

**2016 Special Town Meeting #2
Fine and Performing Arts Center
Natick High School
November 1, 2016
First Session**

The First Session of the 2016 Special Town Meeting #2 was called to order at 7:40 PM by the Town Moderator, Frank W. Foss. The Moderator asked the audience to stand 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: Carol Gloff, Assistant Town Clerk for this meeting; Paul Griesmer, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Richard Jennett, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations; and a representative from Option Technologies who will be operating the electronic voting system.

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.

All motions offered for consideration by 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 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, once a member is recognized, it is the practice of Town Meeting 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 on the matter. The motion for the previous question shall not be entertained by the Moderator if three or more persons, who have not previously spoken to the question, are seeking recognition. Without objection, the preceding statements were accepted as rules of 2016 Fall Annual Town Meeting.

The Moderator suggested a motion to waive the reading of articles and motions. Moved by Mr. Sidney seconded by Mr. Gath to waive reading the text of all 2016 Special Town Meeting #2 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. *The motion passed unanimously (by hand count).*

Moved by Mr. Sidney seconded by Mr. Gath to accept and incorporate into the record of 2016 Special Town Meeting #2 the by-law restatements and rules as voted and accepted by unanimous consent during the 2016 Spring Annual Town Meeting. *The motion passed unanimously.*

The Moderator requested that all Town Meeting members make sure that they have their electronic voting devices and that they are turned on. In addition, the Moderator asked that all

remaining devices be brought into the Hall and any Town Meeting members who arrive can pick the device up at the front of the room. This will assure security of the devices.

Mr. Munnich moved, seconded by Mr. Glater to advance Article 11 so that it will be taken up prior to Article 9. Mr. Munnich spoke to the motion. *The motion passed unanimously (by hand count).*

Mr. Sidney moved, seconded by Ms. Collins to adjourn 2016 Special Town Meeting # 2 until the conclusion of tonight's business under 2016 Fall Annual Town Meeting. *The motion for adjournment passed my majority vote.*

2016 Special Town Meeting #1 was called back into order at approximately 8:00 PM.

ARTICLE 1: Middlesex Garage Feasibility Analysis (Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for a Feasibility Analysis regarding development of a parking garage on essentially the same footprint as the former so-called Middlesex Garage, located generally between Middlesex Avenue, North Main Street, Summer Street and Spring Street; said Feasibility Analysis to include but not be limited to (1) review, analysis and utilization of information and recommendations from previously completed relevant studies; (2) performance of necessary tests (e.g. soil borings) to determine site suitability for a multi-level parking garage; (3) analysis of advantages and disadvantages of including commercial lease space within said garage; and (4) development of conceptual design(s) and associated projected costs, said designs to be in compliance with local zoning and other applicable regulations or identify variances necessary to achieve compliance; or otherwise act thereon.

Finance Committee Recommendation

By a vote of 9-0-0 on October 6, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 1.

Motion: (Requires majority vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town vote to appropriate \$200,000 from free cash, to be expended under the direction of the Board of Selectmen, for a Feasibility Analysis regarding development of a parking garage on essentially the same footprint as the former so-called Middlesex Garage, located generally between Middlesex Avenue, North Main Street, Summer Street and Spring Street; said Feasibility Analysis to include but not be limited to (1) review, analysis and utilization of information and recommendations from previously completed relevant studies; (2) performance of necessary tests (e.g. soil borings) to determine site suitability for a multi-level parking garage; (3) analysis of advantages and disadvantages of including commercial space with said garage; and (4) development of alternative conceptual design(s) and associated projected costs and (5) related identification of zoning or other regulatory relief that would be necessary to develop a parking garage on the subject parcel(s).

Mr. Jennett spoke to the subject matter of Article 1. Mr. Lista moved, seconded by Mr. Linehan to amend the main motion by changing (5) to (6) and amend (5) to read as follows: "analysis of operation and maintenance costs including but not limited to all labor and fixed costs of garage operation, and". Mr. Lista spoke to the amendment. *The amendment passed unanimously (by hand count).*

Debate on the amended main motion ensued. Mr. Magasanik moved, seconded by Mr. Gath to amend the main motion to add after the words "associated projected costs" insert the following words "and estimate of the revenue required to assure no cost to the Town. Ms. Salamoff moved, seconded by Mr. Yang to amend the previous amendment to delete the words "assure no cost to the Town". Debate ensued on the amendment to the proposed amendment. *The second amendment failed (by hand count).* Debate continued on the first amendment. *The first amendment to the main motion failed. The amended main motion under Article 1 passed by majority vote (117-11-1).*

ARTICLE 2: Appropriate Funds for the Design and Development of the Cochituate Rail Trail (Board of Selectmen)

To see if the Town will vote to appropriate a sum of money to fund design and development of the Cochituate Rail Trail, or otherwise act thereon.

Finance Committee Recommendation

By a vote of 11-0-0 on October 24, 2016, the Finance Committee recommends *Favorable Action* with regard to the subject matter of Article 2.

