

BOARD OF SELECTMEN – TOWN OF NATICK

MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

July 24, 2017

6:00 PM

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

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

ABSENT: Vice Chair Susan G. Salamoff

The Chairman called the meeting to order at 6:15 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

ANNOUNCEMENTS:

Ms. White announced that there will be a memorial sign dedication in honor of Paul McKinley Saturday, August 5th at noon on Oakland Terrance and the public is welcome to attend. Ms. White also announced that Tom Hladick, Deputy Director of the Department of Public Works, was awarded the Professional Manager of the Year for Solid Waste Management Award by the American Public Works Association. The Department of Public Works also received an award for Exceptional Performance in Sustainability. Jeremy Marsee, Director of Public Works, Mr. Hladick, Jillian Wilson-Martin, Sustainability Coordinator, and Ken Fisher, Equipment Maintenance Supervisor, were congratulated and thanked for their great work by both the Town Administrator and the Board of Selectmen.

WHAT'S NEW

Meena Jain informed the Board that the Bacon Free Library was the recipient of Massachusetts Library Association Public Relations Awards, both first place and second place. Ms. Jain also mentioned that the Little Free Libraries have been a great success.

CITIZEN'S CONCERNS

John Crisafulli of Precinct 9 raised concern about "peace flags" hung on Town property. Though not opposed to the flag, his feeling was that it represents a special interest group and makes a statement for the whole Town, wherein lies the controversy, in his opinion. Mr. Freedman stated that Town Counsel would be consulted about the presence of these flags in Town buildings. Mr. Crisafulli also showed a sample of the flag that he designed to honor patriots – red, white, and blue with stars and adjectives describing a patriot.

CONSENT AGENDA

Mr. Jennett read the list of Consent Agenda items aloud. The Chair asked if any members of the public or the Board would like to discuss any item on the consent agenda and Mr. Hickey referenced the letter to CSX regarding amending certain terms of the Navy Yard deed. This item was removed from the Consent Agenda to be discussed later in the meeting. The Chair asked for a motion to approve the remainder of the Consent Agenda. Moved by Mr. Jennett and seconded by Ms. Mistrot, the Board voted 4-0-0 to approve the Consent Agenda, excluding the item removed and conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following items were approved:

- a. Exemption from Town By-Laws Chapter 41, Section 4 for Victoria Bettuelli (Recreation & Parks Counselor and Schools Technology Intern)
- b. Weekly Warrant Reviews for July 7, 2017 and July 14, 2017
- c. Resignation of Sue Shea from Recreation and Parks Commission with a letter to be sent in thanks for her service
- d. Reappointment of Janice Henderson to the Cochituate Rail Trail Advisory Committee
- e. Parade Permit for Natick AmVets Post 79 for August 26, 2017 (rain date: August 27, 2017)

APPOINTMENTS WITH THE BOARD OF SELECTMEN

1. **Treasurer/Collector: Approve Bond Sale and Sign Associated Loan Closing Documents:** On a motion by Mr. Jennett, seconded by Ms. Mistrot, to approve the document entitled “Vote of the Board of Selectman,” provided by Mr. Price, the Treasurer, the following votes were passed 4-0-0:

- that the sale of the \$8,600,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated July 27, 2017 (the “Bonds”), to J.P. Morgan Securities LLC at the price of \$9,380,471.98 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on July 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$630,000	4.00%	2028	\$365,000	4.00%
2019	605,000	4.00	2029	360,000	4.00
2020	600,000	4.00	2030	355,000	4.00
2021	600,000	4.00	2031	355,000	3.00
2022	590,000	4.00	2032	350,000	3.00
2023	560,000	4.00	2033	290,000	3.00
2024	560,000	4.00	2034	290,000	3.00
2025	410,000	4.00	2035	290,000	3.00
2026	405,000	4.00	2036	290,000	3.00
2027	405,000	4.00	2037	290,000	3.00

- that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 11, 2017, and a final Official Statement dated July 19, 2017 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.
- that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.
- that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.
- that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond 2 counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.
- that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

The Chair called a recess to allow for the Town Clerk to witness the signing of and notarize all documents.

