

BOARD OF SELECTMEN – TOWN OF NATICK

MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

July 10, 2017

7:00 PM

PRESENT: Chairman Jonathan Freedman, Vice Chair Susan G. Salamoff, Clerk Richard P. Jennett, Jr., Member Michael J. Hickey, and Member Amy K. Mistrot

ALSO PRESENT: Town Administrator Martha L. White and Executive Assistant Trish O’Neil

The Chairman called the meeting to order at 6:05 p.m., noting that a quorum was present and that the meeting had been duly posted, and requested a motion to enter into Executive Session to discuss matters pertaining to Real Property and Executive Session Minutes with the Chair announcing that discussion of Executive Session matters in Open Session would have a detrimental effect on the Board of Selectmen’s negotiating position and the Town’s interests. Ms. Salamoff, seconded by Mr. Hickey, moved to enter into Executive Session and, by a roll call vote, all Board Members voted in favor of the motion. The Board entered into Executive Session at 6:07 p.m., the Chair announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:13 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

ANNOUNCEMENTS:

Ms. White thanked Panera Bread for partnering with the Community Services Department in support of some of the Town’s neediest youth receiving lunch each day. There will be a public meeting on July 12th to obtain public input about how the outdoor open space behind the Community-Senior Center should be used. A new group, The Journey, consisting of family members living with the loss of loved ones who have died as a result of substance abuse, has been formed to offer support to others living with such a loss. Meetings will be held every other Wednesday during the summer at the Community-Senior Center. Ms. White announced that the Town is the recipient of the Municipal Vulnerability Preparedness Grant, a grant to assess the economic, social, and environmental impacts of climate change, which our Sustainability Coordinator, Jillian Wilson Martin, and our Conservation Agent, Victoria Parsons, will be working on.

Jillian Wilson Martin, Sustainability Coordinator, provided an update about the Eversource rate case, noting concerns that the proposed rate hike would negatively impact solar installations such that the savings anticipated would not be realized. Her proposal is that the Town of Natick be an “intervener,” signing a petition against the rate hikes along with other towns like Newton, Arlington, Lexington, and Weston, with Ms. Wilson Martin testifying on behalf of the Town.

Ms. Salamoff acknowledged the hard work of the volunteers and appreciation for those who contributed to the funding of the July 4th parade, as well as the performance of the DPW crew for their quick and complete clean-up after the parade.

Mr. Freedman noted that a public forum regarding the Kennedy Middle School architects, owner’s project manager, and school administration will be held at 7:00 p.m. on July 12th at the Kennedy School Auditorium.

WHAT’S NEW

Two Wayland High School students, Elizabeth Greenberg and Lindsey Barnard, gave a presentation of the research done by their class on the life and times of Herman Allen, a World War I veteran who was born in Natick and later went on to become a public official in Wayland. Their research can be viewed at <http://hermanallenww1story.weebly.com/>.

CITIZEN’S CONCERNS

None.

CONSENT AGENDA

The Vice Chair read all Consent Agenda items aloud. The Chair asked if any members of the public or the Board would like to remove any item from the consent agenda for discussion with no requests made to do so. After the Chair requested a motion to approve the Consent Agenda, Mr. Jennett (who extended special thanks to the Leonard Morse Grants Panel nominees) was seconded by Ms. Mistrot and the Board voted unanimously to approve the Consent Agenda conditioned upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following items were approved:

- a. High Street Block Party on 9/16/17 (rain date: 9/17/17)
- b. Recreation and Parks Movie Nights on Town Common on 8/3/17 and 8/24/17 (contingent upon approval by Recreation and Parks Commission)
- c. Nominations of Alissa Caron and Cynthia Hall Koure to the Leonard Morse Grants Panel
- d. Warrior Thunder Foundation Vet Ruck New England on 8/19/17
- e. Weekly Warrant Review for 6/27/17
- f. BOS Meeting Minutes for 8/22/16
- g. Request by Aqua Barriers to Occupy a Public Way at 5 Summer Street and 25 Main Street for two to three days between 7/10-7/31/17, with dates to be arranged in advance with the Police Department