MOTION: (Requires Majority Vote)

Moved by Mr. Evans, seconded by Mr. Griesmer that the Town vote to appropriate the sum of \$50,000 to be expended under the direction of the Board of Selectmen for design and related services for the proposed Cochituate Rail Trail, and that the amount of \$50,000 be raised from the MathWorks Mitigation Fund.

Mr. Ostroff made a presentation covering Articles 2 and 3. Mr. Ostroff was granted, without objection more than ten minutes for this presentation. Ms. White, Town Administrator and Mr. Errickson, Director of Community and Economic Development spoke to Articles 2 and 3 as well. The Moderator requested that without objection Town Meeting allow Mr. Young, who is not a Natick resident to speak. Mr. Charles Young, an employee of Stantec Consulting. Stantec Consulting performed the environmental research and testing on the rail trail. Debate on this article continued. *The main motion under Article 2 passed by majority vote (112-14-3).*

ARTICLE 3: Acquisition of the CSX Saxonville Branch (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or otherwise, for general municipal purposes, including without limitation recreational and non-motorized transportation purposes, land known as the Saxonville Branch line and adjoining parcels, owned now or formerly by CSX Transportation, Inc., and shown on Natick Assessors Map 41, Lot RR1; Map 17, Lots 13, 14, 18 and 19; Map 26, Lots 40A and 116A; Map 35, Lot 296; and Map 43, Lots 413A and 413B; which land shall be used for the proposed Cochituate Rail Trail, a plan for which is on file with the office of the Natick Community and Economic Development Department, and further, to see what sum of money the Town will vote to appropriate and raise, borrow, or otherwise provide for the purposes of this article; and, further, to authorize the Board of Selectmen and other applicable boards, commissions, and personnel to apply for and receive grants or gifts for the purposes of this article, and to take all action necessary or appropriate to accomplish the purposes of this article; or otherwise act thereon.

Finance Committee Recommendation

On October 13, 2016, the Finance Committee held an initial public hearing on Article 3. The Finance Committee postponed further consideration of Article 3 until Monday October 24, 2016. By vote of 9-2-0 on October 24, 2016, the Finance Committee recommends Favorable Action on the subject matter of Article 3.

MOTION: (Requires Two Thirds Vote)

Moved by Mr. Evans, seconded by Mr. Griesmer to appropriate the sum of \$6,065,000 to acquire, for recreational and non-motorized transportation purposes, land known as the Saxonville Branch line and adjoining parcels, owned now or formerly by CSX Transportation, Inc., and shown on Natick Assessors Map 41, Lot RR1; Map 17, Lots 13, 14, 18 and 19; Map 26, Lots 40A and 116A; Map 35, Lot 296; and Map 43, Lots 413A and 413B; which land shall be used for the proposed Cochituate Rail Trail; which acquisition is subject to provisions of the so-called federal railbanking statute, 16 U.S.C. 1247(d); to be expended under the direction of the Board of Selectmen in accordance with the terms of the applicable purchase and sale agreement with CSX Transportation, Inc., as amended; provided that funding for construction of the proposed Cochituate Rail Trail is in the Transportation Improvement Plan by the Boston Metropolitan Planning Organization at the date of the closing for acquisition of said land, and that the amount of \$6,065,000 shall be raised from the following sources:

FAR Bonus Stabilization Fund	\$3,100,000
Borrowing	<u>\$2,965,000</u>
Total Appropriation	\$6,065,000;

and, further,

1) that the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,965,000 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

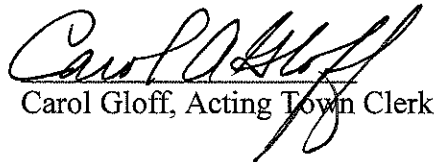
\$2,965,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program; and further, 2) that the amount of said borrowing shall be reduced and/or repaid in full or in part by any grants or donations received in support of the Cochituate Rail Trail acquisition and, further, 3) that the Board of Selectmen is hereby authorized to expend for the purposes of this article, in accordance with the terms of the applicable purchase and sale agreement with CSX Transportation, Inc., as amended, the total sum of \$6,071,000, including appropriations under this Article and \$6,000 in donations received to date.

Mr. Evans moved seconded by Mr. Griesmer to make the following changes to the article:

1. To delete in section 1) the words "this program" and replace them with "the purposes of this article"
2. In the second to last line after the words "CSX Transportation, Inc" add "dated February 16, 2016"
3. Add the words "by First Amendment dated February 16, 2016" after the words "as amended" in the second to last line.

Mr. Ostroff raised several questions and there was a brief recess. The Moderator announced at 9:55 PM that this would not be sorted out immediately. Mr. Everett moved, seconded by Mr. Sidney to adjourn. *The motion to adjourn passed by majority vote. The meeting adjourned at 9:55 until Thursday, November 3rd at 7:30PM.*

A record of the First Session of
2016 Special Town Meeting #2
November 1, 2016


Carol Gloff, Acting Town Clerk