2. **Application for Change in Manager: Austin Liquors Too – Will J. Vital:** After obtaining information relevant to Mr. Vital’s past experience and plans for his managerial position at Austin’s, Mr. Jennett moved, seconded by Ms. Mistrot, to approve Mr. Vital’s application and the motion passed 4-0-0. Mr. Freedman stressed the seriousness with which the Board of Selectmen regards alcohol licensing.

3. **Personnel Board – Town Administrator’s Job Description Update:** Mr. Freedman indicated that the Personnel Board would be assisting the Board of Selectmen in preparing for the screening process outlined in the Town Charter and By-Laws that would be used to find a replacement for Ms. White, the Town Administrator, who will retire in June of 2018. Steve Levinsky, Chair of the Personnel Board, gave an overview of the process, which will require the Board of Selectmen to

appoint a nine-member Screening Committee that would include four of its own appointees and five additional members, one each designated by the Finance Committee, the School Committee, the Personnel Board, the Town Moderator, and the Planning Board. Mr. Levinsky committed to returning to the next meeting of the Board on August 7th with an updated job description for the position of Town Administrator and the results of an online survey about what competencies and characteristics would be desirable in the next Town Administrator. Discussion ensued about the use of an external search firm, advertising, postings, networking, etc. Mr. Stew Brandt of H. Brandt Jewelers expressed interest in interviewing for the Committee and was advised to attend the August 7th meeting, when the Committee would be appointed, since he was not on the current agenda. Unable to attend the August 7th meeting, Mr. Brandt was advised to provide documentation expressing his interest and experience and he would be afforded the same consideration as other applicants.

4. **Interviews for Town Administrator Screening Committee: Richard Sidney:** Richard Sidney, unavailable to attend the August 7th meeting, provided information about his background and experience that he felt would make him a viable candidate for the Screening Committee. Ms. Mistrot and Mr. Hickey questioned if Mr. Sydney would be asked a set of 13 questions that had been previously created by the board members. Given the time required to ask the full set of questions of all candidates, Chair Freedmen was concerned about using the full set of questions. Mr. Mistrot raised the concern about creating parity for each candidate to have a similar interview experience. Mr. Hickey suggested revising the current set of 13 questions and asking all candidates to submit the new list in written form that could be included in the August 7th agenda materials for public review. Ms. Mistrot and Mr. Hickey agreed to work together to review the current interview questions to follow this suggested process. The committee agreed to use the suggested process for the August 7th interviews to create parity for all candidates and to limit the time needed to interview 12+ candidates. It was confirmed that the Screening Committee will be subject to Open Meeting Laws.

5. **Steve Levinsky, Natick Center Cultural District Executive Committee:**
 - a. Natick Center Cultural District 2017 Second Quarter Report: Mr. Levinsky provided an update from Natick Center Associates, which oversees the Natick Center Cultural District on behalf of the Town, for the second quarter of 2017. He discussed revenue, expenses, highlights, sponsored programs, and partnered programs in addition to goals and priorities for the remainder of the year, which have not changed in substance from his 2017 Quarter 1 update.
 - b. Approval of Art for Electrical Boxes: On a motion by Ms. Mistrot, seconded by Mr. Jennett, the Board voted 4-0-0 to approve the artwork proposals chosen by the Natick Center Cultural District's Public Art Committee for two electrical boxes, one at 2 Washington Avenue and the other at 67 East Central Street. Both boxes have been prepared for painting by the DPW and the painting will be completed by the fall of 2017. Funding is through a grant given to the Cultural District by the Massachusetts Cultural Council.
 - c. Morse Library Stitchers' Project: On a motion by Mr. Jennett, seconded by Ms. Mistrot, the Board voted 4-0-0 to approve the request of the Natick Center Cultural District's Public Art Committee to install a temporary stitchers' project on the bollards in front of Town Hall from October 6th through October 23rd. The Morse Library Stitchers are a group of volunteers who enjoy knitting and creating projects to enhance the downtown area and to help others.

