 35.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to refer the subject matter of Article 35 to the Sponsor.

The referral motion under Article 35 passed unanimously.

The Moderator thanked a number of persons for their assistance during Town Meeting sessions. Those persons included James Lavezzo of the Natick Public Schools, Randy Brewer and staff of Natick Pegasus, the town administration - in particular Deputy Town Administrator Michael Walters Young, and the pages.

ARTICLE 36: Acceptance of Drainage Easement – East Central Street

(Paul R. Croft, et al)

To see if the Town will vote to authorize the Board of Selectmen to accept on behalf of the Town of Natick, a drainage easement from the owner(s) of property at 186 East Central Street, Natick, Assessors Map parcel 37 104B, provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for the grant of such easement, and to accept as a gift, by the Developer Paul Croft or his assigns, the replacement of the existing deteriorated and improperly installed drainage pipes, some being outside the original easement, having been installed by the Town of Natick, provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for the grant

Easement shall be over property at 186 East Central Street, shown as recorded in the Middlesex South County Registry of Deeds at Book 14721, Page 59, and to accept as a gift by the Developer Paul Croft or his assigns, the replacement of the existing deteriorated and improperly installed drainage pipes, some being outside the original easement, having been installed by the Town of Natick.

Said new easement as shown on a plan entitled DRAIN EASEMENT RELOCATION PLAN, By Connorstone Engineering Inc., dated August 20, 2010, or as amended by the Natick Department of Public Works Town Engineer, and attached hereto, and a copy is on file in the office of the Natick Town Clerk.

And to extinguish the existing drainage easement given to the Town of Natick as shown on

a plan entitled Plan of Drainage Easement in Natick Mass., As Laid Out By The Department of Public Works, July 19, 1957, R. S. Wharton Chief Engineer, and recorded at the Middlesex South County Registry of Deeds at Book 7903, Page 334, copy of said plan is attached hereto and is on file in the office of the Natick Town Clerk, or otherwise act thereon.

RECOMMENDATION: By a vote of 15-0-0 on September 23, 2010, the Finance Committee recommends favorable action with regard to the subject matter of Article 36.

MOTION: (Requires majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to abandon an easement for drainage purposes granted by Daniel J. O'Neil and Helen E. O'Neil by instrument dated 31, July 1957 and recorded with the Middlesex South Registry of Deeds at Book 9007, Page 017; provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for such abandonment. Said Easement is located on the property of 186 East Central Street, Natick, MA, which property is shown on the Town of Natick Assessors' Map 37 as Lot 104B. Said easement is shown on a plan entitled "Plan of Drainage Easement in Natick Mass., As Laid Out By the Department of Public Works, July 19, 1957, R. S. Wharton Chief Engineer", which plan is filed with the Middlesex South Registry of Deeds as Plan 1222 of 1957 in Book 7903, Page 334.

And further, to see if the Town will vote to authorize the Board of Selectmen to accept on Behalf of the Town of Natick from the owner(s) of said property at 186 East Central Street, Natick MA a grant of an easement for drainage purposes, provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for the grant of such easement. The purposes of said drainage easement shall include, without limitation, construction, maintenance, repair, and replacement of drainage regarding and refilling of soil in the easement area; and entry upon the easement area for such purposes. Said easement shall be located on the property located at 186 East Central Street, Natick, MA, which property is shown on Town of Natick Assessors' Map 37 as lot 104B.

Said easement is shown on a plan of land, a copy of which is on file in the office of the Natick Town Clerk.

Ms. White spoke to this article. Mr. Sidney moved, seconded by Ms. Ball to allow Attorney Connors to speak regarding this article as a non-resident of Natick. ***The motion to allow Attorney Connors to speak passed unanimously.***

The main motion under Article 36 passed unanimously.

Mr. Sidney moved that Town Meeting dissolve. The motion was seconded by Mr. Margil and passed unanimously. The 2010 Fall Annual Town Meeting dissolved at 8:40 PM on November 16, 2010.