APPOINTMENTS WITH THE BOARD OF SELECTMEN

1. **Application for Entertainment License: Trend Pure Asian Cuisine:** Attorney Richard Ravosa of Town and Country Legal Associates presented with Li Ann Chan, Trend's general manager, requesting an entertainment license for karaoke, piano, and perhaps one to two instrumentalists on Thursday, Friday, and Saturday nights in the hopes of generating more revenue to help meet the demand of their \$19,000 per month rent. Lt. Lauzon suggested that, if approved, entertainment should end at 11:30 p.m. so as not to run into problems meeting the "last call" and "closing time" stipulations, hence jeopardizing their alcohol license. On a motion by Mr. Jennett that included Lt. Lauzon's recommendations, seconded by Ms. Salamoff, the Board voted 5-0-0 in favor of granting a license that would allow for entertainment between the hours of 9:00 p.m. and 11:30 p.m.
2. **Application for Livery License: Amy Dunajski, Around Town Youth Rides:** This 14-year resident of Natick with two children is interested in starting a youth rides livery service for children between the ages of 6-17 to meet what she sees as a growing need among parents stretched thin by transporting multiple children to multiple activities. Ms. Dunajski cited a similar business model by the name of Zemcar, different from other ride share services in that it is geared specifically to children, and outlined her own business plan for the Selectmen. Several Natick moms were in the audience to offer their support for Ms. Dunajski and this service. Lt. Lauzon of the Police Department, asked prior to the meeting to provide a recommendation, reported that he and Chief Hicks had reservations about recommending approval for this type of service given the very young age of the potential riders and asked that the Selectmen consider adding language to their Taxi/Livery Service Policy similar to that of Uber and Lyft, i.e., that a child under the age of 18 must be accompanied by an adult. After much discussion about the logistics of a business of this nature, the Board determined that there were enough questions and insufficient information to make an informed decision and requested that Lt. Lauzon look into other programs and provide recommendations in four weeks, and that Ms. Dunajski update her proposal.
3. **Public Hearing: Eversource Grant of Location to Install Pole and Conduit on Mulligan Street,**
4. **Public Hearing: Eversource Grant of Location to Install Conduit on South Main Street, and**
5. **Eversource Grant of Location to Relocate Pole on South Main Street:** The Chair suggested opening both public hearings at the same time, closing both public hearings, and then voting separately on each Eversource request for a Grant of Location. Mr. Jennett read both public hearing notices. On two separate motions by Ms. Salamoff that were seconded by Ms. Mistrot, the Board voted 5-0-0 to open the first public hearing and then the second public hearing. Christine Cosby of Eversource Energy discussed the work to be done and, when asked by the Chair, no member of the public requested discussion or objected. On two separate motions by Mr. Jennett that were seconded by Ms. Salamoff, the Board voted 5-0-0 to close each public hearing. On three separate motions by Mr. Jennett that were seconded by Ms. Salamoff, the Board voted 5-0-0 in favor of all of the requested grants of location: to install a pole and conduit on Mulligan Street, to install a conduit on South Main Street, and to relocate a pole on South Main Street.

6. **Application for Common Victualler’s License: Myan d/b/a Mingaliens:** Michael Colantoni, former manager of Natalie’s, stated that his father, the owner of Natalie’s, had become ill and could no longer run the business, and so Michael decided to partner with Mr. Ming Qi to take over the business, which would be owned by Mr. Qi and managed by Mr. Colantoni. All that would change is the owner and the name of the business – everything else is to remain the same. Moved by Ms. Mistrot and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the common victualler’s license.
7. **Application for Common Victualler’s License: Falafel House:** Daniel Shaheen, the co-owner and intended manager for this new business, indicated that the restaurant at the Natick Mall Food Court would be serving authentic Mediterranean food. Moved by Ms. Mistrot and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the common victualler’s license.

