

**2019 Fall Annual Town Meeting
Marshall Lebowitz Town Meeting Room
Wilson Middle School
October 29, 2019, Fifth Session**

The Fifth Session of the 2019 Fall Annual Town Meeting was called to order at 7:45 PM by 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 Fifth Session of 2019 Fall Annual Town Meeting. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office; there were none. 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 for the meeting: Diane Packer, Town Clerk; Linda Wollschlager, Finance Committee Vice Chair; Bruce Evans, Finance Committee Secretary; Karis North, Town Counsel, Melissa Malone, Town Administrator; and Michael Hickey, Chair, Board of Selectmen. Sean O'Brien will operate the slides and Tim Lathwood, a representative from Option Technologies, will operate the electronic voting system.

The Moderator reviewed the general rules and procedures of Town Meeting which had been accepted at a previous session of 2019 Fall ATM. 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.

No person shall speak upon any question 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 Moderator announced that the order of business will be Article 44, 20, 7, 4-6, 8 and 10.

ARTICLE 44: Rezone Properties Known as 1075 & 1085 Worcester Street from Industrial II to Highway Mixed Use I (Paul McKeon et al)

To see if the Town will vote to amend the Zoning Bylaws and Map with regards to:

- 1) replace the Industrial II (INI) zoning district with the Highway Mixed Use I (HMI) on certain lots;
- 2) Amend the Section III-B (3), (4), and (5) regarding Large Parcels – lower minimum parcel threshold for large parcels from 200,000 square feet;

FINANCE COMMITTEE RECOMMENDATION

By a vote of 12-0-0 on September 19, 2019 the Finance Committee recommended **no action** be taken on the subject matter of Article 44.

Motion (requires a two-thirds vote)

Moved by Mr. Lista, seconded by Ms. Evans to refer the subject matter of Article 44 to the Planning Board.

Mr. McKeon, a Natick resident and employee of the owner of the building which is the subject matter of Article 44 spoke to this article. *The referral motion under Article 44 passed by majority vote (106-1-1).*

ARTICLE 20: Transfer of land to Conservation Commission: Portions of 165 Mill Street Parcel (Board of Selectmen)

To see if the Town will vote to transfer from the School Committee and the Board of Selectmen to the Conservation Commission, the care, custody, management, and control of a portion of land adjoining the Kennedy Middle School, identified as 5.28 acres, located at 165 Mill Street, as shown on a Plan entitled "Town of Natick Kennedy Middle School, 165 Mill Street, Natick,

Massachusetts, Permitting Documents, Submitted to the Department of Environmental Protection” revision date February 6, 2019, portion identified on that Plan as “Potential Conservation Easement NAE-2019-01219 12-13-2018,” and available for inspection in the Board of Selectmen’s office, for the purposes of dedicating the land in perpetuity for conservation purposes and subject to the strictures and the protections of Article 97 of the Amendments to the Massachusetts Constitution, as required by the permit for File Number NAE-2019-01219, issued by the U.S. Army Corps of Engineers to the Natick School Department on April 16, 2019 ; or to take any other necessary action; or to act otherwise thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on September 10, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 20.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town vote to transfer from the School Committee and the Board of Selectmen to the Conservation Commission, the care, custody, management, and control of a portion of land adjoining the Kennedy Middle School, identified as 5.28 acres, located at 165 Mill Street, as shown on a Plan entitled “Town of Natick Kennedy Middle School, 165 Mill Street, Natick, Massachusetts, Permitting Documents, Submitted to the Department of Environmental Protection” revision date February 6, 2019, portion identified on that Plan as “Potential Conservation Easement NAE-2018-01219 12-13-2018,” and available for inspection in the Board of Selectmen’s office, for the purposes of dedicating the land in perpetuity for conservation purposes and subject to the strictures and the protections of Article 97 of the Amendments to the Massachusetts Constitution, as required by the permit for File Number NAE-2018-01219, issued by the U.S. Army Corps of Engineers to the Natick School Department on April 16, 2019 ; and to take all action necessary or appropriate to accomplish the purposes of this article.