A record of the Seventh Session of Annual Fall Town Meeting, November 16, 2010

s/Diane Packer

Diane Packer, Town Clerk

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

To any Constable of the Town of Natick in said County:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify the qualified voters of the said Town of Natick to meet at:

The voters of Precinct 1	in Kennedy Middle School
The voters of Precinct 2	in Cole Recreational Building
The voters of Precinct 3	in Kennedy Middle School
The voters of Precinct 4	in Wilson Middle School
The voters of Precinct 5	in Wilson Middle School
The voters of Precinct 6	in Lilja School
The voters of Precinct 7	in Lilja School
The voters of Precinct 8	in Morse Institute Library
The voters of Precinct 9	in Morse Institute Library
The voters of Precinct 10	in Memorial School

on **TUESDAY, THE SECOND DAY OF NOVEMBER, 2010**, from 7:00 A.M. to 8:00 P.M.
for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

**GOVERNOR/LT. GOVERNOR FOR THE COMMONWEALTH
ATTORNEY GENERAL FOR THE COMMONWEALTH
SECRETARY OR STATE FOR THE COMMONWEALTH
TREASURER FOR THE COMMONWEALTH
AUDITOR FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS SEVENTH DISTRICT
COUNCILLOR SECOND DISTRICT
SENATOR IN GENERAL COURT NORFOLK, BRISTOL AND MIDDLESEX
SENATOR IN GENERAL COURT SECOND MIDDLESEX AND NORFOLK
REPRESENTATIVE IN GENERAL COURT FIFTH MIDDLESEX
REPRESENTATIVE IN GENERAL COURT FOURTEENTH NORFOLK
DISTRICT ATTORNEY NORTHERN DISTRICT
SHERIFF MIDDLESEX COUNTY**

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is

already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.

A YES VOTE would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.

A NO VOTE would make no change in the state sales tax on alcoholic beverages and alcohol.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise affect any proposed housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA's decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA's denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA's decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA's action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC's decision is subject to review in the courts.

A condition or requirement makes housing "uneconomic" if it would prevent a public agency or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA's decision is "consistent with local needs" if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered "consistent with local needs" if more than 10% of the city or town's housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are

also considered “consistent with local needs” if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

A NO VOTE would make no change in the state law allowing issuance of such a comprehensive permit.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would reduce the state sales and use tax rates to 3%.

A NO VOTE would make no change in the state sales and use tax rates.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 4th day of October, 2010

s/Joshua Ostroff
JOSHUA OSTROFF
Chairman

s/Carol A. Gloff
CAROL A. GLOFF
Vice Chair

s/Paul R. Joseph
PAUL R. JOSEPH
Clerk

s/Charles M. Hughes
CHARLES M. HUGHES
Member

s/John J. Connolly
JOHN J. CONNOLLY
Member

Board of Selectmen for the Town of Natick

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 AM – 5:00 PM, Monday through Friday and at the Town web site www.natickma.org

TOWN OF NATICK

STATE ELECTION NOVEMBER 2, 2010

OFFICIAL RESULTS

	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	Total
TOTAL TURNOUT	885	1,583	1,425	1,178	1,388	1,476	1,558	1,274	1,427	1,816	14,010
# OF REGISTERED VOTERS	2,078	2,336	2,276	2,102	2,173	2,347	2,442	2,283	2,346	2,623	23,006
TURNOUT	42.6%	67.8%	62.6%	56.0%	63.9%	62.9%	63.8%	55.8%	60.8%	69.2%	60.9%
Governor/Lt. Governor											
Patrick/Murray	460	796	689	604	658	703	820	694	702	853	6,979
Baker/Tisei	327	646	620	430	625	634	618	466	600	847	5,813
Cabill/Losocco	71	106	92	97	83	95	88	69	73	66	840
Stein/Purcell	17	21	9	24	21	20	15	27	24	22	200
Write-ins	0	2	0	0	0	1	1	1	0	1	6
Blanks	10	12	15	23	1	23	16	17	28	27	172
Attorney General											
Martha Coakley	571	1,030	914	793	846	933	1,049	863	895	1,125	9,019
James P. Mckeena	283	529	477	351	520	501	467	376	477	647	4,628
Write-ins	2	0	0	0	0	1	0	1	1	2	7
Blanks	29	24	34	34	22	41	42	34	54	42	356
Secretary of State											
William Francis Galvin	567	1,024	896	790	885	921	1,043	863	885	1,101	8,975
William C. Campbell	235	463	416	293	418	450	406	311	429	580	4,001
James D. Henderson	25	37	36	38	34	33	34	44	33	36	350
Write-ins	0	0	0	0	0	0	0	0	1	0	1
Blanks	58	59	77	57	51	72	75	56	79	99	683
Treasurer											
Steven Grossman	486	888	756	669	732	802	907	757	773	953	7,723
Karyn E. Polito	346	639	600	450	614	602	575	461	571	776	5,634
Write-ins	1	0	0	0	0	1	0	1	1	1	5
Blanks	52	56	69	59	42	71	76	55	82	86	648

