

**2014 Fall Annual Town Meeting
Fine and Performing Arts Center
Natick High School
October 23, 2014
Second Session**

The second session of the 2014 Fall Annual Town Meeting was called to order at 7:40 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the second session of 2014 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting who have not yet been sworn in stand to take the oath of office. There were none. The meeting stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Lorraine McNally, Acting Town Clerk; James Everett, Finance Committee Chair, Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Charles Hughes, Vice Chair of the Board of Selectmen.

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

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

The motion to waive the reading of the text of all 2014 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 remains in effect.

Mr. Munnich moved, seconded by Mr. Sidney to postpone Article 13 to the first order of business on Thursday, October 30th. ***The motion to postpone Article 13 passed unanimously.***

The Moderator announced that the Meeting would continue with Article 6 (East School). The amended main motion was as follows:

Move that the Town vote to amend the vote taken under Article 15 of the 2010 Fall Annual Town Meeting regarding disposition of the former East School, located at 84 Oak Street, by (1) eliminating the requirement that the Request for Proposals offer the property for both sale and lease and also eliminating the requirement for providing a mechanism for comparing sale and lease options, and (2) eliminating the requirement that the terms of any lease of less than 25 years must be approved by Town Meeting; said amendments intended to allow the Board of Selectmen to rent the former East School to non-profit agencies that provide service to Natick-area residents.

He also announced that there was new information regarding this article and asked Mr. Flynn to address the Meeting. Mr. Flynn reviewed Article 6 again along with Article 15 from 2010 Fall Annual Town Meeting. On Tuesday, Mr. Flynn said that he felt that Town Meeting action was required to accomplish the purpose of the current article. He said after further consideration a vote on this article is not necessary to accomplish the purpose of Article 6 because these were

going to be more short term leases rather than a 99 year lease which was approved and sent to the Legislature under the 2010 warrant article.

Mr. Hughes moved, seconded by Mr. Sidney that no action be taken on Article 6. There are two motions on the floor, one a positive main motion and the other for no action. Moved by Mr. Hughes, seconded by Mr. Jennett to move the question to end debate all motions. ***The motion to end debate on Article 6 passed by a two-thirds vote. The motion to take no action passed by majority vote.***

ARTICLE 14: Committee Article (Board of Selectmen)

To see if the Town will vote to receive the reports of town officers, boards, and committees; or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 9-1-0 on October 2, 2014, the Finance Committee recommends Favorable Action*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to receive a report from the Electronic Voting committee.

The motion to hear the report from the Electronic Voting Committee passed unanimously. Mr. Sidney, the Chair of the Electronic Voting Study Committee gave an interim report.

Mr. Sidney moved, seconded by Ms. Gloff to postpone further consideration of Article 14 until Tuesday, October 28th. ***The motion to postpone further action under Article 14 until October 28th passed unanimously.***

ARTICLE 7: Amend By-Laws: Adoption to Ban Single Use Plastic “T” Shirt” Bags (B. Patrick Conaway, et al)

Whereas it is widely documented that these single use plastic “T-Shirt Bags” litter the landscape and threaten wildlife throughout the world, and the externalized costs of cleaning up and recycling them are borne by taxpayers, we Natick Citizens support a ban on Single-Use Plastic T-Shirt Bags at all commercial establishments.

Finance Committee Recommendation:

By a vote of 9-1-0 on September 11, 2014, the Finance Committee recommends No Action with regard to the subject of Article 7.

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that no action be taken on the Article 7.

Mr. Conaway made a presentation on this article. ***The motion to take no action on the subject matter of Article 7 passed by majority vote.***

ARTICLE 8: Amend Bylaws: Adoption of a Ban on the Use of Polystyrene (Styrofoam) (Robert Rowe, et al)

To see what action the town will take to amend the Town of Natick By-Laws with respect to banning the use of polystyrene (also known by its trademarked name, Styrofoam) for food and beverage containers, trays, coolers, and packing materials, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 10-0-0 on September 11, 2014, the Finance Committee recommends Referral to the Sponsor, Board of Health and Board of Selectmen with regard to the subject of Article 8.*

MOTION (requires majority vote):

Moved by Mr. Sidney, seconded by Mr. Hughes to refer the subject matter of Article 8 to the Sponsor, the Board of Health and the Board of Selectmen.