Treasurer: Establish Useful Life for Equipment in Anticipation of Borrowing: On a vote of 5-0-0, the Board of Selectmen voted that the maximum useful life of the departmental equipment and capital improvements listed below, to be financed with the proceeds of the borrowings authorized by the vote of Town Meeting passed May 2, 2017 (Article 12, Motions B, C, and E and Article 13, Motions B, C, and D), is hereby determined, pursuant to MGL Chapter 44, section 7(1), to be as follows:

Item #	Item	Amount	Maximum Useful Life
<u>Article 12- Motion B- Capital Equipment – 2017 Spring Annual Town Meeting</u>			
23	Fire Pumper	\$580,000	7
24	Trash Packer	\$290,000	7
25	Front End Loader	\$270,000	10
26	Side Walk Bombardier	\$180,000	10
<u>Article 12 – Motion C – Capital Equipment – 2017 Spring Annual Town Meeting</u>			
27	Sewer Station Generator	\$95,000	10
<u>Article 12 – Motion E – Capital Equipment - 2017 Spring Annual Town Meeting</u>			
30	Golf Carts	\$110,000	5
<u>Article 13 – Motion B – Capital Improvement – 2017 Spring Annual Town Meeting</u>			
10	Cole Center Roof	\$500,000	20
11	Roadway & Sidewalks	\$1,000,000	15
12	Park and Field Renovations	\$175,000	7
21	Irrigation Well – High School	\$100,000	7
<u>Article 13 – Motion C – Capital Improvement – 2017 Spring Annual Town Meeting</u>			
13	Lilja School – Modular Classrooms	\$2,100,000	20
<u>Article 13 – Motion D – Capital Improvement – 2017 Spring Annual Town Meeting</u>			
14	Rte. 9 & 27 Water/Sewer Infrastructure	\$3,140,000	20
15	Ground Water Wells	\$400,000	20
16	Town Forest Reservoir Water Main	\$360,000	20

8. **Deputy Town Administrator/Operations: Contracts:** Mr. Chenard presented the following contracts for Board approval on behalf of Bryan LeBlanc, the Procurement Officer, who was unavailable to attend tonight’s meeting. After discussion, and as recommended in the Procurement Officer’s contract award recommendations, the Board voted 5-0-0 on three separate motions (a. moved by Ms. Mistrot and seconded by Mr. Jennett; b. moved by Ms. Mistrot and seconded by Mr. Hickey; and c. moved by Ms. Mistrot and seconded by Ms. Salamoff) to award the following contracts:
 - a. **Pedestrian and Bicycle Improvements** (which contract includes penalties for late completion) to the lowest bidder, Pine Ridge Technologies, Inc., for the main bid work, plus alternate bid work, in the amount of \$457,980.00. Funding: MassDOT Complete Streets Program Grant: \$400,000 and Chapter 90 Funds: \$57,980.

- b. Crack Sealing to the lowest bidder, Cracksealing, Inc., for the complete main bid work at a unit price of \$6.43 per gallon for approximately 5,600 gallons. The Town of Natick participates in this cooperative bid through the Metropolitan Area Planning Council (MAPC – a consortium in which Natick is a member) annually. Funding: DPW Operating Budget.
- c. Environmental Sampling to Stantec, Inc. (under contract with the Town for the past three years and whose services are exempt from any statutorily-prescribed procurement process) for the hourly rates specified within the contract in an amount not to exceed \$112,303. Funding: Board of Selectmen/DPW Operating Budget.