Mr. Munnich, raised a point of order stating that Article 20 is not actionable by Town Meeting for the following reasons:

The Article cannot be voted by Town Meeting for the following reasons; each reason requiring the Article to be amended, which action cannot occur, and each reason being severable and constituting cause for the Article being inoperable:

- The plan presented at the Public Hearing and otherwise distributed is not titled: “*Town of Natick Kennedy Middle School 165 Mill Street*” as mentioned in the article text.
- The Subject Land is not located at 165 Mill Street. 165 Mill Street is the putative address of Kennedy Middle School whose address per Assessors Records [32-0000013] and Registry of Deeds is 0 Trevor Lane. The Subject Land is actually located at 96 and 104 Hartford Street [Assessors parcels 32-0000047A and 32-0000048] on land appurtenant to the Brown Elementary School located at 80 Hartford Street with a putative address of 1 Jean Burke Drive. Misleadingly the Town GIS and Assessors records do not show the Land Court Book and Page (LC445/593) for the prospective Land Court recording of the prospective settlement with the Corps of Engineers on either correct address of 96, or 104 Harford Street, or even at the incorrect address of 0 Trevor Lane, but rather at the fourth address of 1 Jean Burke Drive [Assessors 32-0000046].
- The plan presented at the Public Hearing was not “*identified on that Plan as “Potential Conservation Easement NAE-2019-01219 12-13-2018,”*” having, instead, an alternate designation of “NAE-2018-01219”. The New England District of the Army Corps of Engineers has no records for any “NAE-2019-01219”
- The plan eventually distributed did not show a revision date of February 6, 2019
- Despite the Warrant being effectuated on the 19th Day of August 2019 with Article 20 stating a plan was “*available for inspection in the Board of Selectmen’s office*”, on August 29th there was no file for Article 20, nor plan, available for public inspection. This material deficiency persisted at least through September 5, 2019. Although not salutary, neither the Town Clerk’s office nor Library (as public records access options) had been provided with any materials. The consequence of this serious and material procedural fault is that the requisite public review was thwarted and has been irreparably harmed.

The Moderator announced that he will rule on the point of order at the next meeting. In addition he provided Mr. Munnich an opportunity to file any additional information (if any) in the Clerk’s office by the end of the business on October 30th. Moved by Mr. Gath, seconded by Mr. Sidney to postpone consideration of Article 20 until November 5, 2019. ***The motion to postpone consideration of Article 20 passed by majority vote (100-8-2).***

ARTICLE 7: Personnel Board Classification and Pay Plan (Town Administrator)

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend Article 24 of the Natick Town By-Laws, specifically the Classification and Pay Plan referenced in Section 3, paragraph 3.10 therein, by adding, deleting or amending position titles; re-classifying positions to a different Grade; and/or effecting changes in the salary ranges as presently established; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11-0-0 on October 1, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 7.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager to see if the Town, pursuant to the authority contained in Section 108A of Chapter 41, of the General Laws, will vote to amend Article 24 of the Town of Natick By-Laws, specifically the Classification and Pay Plan referenced in Section 3, paragraph 3.10 therein, by adding, deleting or amending position titles; reclassifying positions to a different Grade; and/or effecting changes in the salary ranges as presently established; or otherwise act thereon.

Town of Natick

Classification and Pay Plan
Effective July 1, 2019

Grade	Minimum	Point 1	Point 2	Maximum
6	\$ 125,000.00	\$ 140,000.00	\$ 155,000.00	\$ 165,000.00
5	\$ 100,000.00	\$ 120,000.00	\$ 135,000.00	\$ 145,000.00
4	\$ 75,000.00	\$ 90,000.00	\$ 105,000.00	\$ 125,000.00
3	\$ 60,000.00	\$ 72,000.00	\$ 85,000.00	\$ 105,000.00
2	\$ 48,000.00	\$ 55,000.00	\$ 62,500.00	\$ 80,000.00
1	\$ 42,000.00	\$ 48,000.00	\$ 54,000.00	\$ 60,000.00

GRADE 6

Chief of Police
Deputy Town Administrator/Director of Finance
Deputy Town Administrator/Operations
Fire Chief
Town Administrator

GRADE 5

Comptroller
Deputy Chief of Police
Director of Community & Economic Development
Director of Facilities Management
Director of Human Resources/Labor Relations
Director of Information Technology
Director of Public Works
Director of Strategic Initiatives & Partnerships