Mr. Rowe, the Sponsor, spoke to this article. ***The motion to refer the subject matter of Article 8 passed by majority vote.***

ARTICLE 9: Amend Bylaws: Adoption of a Ban on the Use of Pesticides on Lawns & Fields (Robert Rowe, et al)

To see what action the town will take to amend the Town of Natick By-laws with respect to banning the use of pesticides on residential, commercial, and town lawns, parks, and athletic fields, or otherwise act thereon.

Finance Committee Recommendation: *By a vote of 10-0-0 on September 11, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 9.*

MOTION (requires majority vote):

Moved by Mr. Sidney, seconded by Mr. Glater to refer the subject matter of Article 9 to the Sponsor, the Board of Health and the Board of Selectmen.

Mr. Rowe, the Sponsor and Mr. James White, Director of Board of Health spoke to this article. Mr. Coffey moved, seconded by Mr. Linehan to indefinitely postpone Article 9. Ms. White spoke to the article. Ms. Shea moved, seconded by Mr. Coburn to take no action on Article 9. The Moderator explained the difference between the motions and explained that the body would vote referral first. *The motion to refer the subject matter of Article 9 passed by majority vote.*

ARTICLE 10: Amend Bylaws: Article 50: Dog Park. Dog Exercise Area (Melissa Cusson, et al)

To see if the Town will vote to amend the General Bylaws, Article 50, Section 16.4. to allow dogs to be off-leash on town property that is designated as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

Finance Committee Recommendation: *By a vote of 12-0-0 on September 4, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 10.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett to amend the General Bylaws, Article 50, Section 16.4 (Restraint of Pets), by adding after “No person shall allow a pet, other than a cat, to run at large anywhere in the Town, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.” the following sentence:

“This provision shall not apply, however, in any area designated by the Town as a “Dog Park”, “Dog Run” or “Dog Exercise Area.”

The Moderator explained to Town Meeting that this article deals only with changing the by-law not where or whether there will be a dog park. Ms. Kelly McPherson (resident, Precinct 5) spoke to this article. Debate ensued on the article. Mr. Yang moved, seconded by Mr. Sidney to limit further debate on the subject matter of Article 10 to two minutes per speaker. *The motion to limit debate is not debatable. The vote to limit debate to no more than two minutes passed by majority vote.* Debate continued. Hughes moved, seconded by Mr. Jennett to move the question to end debate on this article. *The motion to close debate passed by two-thirds vote. The main motion under Article 10 passed by majority vote.*

ARTICLE 11: Amend Town By-Laws: Article 52: Solicitors – to Include Civil Fingerprinting Requirements (Town Administrator)

To see if the Town will vote to amend the Town of Natick By-Laws by deleting the text of Article 52 and inserting in its place the following text:

**ARTICLE 52
SOLICITORS AND CANVASSERS**

This Article is for the purposes of protecting the privacy of the residents of the Town of Natick, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time and manner restrictions on door-to-door solicitation and canvassing in the Town of Natick

**SECTION 52.1 DEFINITIONS
BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL
ORGANIZATION**

Any organization that is qualified under state or federal law as a tax-exempt, nonprofit organization, any religious, charitable, educational or political organization or group, or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

CANVASS OR CANVASSING

Includes any one (1) or more of the following door-to-door activities:

1. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises except as otherwise exempted by this Article.
2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

PERSON

Any individual, business entity, firm, partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise exempted by this Article.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

SECTION 52.2 LICENSE REQUIRED

No person, firm or corporation shall canvass, solicit, distribute circulars or other matters, or call from house to house in the Town of Natick to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Chief of Police of the Town of Natick under the provisions of this Article.