DISCUSSION AND DECISION

- 9. **Camp Arrowhead Update:** Some pending issues have been resolved, such as the issue of a construction access permit, required by DCR prior to doing lead and asbestos testing, and that testing will now move forward. An RFQ, focused on rebuilding the fire-damaged structure, has been issued. Summer camp is going well. The subagreement with AmVets has not progressed at all – it had been in the hands of DCR and has now been sent to Town Counsel for review.
- 10. **Nip Bottle Deposit Legislation – House Bill H3528:** Mr. Hickey noted that the Town of Framingham is supporting an online petition that relates to putting a deposit on nip bottles in an effort to cut down on litter and indicated that he is inclined to have the Town of Natick support it as well. The recommendation by the Board was to reschedule this item for the next Selectmen’s meeting so that opinions and recommendations of Town staff can be considered.
- 11. **Follow-Up Discussion Regarding Registered Medical Marijuana Dispensaries:** Much discussion ensued about how allowing a registered medical marijuana dispensary in Natick would impact the possible sale of recreational marijuana and how the Town could maintain control over medical and nonmedical entities. Language in the law does open the door for the sale of recreational marijuana if there is a medical dispensary in the Town. Town Counsel Brandon Moss outlined three options: an outright ban on recreational marijuana (medical marijuana may not, of course, be banned); a moratorium on recreational marijuana, which would be a temporary measure; and a host community agreement, which would control any recreational entity that may be related to a dispensary. One town that Mr. Moss is aware of has actually employed a moratorium and a ban to prevent the sale of recreational marijuana. Ms. Salamoff suggested having an Article crafted for the 2017 Fall Annual Town Meeting Warrant that would allow for a moratorium, which would remain in effect for six months after regulations are issued by the Massachusetts Cannabis Control Commission (thereby allowing the Board some flexibility to review and consider these regulations) and a ballot question that would require a Town vote. Ms. White stated that this is included in her list of potential Warrant Articles and Mr. Freedman asked her to collaborate with Mr. Moss on crafting the Article for presentation to the Board before the Warrant closes. Mr. Jennett brought the topic back around to medical marijuana, inquiring about monetary aspects of a host community agreement. Mr. Moss explained that every town is different – some agreements are based on percentages and some on flat, fixed amounts. Mr. Jennett also confirmed with Attorney Moss that if the Board of Selectmen decided against having a dispensary in Town then the solution would be to simply not provide a Letter of Nonopposition to a requesting entity, and Mr. Hickey pointed out that this would be the only sure fire way of preventing the sale of nonmedical marijuana. Ms. Salamoff thought there should be some discussion as to whether the Town of Natick is even interested in having a facility at all. When Mr. Freedman posed this question to the Board, Mr. Hickey stated he was interested in having a medical facility. Ms. Mistrot said she was more comfortable with the thought of a medical facility following the public forum held at the high school and after hearing opinions from the Police Chief and the Director of Public Health. Mr. Jennett state he was completely open minded about the issue but would want the Town to retain any and all options necessary to control a business like this. Mr. Freedman indicated that an actual application is to be considered at the next Board of Selectmen’s Meeting. Mr. Freedman also expressed concern that Executive Session Rules would not allow for discussion about a host community agreement and that this negotiation, if a Letter of Nonopposition were to be considered, would have to take place in Open Session. Mr. Moss suggested considering the anticipated application at the next meeting and then appointing one or two Selectmen to discuss specifics, who would then bring their ideas and suggestions back to the Board. Mr. Freedman stated he was uncomfortable with a public discussion and asked the Selectmen to funnel their thoughts through him to be sent to Mr. Moss for review – how the matter would be addressed thereafter would be determined at a later time.

TOWN ADMINISTRATOR NOTES

None.

SELECTMEN'S CONCERNS

Mr. Hickey suggested a thank you letter be sent to MassDOT for mowing and keeping certain areas of the Town clean.

Ms. Salamoff wondered if hawker/peddler licenses needed to be issued by the Selectmen's Office for vendors who participate in the 4th of July Parade activities. She also inquired as to the role of the Board of Selectmen for a group of citizens who are in opposition to the proposed dog park, and Ms. White stated that they would have to contact the Conservation Commission. Ms. Salamoff also asked who to contact with a resident concern about a mural hanging in the Post Office; Ms. White suggested speaking to the Postmaster General.

ADJOURNMENT

On a motion by Ms. Mistrot, seconded by Mr. Jennett, the Board voted unanimously on a roll call vote to adjourn the Board of Selectmen's Meeting at 11:02 p.m.



Richard P. Jennett, Jr., Clerk

July 10, 2017 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on August 7, 2017

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All documents used at this Board of Selectmen meeting are available at:

<https://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=426&MinutesMeetingID=-1&doctype=Agenda>