GRADE 4

Assistant Comptroller
Building Commissioner
Director of Assessing
Director of Senior Center & Community Services
Director of Public Health
Director of Recreation & Parks
Morse Library Director
Treasurer/Collector

GRADE 3

Assistant Assessor (certified)
Assistant Director Council on Aging
Assistant Director of Finance
Assistant Director Recreation & Parks
Assistant Library Director, Morse Library
Assistant Treasurer/Collector
Bacon Free Library Director
Benefits Manager
Communications/Information Officer
Director of Recreation Programs/Special Events
Environmental Health Agent
Executive Director, Farm
Facility Maintenance Manager
Golf Course Manager
Housing/General Planner

GRADE 3 Continued

Information Systems Data Base Administrator
Information Systems Network Administrator
Local Building Inspector (certified)
Planner/Conservation Agent
Prevention & Outreach Program Manager
Procurement Manager
Project Manager
Public Health Nurse
Regulatory Compliance Coordinator
Senior Environmental Health Specialist
Senior Planner
Staff Accountant
Sustainability Coordinator
Veterans Agent

GRADE 2

Assistant Assessor (non-certified)
Assistant Director, Bacon Free Library
Assistant Director, Farm
Assistant Director Internal Operations, Farm
Clinical Social Worker
Data Analyst
Executive Assistant
Facility Custodial Supervisor
Golf Course Superintendent
Human Resources Coordinator
Payroll Manager
Sanitarian
Senior Executive Assistant
Social Worker
Social Worker Coordinator
Special Assistant to Director of Senior Center & Community Service
Special Assistant to Director of Facilities Management
Special Needs Coordinator
System Specialist Administrative

GRADE 1

Animal Control Officer
Finance Coordinator
Golf Professional
Parking Enforcement Officer
Outreach Coordinator
Program Manager Volunteer Services
Student Officer
Teen Center Coordinator

Town of Natick Part-Time Classification and Pay Plan Effective July 1, 2019

Hourly Wage Scale

Grade	Minimum	Point 1	Point 2	Maximum
1	\$ 11.00	\$ 14.00	\$ 17.00	\$ 20.00
2	\$ 14.00	\$ 24.00	\$ 27.00	\$ 30.00
3	\$ 24.00	\$ 34.00	\$ 37.00	\$ 40.00

- Grade 1**
- Assistant Leader (Rec)
 - Assistant Swim Coach
 - Attendant (Rec)
 - Building Monitor I (Rec)
 - Bus Dispatcher
 - Bus Driver
 - Cart Attendant (Golf)
 - Clerical Assistant
 - Club House Attendant (Golf)
 - Club House Supervisor (Golf)
 - Concession Manager
 - Custodian
 - Deputy Animal Control Officer
 - Election Clerk
 - Election Inspector
 - Equipment Operator (Golf)
 - Instructor
 - Laborer I
 - Leader/Counselor (Rec)
 - Library Page (Morse)
 - Lifeguard
 - Parking Clerk
 - Ranger/Starter (Golf)
 - Receptionist
 - School Crossing Guard (1st Year)
 - Senior Counselor (Certified-Rec)
 - Specialist (Rec)
 - Timer/Scorer

- Grade 2**
- Administrative Support
 - Assistant Director (Rec)
 - Beach Manager
 - Bookkeeper
 - Building Monitor II (Rec)
 - Camp Director
 - Community Garden Coordinator
 - Conservation Agent
 - Election Warden
 - Golf Course Mechanic
 - Head Lifeguard
 - Instructor II
 - Intern Cooperative
 - Laborer II
 - Library Assistant (Bacon)
 - Parking Enforcement Officer
 - Plumbing and Wiring Inspector
 - Police Matron
 - Police Transcriber
 - Program Assistant
 - Program Supervisor (Rec)
 - Recycling Attendant
 - School Crossing Guard
 - Social Worker
 - Swim Coach
 - Transportation Coordinator
 - Volunteer Coordinator I

- Grade 3**
- Adult Contractor
 - Building Inspector
 - Certified Sports Official
 - Instructor III
 - Laborer III
 - Nurse (RN)
 - Volunteer Coordinator II

Position	Annual Rate
Inspector of Animals	\$ 3,750.00
Registrar of Voters	\$ 966.00
Town Meeting Page	\$50.00 / Session