SECTION 52.3 EXEMPTIONS

- A. Any person, firm or corporation soliciting or canvassing on behalf of a bona fide religious, charitable, educational or political organization shall be exempt from the requirements of this Article, except for the hours of solicitation and the requirements hereinafter provided in Section 52.16 below.
- B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.
- C. Any person, firm or corporation calling upon or soliciting from commercial establishments located in the Town of Natick shall be exempt from the requirements of this Article.
- D. Any minor employed by a newspaper as a carrier, or who has been previously registered with the Chief of Police by an employing newspaper, shall be exempt from the requirements of this Article.
- E. The provisions of this Article shall not apply to any of the following groups:
 1. Girl Scouts of America, Natick Chapter

2. Boy Scouts of America, Natick Chapter
3. Any youth activity/sports association affiliated with the Town of Natick or School Department of the Town of Natick

SECTION 52.4 APPLICATIONS

- A. Any person seeking a license to engage in any activity set forth in Article 52.2, except those persons and activities exempt under Article 52.3, shall file an application with the Chief of Police on a form used by him no less than thirty (30) days prior to the requested start date for such canvassing or solicitation.
- B. The application form shall require, at a minimum, the following information:
 1. Name of applicant.
 2. Address of applicant (local and permanent home address).
 3. Applicant's date of birth.
 4. Applicant's height, weight, eye and hair color.
 5. Applicant's social security number.
 6. The length of time for which the right to do business is desired.
 7. A brief description of the nature of the business and the goods to be sold.
 8. The name and home office address of the applicant's employer or the person or entity on behalf the applicant is soliciting or canvassing. If self-employed, it shall so state.
 9. If the applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color model, registration number, registered state, vehicle owner, and address.
 10. Whether the applicant has been convicted of a crime or offense or violation of any municipal bylaw, ordinance or regulation relating to canvassing or soliciting and, if so when, where and the nature of the offense.
 11. The names of other municipalities in the Commonwealth of Massachusetts where the applicant has been issued or granted a permit, license or similar authorization to solicit or canvass in the past two years.
- C. All applicants under this section shall be fingerprinted as set forth in Article 55, and photographed by the Natick Chief of Police.

SECTION 52.5 PHOTOGRAPH REQUIRED

The applicant shall permit the Police Department in the Town of Natick to photograph said applicant for identification purposes.

SECTION 52.6 DENIAL, SUSPENSION OR REVOCATION OF LICENSE

- A. Any applicant who fails to fully comply with the requisites established for issuance of a license shall be denied a license.
- B. Any falsification of information required to be provided in the application process shall result in denial or immediate revocation of the license.
- C. Any failure to comply with the other provisions of this Article shall result in immediate revocation of the licensee's license.
- D. Any failure of a licensee to prominently display his or her license upon his or her person when soliciting or canvassing shall result in immediate revocation of the license.

The Natick Chief of Police shall notify the licensee and shall provide the licensee an opportunity to be heard prior to revoking the license. Pending such hearing, the Natick Chief of Police may suspend the license.

SECTION 52.7 ISSUANCE OR DENIAL OF LICENSE

Within five (5) days of receiving an applicant's completed application under Section 52.4, the Chief of Police shall submit an applicant's fingerprints for a fingerprint-based criminal record background check in accordance with Article 55. Within seven (7) days of receiving the results of such fingerprint-based criminal record background check, the Chief of Police shall issue or deny a license. In computing the time periods under this Section 52.7, Saturdays, Sundays and holidays shall be excluded. If the Chief of Police does not submit an applicant's fingerprints or render a decision within the applicable time periods under this Section 52.7, the license shall be deemed constructively granted.

SECTION 52.8 LICENSE FEE; TERM

Each applicant for a license shall pay a nonrefundable fee of ten dollars (\$10.00) in addition to any fees set forth in Article 55. The license shall expire as set forth on each license but in no case shall it exceed one (1) year from the date of its issue, unless earlier revoked. A licensee requesting renewal of a license must

provide such information and pay the nonrefundable fee as is required to obtain an initial license, prior to the expiration of the current license.

SECTION 52.9 SEPARATE LICENSE

In the case of a firm or corporation, each person representing or soliciting or canvassing on behalf of such firm or corporation shall be required to apply for and maintain a separate license.