TOWN OF NATICK

STATE ELECTION NOVEMBER 2, 2010

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Auditor											
Suzanne M. Bump	384	602	541	506	524	580	645	579	547	656	5,564
Mary Z. Connaughton	373	795	715	526	711	723	724	534	681	911	6,693
Nathanael Alesander Fortune	42	67	44	54	52	51	56	68	63	81	578
Write-ins	1	1	0	0	0	0	1	0	0	1	4
Blanks	85	118	125	92	101	122	132	93	136	167	1,171
Representative in Congress											
Edward J. Markey	552	972	843	740	796	882	998	825	863	1,037	8,508
Gerry Dambrowski	288	565	510	380	547	524	501	394	493	702	4,904
Write-ins	1	2	1	0	1	0	0	0	2	1	8
Blanks	44	44	71	58	44	70	59	55	69	76	590
Councillor											
Kelly A. Timilty	424	726	641	587	598	634	732	641	656	752	6,391
Steven M. Glowsky	246	514	462	333	475	522	423	339	451	668	4,433
Richard Mitchell	109	197	173	141	166	157	222	159	160	189	1,673
Write-ins	0	0	0	0	0	0	0	0	1	0	1
Blanks	106	146	149	117	149	163	181	135	159	207	1,512
Senator in General Court											
Karen E. Spilka	529	929	821	719	761	N/A	N/A	805	N/A	N/A	4,564
Edward Beggin McGrath	283	562	518	383	547	N/A	N/A	395	N/A	N/A	2,688
Richard J. Ross	N/A	N/A	N/A	N/A	N/A	930	958	N/A	890	1,069	3,847
Write-in	0	1	0	1	10	12	11	1	7	16	59
Blanks	73	91	86	75	70	534	589	73	530	731	2,852

TOWN OF NATICK

STATE ELECTION NOVEMBER 2, 2010

OFFICIAL RESULTS

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Representative in General Court											
David Paul Linsky	646	1,151	1,023	854	995	1,009	1,152	952	990	N/A	8,772
Christopher Resmini	0	0	0	0	0	6	8	1	1	N/A	16
Alice Hanlon Peisch	N/A	1,026	1,026								
Royall H. Switzer	N/A	674	674								
Write-in	13	16	11	20	4	11	6	9	4	0	94
Blanks	226	416	391	304	389	450	392	312	432	116	3,426
District Attorney											
Gerard T. Lense Jr.	643	1,126	1,007	849	943	975	1,126	923	961	1,164	9,717
Write-in	12	8	8	13	6	8	2	2	3	11	73
Blanks	230	449	410	316	439	493	430	349	463	641	4,220
Sheriff											
James V. DiPaola	551	974	884	758	837	858	935	837	863	983	8,480
Michael S. Tranchita, Sr.	173	330	264	235	274	300	310	216	271	394	2,767
Write-in	0	1	2	0	5	1	0	0	2	3	14
Blanks	161	278	275	185	272	317	313	221	291	436	2,749

TOWN OF NATICK

STATE ELECTION NOVEMBER 2, 2010

OFFICIAL RESULTS

	<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>F5</u>	<u>F6</u>	<u>F7</u>	<u>F8</u>	<u>F9</u>	<u>F10</u>	<u>Total</u>
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Question # 1											
Yes	418	775	711	535	728	690	701	614	685	860	6,717
No	436	760	669	591	628	740	815	622	690	885	6,836
Blanks	31	48	45	52	32	46	42	38	52	71	457
Question #2											
Yes	280	567	536	452	561	546	536	487	543	772	5,280
No	533	920	791	638	744	833	907	704	758	910	7,738
Blanks	72	96	98	88	83	97	115	83	126	134	992
Question #3											
Yes	347	638	570	463	603	601	570	494	561	728	5,575
No	515	921	816	680	770	840	956	756	828	1054	8,136
Blanks	23	24	39	35	15	35	32	24	38	34	299