Mr. Levinsky, Chair of the Personnel board spoke to this article. It is important to note that this is a Pay Plan and does not appropriate any funds. Ms. Shea moved, seconded by Ms. Collins to amend the main motion by deleting the position, Director of Strategic Initiatives and Partnerships which is located in Grade 5. Ms. Shea spoke to the amendment. *Moved by Mr. Grady, seconded by Ms. Foss to move the question and close debate. The motion to close debate passed by a two-thirds vote (by hand count). The amendment failed (22-84-4). The main motion under Article 7 passed by majority vote (100-10-2).*

ARTICLE 4: Capital Stabilization Fund (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Capital Stabilization Fund established under Article 2 of the warrant for Fall Annual Town Meeting of 2010, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 8-0-0 on October 3, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 4.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Move that the Town vote to appropriate \$2,119,347 from Free Cash for the purpose of supplementing the Capital Stabilization Fund established by the vote of Article 2 of the 2010 Fall Annual Town Meeting, as authorized by chapter 40, Section 5B of the General Laws, as amended.

Moved by Mr. Freedman, seconded by Mr. Jennett to amend the main motion by deleting the amount "\$2,119,347" and inserting in its place "\$1,519,347". Mr. Chenard, Deputy Town

Administrator for operations, spoke to this amendment and the main motion. *The amendment passed by majority vote (92-15-2). The amended main motion under Article 4 passed by majority vote (100-10-0).*

ARTICLE 5: Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for, the Other Post-Employment Benefits Liability Trust Fund established pursuant to the provisions of Chapter 32B, Section 20 of the General Laws as amended by section 15 of Chapter 218 of the Acts of 2016; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9-0-0 on October 3, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 5.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town vote to appropriate \$475,000 from Free Cash for the purpose of funding the Other Post-Employment Benefits Liability Trust Fund authorized by a vote of the 2017 Spring Annual Town Meeting under Article 15, as authorized by Chapter 32B, Section 20 of the General Laws as amended by Section 15 of Chapter 218 of the Acts of 2016.

Moved by Mr. Freedman, seconded by Mr. Jennett to amend the main motion by deleting the amount of "\$475,000" and inserting in its place "\$375,639". Ms. Malone, Town Administrator spoke to this article. *The amendment passed by majority vote (102-8-0). The amended main motion under Article 5 passed by majority vote (103-4-0)*

ARTICLE 6: Collective Bargaining (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, to implement any Collective Bargaining Agreements between the Town Natick and any recognized bargaining units of the Town; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 9-0-0 on October 3, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 6.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town vote to appropriate the total sum of \$402,767 from the Selectmen's Contract Settlement line item, as approved by vote of the 2019 Spring Annual Town Meeting under Article 8, for the implementation of the Terms of the Agreements reached between the Town and the following collective bargaining units:

- a) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Clerical Employees;
- b) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – Public Works' Department;
- c) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union of North America – AFL CIO Library Employees;
- d) Massachusetts Laborers' District Council Public Employees Local Union 1116 of the Laborers International Union AFL CIO – Facility Management Employees;
- e) Supervisors and Administrators Association (DPW);
- f) The Natick Patrol Officers' Association; g) New England Police Benevolent Association, Inc. Local 182, Dispatchers; for payment of wages effective July 1, 2018 through June 30, 2019.

The total sum of \$402,767 shall be transferred to the following departmental line items as indicated below to supplement appropriations that were previously appropriated at the 2019 Spring Annual Town Meeting under Article 8:

• Morse Institute Library – Salaries	\$82,052
• Police Department – Salaries	\$190,262
• Department of Public Works – Salaries	\$54,601
• Health & Community Services – Board of Health Salaries	\$3,671
• Health & Community Services – Community Services – Salaries	\$2,474
• Administrative Support Services – Town Clerk Salaries	\$3,187
• Administrative Support Services – Community Development Salaries	\$3,138
• Shared Expenses – Facilities Management Salaries	\$63,382

Ms. Malone, Town Administrator spoke to this article and discussion ensued. Ms. Collins moved, seconded by Ms. Gloff to postpone further consideration of this article until the end of the warrant. ***The motion passed by majority vote (62-39-3).***

ARTICLE 8: PEG Access and Cable Related Fund (Town Administrator)

To see what sum of money the Town will vote to appropriate from the PEG Access and Cable Related Fund, established by vote of 2019 Special Town Meeting #1 under Article 1, as authorized by Chapter 44, Section 53F $\frac{3}{4}$ of the General Laws, as amended, to fund PEG access programming, as well as certain other municipal cable related expenses; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11-0-0 on October 3, 2019 the Finance Committee recommended **Board of Selectmen** be taken on the subject matter of Article 8.