SECTION 52.10 LICENSE TO BE NONTRANSFERABLE; DISPLAY

The license shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit or canvass in the Town of Natick, unless otherwise exempted under this Article, provided that the licensee shall have in his/her possession at all times while soliciting or canvassing and shall further conspicuously display the license.

SECTION 52.11 POSTED PREMISES.

No person shall engage in solicitation or canvassing upon any premises without a prior invitation from the occupant thereof if there is posted or displayed on such premises by means of a notice prominently displayed upon which is printed the words "No Solicitors" or "No Canvassers" or words of similar import. For the purposes of this section, the premises shall be deemed posted or displayed against solicitation or canvassing if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three (3") inches by four (4") inches in size which bears the above or similar words in letters at least 1/3 inch in length.

SECTION 52.12 PROHIBITED ACTIVITIES.

- A. There shall be no solicitation or canvassing upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 8:30 a.m. or after 8:30 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this Article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the solicitation or canvassing as herein defined prior to 8:30 a.m. or after 8:30 p.m. of any day or at any time on a Sunday or national holiday.
- B. No person engaged in solicitation or canvassing shall, at the time of initial contact with a prospective customer or donor, fail to identify himself or herself and the purpose of the solicitation or canvassing.
- C. No person engaged in solicitation or canvassing shall misrepresent the purpose of his or her solicitation or canvassing or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the solicitation or canvassing.
- D. No person engaged in making a solicitation or canvassing as defined in Article 52.1 shall violate any or the provisions of Chapter 93A of the Massachusetts General Laws, said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

SECTION 52.13 CERTAIN REPRESENTATIONS ARE PROHIBITED

No person, firm or organization having received a license to canvass or solicit within the Town of Natick shall use or exploit the fact of the license so as to lead the public to believe that such license in any manner constitutes an endorsement or approval by the Town of Natick or any of its officials.

SECTION 52.14 AUTHORITY OF CHIEF OF POLICE

The Chief of Police of the Town of Natick shall have the power and authority to grant, deny, suspend or revoke licenses as provided for and in accordance with the terms of this Article.

SECTION 52.15 VIOLATIONS AND PENALTIES

Any person, firm or corporation charged with violating any of the provisions of this Article shall, upon conviction thereof, be liable for a fine not exceeding three hundred dollars (\$300.00) for each violation. Each day on which a violation exists shall constitute a separate violation.

SECTION 52.16 BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL SOLICITORS AND CANVASSERS

- A. Any person, firm or corporation soliciting or canvassing on behalf of a bona fide religious, charitable, educational or political organization, as defined in this Article, shall, prior to such solicitation or canvassing, file with the Chief of Police a completed application in the form provided.
- B. The application shall contain the following information:
 - 1. Name and address of the firm, corporation or organization represented by the individual solicitor or canvasser, when applicable.
 - 2. Name, address and telephone number of the person in charge of such organization to be contacted in the case of emergency.

3. Name, address (both temporary and permanent), telephone number, social security number, and date of birth of all individual solicitors who will be soliciting or canvassing within the Town of Natick.
 4. Whether the applicant has been convicted of a crime or offense or violation of any bylaw relating to canvassing or soliciting and, if so, when, where and the nature of the offense; names of other municipalities in the Commonwealth of Massachusetts where the applicant has been issued or granted a permit, license or other authorization to solicit in the past two (2) years.
 5. Whether any motor vehicles will be used in connection with the canvassing or soliciting and, if so, the make, year, color, type and license plate number.
 6. Nature of any goods or services to be sold for the purpose of the solicitations or canvassing.
- C. Such application shall be filed with the Chief of Police at least seven (7) days prior to the time when such soliciting or canvassing shall take place.
- D. Upon completion of the requirements set forth in Subsections A, B and C above, the Chief of Police shall issue a license to the applicant within seven (7) days. In computing the seven (7) day period, Saturdays, Sundays and holidays shall be excluded.
- E. Each individual solicitor or canvasser for a bona fide religious, charitable, educational or political organization shall be issued a license by the Chief of Police. The license shall be available to be picked up from the Chief of Police of the Town of Natick. No license shall be transferable.
- F. Failure to comply with the requirements established for issuance of a license, falsification of any information required to be provided, failure to properly display the license issued, or soliciting or canvassing during prohibited hours shall result in denial or immediate revocation of the applicant's license. The Chief of Police shall notify the licensee and shall provide the licensee an opportunity to be heard prior to revoking the license. Pending such hearing, the Natick Chief of Police may suspend the license.