6. **Registered Medical Marijuana Dispensary:** Mr. Freedman explained that no vote would be taken this evening – this would just be an opportunity to hear the details of the proposal by Natural Remedies – and the matter would be continued for further discussion to the August 7th meeting. Attorney George Richards, representing Jeff Barton and his company, Natural Remedies, provided background on the medical marijuana laws and discussed acquisition of a Letter of Nonopposition from the Town of Natick as part of the State application requirements. Jeff Barton, CEO of Natural Remedies in Hopkinton, provided a PowerPoint demonstration outlining the background and experience of the company and the logistics of the proposed dispensary site at 11 Mercer Road. Jamie Errickson, Director of Community and Economic Development, Police Chief James Hicks, Katie Sugarman, Prevention & Outreach Program Manager, and Jim White, Director of Public Health, also provided relevant information regarding their interactions thus far with Natural Remedies. Bruce Snow of Precinct 5 voiced multiple concerns about the opening of a medical marijuana facility, among which was its proximity to a day care center (which, Ms. White explained, was outside of the radius specified by State law), to the World War II Museum, where children often visit (again, Ms. White explained that this did not qualify as one of the uses that a medical marijuana facility cannot be near), and to a State Department of Probation, where people meeting with their probation officers could

then walk across the street to purchase a “dime bag.” Mr. Freedman reminded Mr. Snow and the audience that the scope of this evening’s discussion was in regard to a registered medical marijuana dispensary, not a commercial operation where recreational marijuana could be purchased, and emphasized the fact that only customers with a prescription written by a doctor would be able to purchase the product. Sue Wilkins, the Director of Education at the World War II Museum, spoke on behalf of the museum owner, Ken Rendell. While not objecting to medicinal marijuana, one concern, among others, is that 11 Mercer Road is not the appropriate location for a dispensary, their presumption being that it would have more negative than positive effects on people visiting the museum. If a dispensary were approved, however, they would want to be allowed input into the facility’s outward appearance to avoid any signage that would appear to “normalize” marijuana use and would want a guarantee that no recreational marijuana would be allowed. Mr. Freedman pointed out that the process the facility would have to undergo with the Planning Board would allow for public input into the facility’s signage. Gary Kaufman, one of the two owners of 27 Strathmore Road, expressed concern about problems he has seen with medical marijuana facilities in other states and worry that a medical marijuana facility would open the door to a recreational operation. Mr. Kaufman stated that investors in the business park where the facility is proposed to be located are reconsidering their investments, worried that the introduction of such a facility, with possibly a recreational facility not far behind, will have a negative economic impact on the park, lowering property values. Ms. White suggested engaging the Economic Development Committee in a discussion about any potential economic impact on the industrial park. Bruce Leader, one of the managers of Sherwood Plaza, requested clarification regarding whether or not allowing a medical marijuana facility would impel a Town to also allow a recreational operation. Mr. Freedman asked Town Counsel Brandon Moss to provide that clarification. Mr. Moss stated that there are three ways to address the dilemma of recreational marijuana: 1) the Town could impose a zoning moratorium, i.e., a temporary pause, on recreational marijuana, separate and apart from medical marijuana; 2) through a Host Community Agreement (a contract) specific to a medical dispensary that is doing business with the Town whereby the medical facility would agree not to engage in any sale of recreational marijuana, and 3) a townwide prohibition on recreational establishments. One, two, or all three methods could be employed. However, there is legislation before the governor at the moment that states that communities in which the ballot question regarding allowing marijuana passed may have to treat recreational marijuana differently (but since this has not been signed into law, Mr. Moss could not provide any real guidance on it). Clarified by Mr. Jennett, a town can essentially ban recreational marijuana even while allowing a medical marijuana facility. Peter Gormley, a Natick resident, spoke in favor of medicinal marijuana and, along with several other community members, voiced his support of Mr. Barton. Regarding a Host Community Agreement (basically a contract between two opposing parties), Mr. Freedman explained that the Open Meeting Law does not allow for discussion in Executive Session. He advised that any thoughts from Board Members about a potential agreement be sent directly to him, and not the entire Board, and he and Ms. White would then reach out to all of the involved Town parties to craft such a document. Once accomplished, the Host Community Agreement would be discussed and voted by the Board in Open Session.