Motion (requires a majority vote)

Moved by Mr. Freedman, seconded by Mr. Jennett that the Town vote to appropriate from the PEG Access and Cable Related Fund, established by vote of 2019 Special Town Meeting #1 under Article 1, as authorized by Chapter 44, Section 53F $\frac{3}{4}$ of the General Laws, as amended, the sum of \$440,407.69 to fund PEG access programming.

Mr. Townsend, Deputy Town Administrator and Finance Director, spoke to this article. ***The main motion under Article 8 passed by majority vote (96-2-1).***

ARTICLE 10: Unpaid Bills (Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 11-0-0 on September 5, 2019 the Finance Committee recommended that **no action** be taken on the subject matter of Article 10.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that no action be taken on the subject matter of Article 10.

There are no unpaid bills. ***The motion to take no action on the subject matter of Article 10 passed by majority vote (by hand count).***

ARTICLE 18: Amend Article 70 of the Town of Natick By-Laws: Public Works Regulations (Board of Selectmen)

To see whether the Town will vote to amend Article 70 of the Town of Natick By-Laws as follows:

1. Remove the second, third and fourth paragraph of Section 6
2. Insert new Section 8 with the wording:

“Section 8 Private Ways
Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.
Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.
Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.
Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this By-Law.”

Article 70 Public Works Regulations

Section 6 Betterments

Whenever betterments are assessed in connection with a public way, the entire cost of the construction of streets on said ways shall be assessed to the abutters and one-half (1/2) of the costs of construction of sidewalks shall be assessed to the abutters, provided, however, that this section shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

The Director of Public Works may make repairs to private ways providing that an Annual or Special Town Meeting determines that the repairs are required by public necessity and convenience and a majority of the abutters petition for such repairs to be made and that the way has been open to public use for a period of six (6) years. Such repairs shall include the installation and construction of drainage if necessary, and the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as or similar to those used for existing surfaces of such ways but may include surfacing the ways with bituminous materials including but not limited to bituminous concrete.

The Town Administrator shall assess betterment's upon the owners of estates which derive particular advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter 80 of the General Laws, as amended, relating to public improvements and assessments thereof shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than five hundred dollars (\$500.00) shall be apportioned and no assessment may be apportioned into more than twenty (20) portions. The Town shall not be liable on account of any damage caused by such repairs.

..... (Retain Section 7)

Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this By-Law, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION

By a vote of 10-0-0 on September 10, 2019 the Finance Committee recommended **favorable action** be taken on the subject matter of Article 18.

Motion (requires a majority vote)

Moved by Mr. Evans, seconded by Ms. Wollschlager that the Town vote to amend Article 70 of the Town of Natick Bylaws as follows:

1. Remove the second, third and fourth paragraph of Section 6; and,
2. Insert new Section 8 with the wording:

Section 8 Private Ways

Snow and Ice Removal. The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Board of Selectmen regulations and policies.

Barriers. Barricades, obstacles, or vehicles on private ways that are a barrier to prompt and appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs. The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Board of Selectmen and that are determined by the Director of Public Works to be required for public necessity.

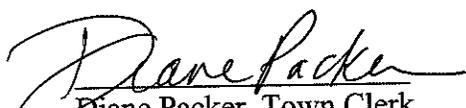
Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this Bylaw

Mr. Hickey, Chair of the Board of Selectmen spoke to this article and explained that the purpose of this article is to begin to address the issue of unaccepted ways. ***The main motion under Article 18 passed by majority vote (90-3-2).***

Mr. Sidney moved seconded by Mr. Gath to adjourn. ***The motion to adjourn passed by majority vote. The meeting adjourned at 10:15 PM until Tuesday, November 5, 2019 at 7:30 PM.***

A record of the Fifth Session of
2019 Fall Annual Town Meeting
October 29, 2019


Diane Packer, Town Clerk