SECTION 52.17 APPEAL FOLLOWING ACTION BY CHIEF OF POLICE REGARDING REVOCATION OR DENIAL OF LICENSE

Any person whose license application has been denied or whose license has been revoked shall have the right of appeal to the Natick Board of Selectmen, subject to the same standards for denial or revocation set forth in this Article. Any such appeal must be commenced within fourteen (14) days of the date of the decision by the Chief of Police.

SECTION 52.18 CANDIDATES FOR POLITICAL OFFICE EXEMPT

Any candidate for public office or person campaigning on behalf of such candidate, where such candidate is seeking election to an office to be voted upon by the residents of the Town of Natick who are duly registered to vote in elections in accordance with the laws of the Commonwealth of Massachusetts and the United States, shall be exempt from the requirements of this Article.

Finance Committee Recommendation: *By a vote of 11-0-0 on October 22, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 11.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to amend the Town of Natick By-laws by deleting the text of Article 52 and inserting in its place the following text:

ARTICLE 52 SOLICITORS AND CANVASSERS

This Article is for the purposes of protecting the privacy of the residents of the Town of Natick, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Natick.

SECTION 52.1 DEFINITIONS

BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL ORGANIZATION

Any organization that is qualified under state or federal law as a tax-exempt, nonprofit organization, any religious, charitable, educational or political organization or group, or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

CANVASS OR CANVASSING

Includes any one (1) or more of the following door-to-door activities:

1. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises except as otherwise exempted by this Article.
2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

PERSON

Any individual, business entity, firm, partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise exempted by this Article.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

SECTION 52.2 LICENSE REQUIRED

No person, firm or corporation shall canvass, solicit, distribute circulars or other matters, or call from house to house in the Town of Natick to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Natick Chief of Police ("Chief of Police") or his designee under the provisions of this Article (except as otherwise provided in Section 52.3 below).

SECTION 52.3 EXEMPTIONS

- A. Any person, firm or corporation soliciting or canvassing on behalf of a bona fide religious, charitable, educational or political organization shall be exempt from the requirements of this Article, except no soliciting or canvassing outside the hours set forth in Section 52.8.
- B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.
- C. Any minor employed by a newspaper as a carrier, or who has been previously registered with the Chief of Police by an employing newspaper, shall be exempt from the requirements of this Article.
- D. The provisions of this Article shall not apply to any of the following groups:
 1. Girl Scouts of America, Natick Chapter
 2. Boy Scouts of America, Natick Chapter
 3. Any youth activity/sports association affiliated with the Town of Natick or School Department of the Town of Natick
- E. Any candidate for public office or person campaigning on behalf of such candidate, where such candidate is seeking election to an office to be voted upon by the registered voters, or any person campaigning on behalf of or in opposition to any federal, state or local ballot question, petition, referendum, or home rule charter or by-law amendment to be voted upon by the registered voters, shall be exempt from the requirements of the this article.

SECTION 52.4 NON-EXEMPT LICENCE APPLICATIONS

- A. Any person seeking a license to engage in any activity set forth in Article 52.2, except those persons and activities exempt under Article 52.3, shall file an application with the Chief of Police or his or her designee on a form used by him no less than thirty (30) days prior to the requested start date for such canvassing or soliciting
- B. The application form shall require, at a minimum, the following information:

1. Name of applicant.
 2. Address of applicant (local and permanent home address).
 3. Applicant's date of birth.
 4. Applicant's height, weight, eye and hair color.
 5. Applicant's social security number.
 6. The length of time for which the right to do business is desired.
 7. A brief description of the nature of the business and the goods to be sold.
 8. The name and home office address of the applicant's employer or the person or entity on whose behalf the applicant is soliciting or canvassing. If self-employed, it shall so state.
 9. If the applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color, model, registration number, registered state, vehicle owner, and address.
 10. Whether the applicant has been convicted of a crime or offense or violation of any municipal bylaw, ordinance or regulation relating to canvassing or soliciting and, if so when, where and the nature of the offense.
 11. The names of other municipalities in the Commonwealth of Massachusetts where the applicant has been issued or granted a permit, license or similar authorization to solicit or canvass in the past two years.
- C. All applicants under this section shall be fingerprinted as set forth in Article 55, and photographed by the Chief of Police or his or her designee, and shall pay the application fee required under Article 55, in addition to the license application fee required under this Article 52.
- D. The applicant shall permit the Natick Police Department to photograph said applicant for identification purposes. A copy of said photograph shall be kept on file in the Natick Police Department.
- E. Within five (5) days of receiving applicants completed application under this Section 52.4. the Chief of Police shall submit an applicant's fingerprints for a fingerprint-based criminal record background check in accordance with Article 55. Within seven (7) days of receiving the results of such fingerprint-based criminal record background check, the Chief of Police or his or her designee shall issue or deny a license. In computing the time periods under this Section 52.4, Saturdays, Sundays and holidays shall be excluded. If the Chief of Police does not submit an applicant's fingerprints or render a decision within the applicable time periods under this Section 52.4, the license shall be deemed constructively granted.
- F. Subject to the time requirements set forth in Section 52.4E above, the Chief of Police or his or her designee shall grant a license, except in the following circumstances:
1. An applicant fails to fully comply with the requisites established for issuance of a license, including submission of a completed application form and payment of the applicable filing fees.
 2. Falsification of information required to be provided in the application process.
 3. A conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following crimes or offenses, by whatever name called, within seven years prior to the date of license application: burglary (armed or unarmed); stalking; breaking and entering; larceny; kidnapping; armed robbery (armed or unarmed); home invasion; buying, receiving or concealing stolen property; assault; fraud; conduct as specified in Massachusetts General Laws Chapter 265, Sections 13B and 22 through 24; and sexual assault, rape or other sex related offenses; unlawfully carrying weapons; or the attempt of any such crime or offense.
 4. Violations of the provisions of this Article or any state law or regulation or municipal bylaw, ordinance or regulation regulating canvassing or soliciting, by whatever name called.
- G. The Chief of Police or his or her designee may suspend or immediately revoke a license in the following circumstances:
1. The occurrence of any ground for denial as set forth in Section 52.4 F
 2. Failure to comply with the other provisions of this Article
 3. Any failure of a licensee to prominently display his or her license upon his or her person when soliciting or canvassing.

The Chief of Police or his or her designee shall notify the licensee and shall provide the licensee an opportunity to be heard prior to suspending or revoking the license. Pending any such revocation hearing the Chief of Police or his or her designee may suspend the license.

- H. Each applicant for a license shall pay a nonrefundable fee of ten dollars (\$10.00), in addition to any fees set forth in Article 55. The license shall expire as set forth on each license but in no case shall the term of the license exceed one (1) year from the date of its issue. A licensee requesting renewal

of a license must provide such information and pay the same nonrefundable fee as is required to obtain an initial license, prior to the expiration of the current license.

SECTION 52.5 SEPARATE LICENSE

In the case of a firm or corporation, each person representing or soliciting or canvassing on behalf of such firm or corporation shall be required to apply for and maintain a separate license.

SECTION 52.6 LICENSE TO BE NONTRANSFERABLE; DISPLAY

The license shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit or canvass in the Town of Natick, unless otherwise exempted under this Article, provided that the licensee shall have the license in his/her possession at all times while soliciting or canvassing and shall further conspicuously display the license.

SECTION 52.7 POSTED PREMISES.