7. **Sustainability Coordinator: Award Contracts and Provide Update on Eversource Rate Case:** The Town recently received \$159,162 from Green Communities, a grant program through the Massachusetts Department of Energy Resources, to complete several energy efficiency projects at no cost to the Town that will save the Town approximately \$40,000 per year. Ms. Wilson Martin requested the Board’s approval to award two contracts to Horizon Solutions, LLC, one for Energy Conservation Projects at the East Fire Station and the second for the LED Retrofit of the East School. On two separate motions by Ms. Mistrot, both seconded by Mr. Hickey, the Board voted 4-0-0 to award the contracts as stated above. Ms. Wilson Martin also requested approval to award a third contract to Horizon Solutions, LLC for the LED Retrofit of the Morse Institute Library, the funding for which was appropriated at the 2017 Spring Annual Town Meeting and which will result in an annual cost savings to the Town of \$11,000. This contract was awarded by a vote of 4-0-0 on a motion by Ms. Mistrot that was seconded by Mr. Hickey.

Regarding the Eversource Rate Case, Ms. Wilson Martin explained that the Town of Natick’s petition to act as an intervener along with Newton, Arlington, Lexington, and Weston in opposition to the rate increases sought by Eversource has been granted by the Department of Public Utilities. Ms. Wilson Martin will provide testimony to the DPU on behalf of the Town of Natick and is working closely with Town Counsel to prepare. Ms. Mistrot requested a synopsis of what is at stake for the Town should Eversource achieve its goal of higher rates. Ms. Wilson Martin explained that costs will increase in multiple areas, i.e., delivery, residential, solar, demand charges, etc., and that these increases will

be significant. Ms. Wilson Martin stated that the Attorney General has indicated that her office will be advocating for rate payers against Eversource. Ms. Wilson Martin cited the elimination of certain rates by Eversource and gave an example of the rate used to net meter solar facilities – Eversource is seeking to reduce the net metering credit value from the current 22-25 cents to 13 cents per kilowatt hour (an almost 40% decline in value), resulting in a loss in annual net metering revenue for the Town of approximately \$300,000 annually, or approximately \$6 million over the Town's current 20-year contracts.

Ms. Wilson Martin requested approval of a Consent and Agreement form which acknowledges that Ameresco has transferred ownership of the solar arrays at Lilja School, the Department of Public Works, and the Ice Rink to a third party with conditions of the original Power Purchase Agreement remaining in effect. On a motion by Ms. Mistrot, seconded by Mr. Hickey, the Board voted 4-0-0 to approve and sign the Consent and Agreement form.

8. **Director of Public Works: Selectmen Policy Regarding Five-Year Street Opening Moratorium:** Mr. Marsette provided a redline version of the policy with recommendations for a number of improvements, additions, suggestions, and changes to the policy. Mr. Freedman expressed appreciation to Mr. Marsette for the significant thought that was been put into the revision. Mr. Marsette's goal this evening was to garner further input into the policy from the Board with a plan to return with a more finalized version to a meeting in the near future. Among the many considerations are the addition of a fee to be imposed for opening a street, what would constitute an emergency for a street opening, what would be required to restore a street to an acceptable, or even better, condition, etc. After extended discussion among the Board Members and Mr. Marsette, Mr. Marsette agreed to return to an upcoming meeting with an updated version of the policy. Mr. Marsette also advised the Board to expect updated water and sewer regulations at an upcoming meeting.