No person shall engage in soliciting or canvassing upon any premises without a prior invitation from the occupant thereof if there is posted or displayed on such premises by means of a notice prominently displayed upon which is printed the words "No Solicitors" or "No Canvassers" or words of similar import. For the purposes of this section, the premises shall be deemed posted or displayed against soliciting or canvassing if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three (3") inches by four (4") inches in size which bears the above or similar words in letters at least one-third (1/3) inch in length.

SECTION 52.8 PROHIBITED ACTIVITIES.

- A. There shall be no soliciting or canvassing upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 8:30 a.m. or after 8:30 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this Article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the soliciting or canvassing as herein defined prior to 8:30 a.m. or after 8:30 p.m. of any day or at any time on a national holiday.
- B. No person engaged in soliciting or canvassing shall, at the time of initial contact with a prospective customer or donor, fail to identify himself or herself and the purpose of the soliciting or canvassing.
- C. No person engaged in soliciting or canvassing shall misrepresent the purpose of his or her soliciting or canvassing or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the soliciting or canvassing.
- D. No person engaged in making a soliciting or canvassing as defined in Article 52.1 shall violate any or the provisions of Chapter 93A of the Massachusetts General Laws, said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

SECTION 52.9 CERTAIN REPRESENTATIONS ARE PROHIBITED

No person, firm or organization having received a license to canvass or solicit within the Town of Natick shall use or exploit the fact of the license so as to lead the public to believe that such license in any manner constitutes an endorsement or approval by the Town of Natick or any of its officials.

SECTION 52.10 AUTHORITY OF CHIEF OF POLICE

The Chief of Police or his or her designee shall have the power and authority to grant, deny, suspend or revoke licenses as provided for and in accordance with the terms of this Article.

SECTION 52.11 APPEAL FOLLOWING ACTION BY CHIEF OF POLICE REGARDING REVOCATION OR DENIAL OF LICENSE

Any person whose license application has been denied or whose license has been revoked shall have the right of appeal to the Natick Board of Selectmen, subject to the same standards for denial or revocation set forth in this Article. Any such appeal must be commenced within fourteen (14) days of the date of the decision by the Chief of Police or his or her designee.

SECTION 52.12 VIOLATIONS AND PENALTIES

Any person, firm or corporation charged with violating any of the provisions of this Article shall, upon conviction thereof, be liable for a fine not exceeding three hundred dollars (\$300.00) for each violation. Each day on which a violation exists shall constitute a separate violation.

Chief Hicks spoke to this article. Mr. Linehan moved, seconded by Ms. Gloff to amend the Section 52.3 Exemptions Point D lines 1 and 2 to delete the words “Chapter” to “affiliate (s)”. ***The amendment passed unanimously.***

Moved by Mr. Hayes, seconded by Mr. Freedman to amend Section 52.3 Exemptions, Section A by deleting the words “no soliciting or canvassing outside the hours” and replacing them with the words “for the Prohibited Activities”. ***The amendment passed unanimously.***

Mr. Sidney moved, seconded by Mr. Gath to amend the main motion by deleting the words “or her” in Sections 52.2, 52.4A, 52.4C, 52.4 E, 52.4F, 52.4G (beginning Paragraph B), 52.4 G3, 52.4G (ending paragraph), 52.10 and 52.11. ***The amendment passed by majority vote.***

Mr. Coburn moved, seconded by Mr. Gath to amend Section 52.3D to add “4. Any other organization designated for exemption by the Board of Selectmen, the Recreation and Parks Commission or the School Committee”. Mr. Linehan moved, seconded by Mr. Montross to amend the amendment to insert a “.” after the word “Selectmen” and delete the remainder of the sentence. ***The amendment to the amendment passed by majority vote. The amendment to the main motion passed by majority vote.***

Mr. Munnich requested without objection that Section 52.8, Section D in line 2 to change the word “or” to “of”. The change was made. Debate continued on the amended main motion.

Mr. Haugland questioned the quorum. There was not quorum present. The meeting adjourned at 10:30 PM

A record of the Second Session of
2014 Fall Annual Town Meeting
October 23, 2014

Lorraine McNally, Acting Town Clerk