DISCUSSION AND DECISION

9. **Approve Letter to CSX to Amend Deed Restrictions for Navy Yard Field Improvements:** Having removed this item from the Consent Agenda at Mr. Hickey's request, further discussion ensued among the Board Members and Mr. Ostroff provided further background information. Mr. Ostroff explained that the designer for the Navy Yard Field inadvertently planned for a basketball court, a picnic area, and walking paths on land acquired from CSX for rail trail use, the deed for which would restrict these uses, and the letter in question would request an amendment to the deed that would permit these uses. Mr. Hickey suggested modifying the third paragraph of the letter with somewhat less specific language (to be crafted by Town Counsel) that would be agreeable to both parties. On a motion by Mr. Hickey, seconded by Mr. Jennett, the Board voted 3-0-1 to authorize the Chair to send a letter to CSX with its substance as described by Mr. Ostroff and its final language to be determined. Ms. Mistrot abstained from voting since the background material had not been provided in time for her to review it.
10. **Nip Bottle Deposit Legislation-House Bill H3528:** A request is made of the Board to sign a letter in support of this bill aimed at reducing the presence of miniature, or "nip," bottles that litter the landscape by incentivizing consumers to return the bottles for the 5-cent deposit that would be added at the point of sale. An amendment has been suggested to include larger volume bottles since the liquor companies are considering making slightly larger bottles that would serve the same purpose but then would not fall under this regulation should it be passed by the Legislature. Ms. Wilson Martin stated that the Sustainability Committee supports the bill, as done Pat Conaway, President of Keep Natick Beautiful. Ms. Mistrot moved, seconded by Mr. Hickey, to authorize the Chair to sign a letter of support with the final language to be discussed with Ms. Wilson Martin. The motion carried 4-0-0.
11. **Announce Fall Annual Town Meeting:** Mr. Jennett read the public notice announcing the 2017 Fall Annual Town Meeting on Tuesday, October 17, 2017 at 7:30 p.m. at Natick High School. All Articles are to be submitted to the Board of Selectmen's Office by Thursday, August 17, 2017 at 5:00 p.m. Mr. Freedman requested disseminating this information to the widest extent possible since a Thursday Warrant Article deadline varies from the usual Friday – the point being to avoid a request to hold a Special Town Meeting because an Article has not been received on time due to lack of knowledge about the deadline.

12. **Camp Arrowhead Update:** In her update, Ms. White stated that the MOA between the Town of Natick and DCR has been discussed with Town Counsel, and Mr. Flynn has forwarded any concerns cited by Ms. White to DCR. The lead and asbestos testing results were also forwarded to DCR with a request for authorization to proceed with lead abatement (no asbestos was detected). Methodologies for lead abatement are different for rebuilding vs. demolishing and reconstructing so another request for authorization of one or the other has been submitted to DCR. The MOA between the Town of Natick and the AmVets (termed the co-permittees under the MOA with DCR) has been sent for review by Town Counsel as well as Mr. Carew and the other trustees. The MOA outlines the responsibilities assigned jointly to the co-permittees and how they are to be divided. Ms. White stated that she has reiterated that it would be very important for the AmVets to secure an attorney to review the MOA. Permission has been received from DCR to change the locks. There is a deadline for completion of the project in order to obtain additional insurance monies if they are needed, and that is being given the utmost priority. Ms. White has kept Representative Linsky apprised of the situation at the Camp.
13. **Update Regarding FY 2018 Local Aid:** Final FY 2018 state aid amounts have been provided. Natick will see additional net state aid of \$198,917. Budget adjustments will be made at the 2017 Fall Annual Town Meeting.

TOWN ADMINISTRATOR NOTES

None.

SELECTMEN'S CONCERNS

Mr. Hickey, as the Board's representative on the West Natick Fire Station Building Committee, inquired as to whether Ms. White had received an email from Patrick Hayes. Ms. White replied that she had and has scheduled an appointment with Mr. Errickson and Sherwood Plaza representatives to discuss the items Mr. Hayes outlined.

ADJOURNMENT

On a motion by Ms. Mistrot, seconded by Mr. Jennett, the Board unanimously voted on a roll call vote to adjourn the Board of Selectmen's Meeting at 11:40 p.m.



Richard P. Jennett, Jr., Clerk

July 24, 2017 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on August 21, 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=427&MinutesMeetingID=45&doctype=Agenda>