

# BOARD OF SELECTMEN – TOWN OF NATICK

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## **MEETING MINUTES**

**EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL**

**September 19, 2016**

**5:30 PM**

**PRESENT:** Chairman Richard P. Jennett, Jr., Clerk Jonathan Freedman, Susan G. Salamoff, and John Connolly

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

**ABSENT:** Vice Chair Nicholas S. Mabardy

The Chairman called the meeting to order at 5:38 p.m. and requested a motion to enter into Executive Session to discuss matters pertaining to Real Property, the Deployment of Security Personnel or Devices, or Strategies with Respect Thereto, Non-Union Personnel Negotiations, and Litigation 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. Freedman, 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 5:40 p.m., the Chair announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:54 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

## **ANNOUNCEMENTS**

Mr. Connolly asked that Dr. Edward Zullo, a local veterinarian who recently passed away, be kept in our thoughts this evening.

Ms. Salamoff announced that there will be a community conversation and screening of Gen Silent, a documentary about LGBT seniors who must choose whether or not to be open about their sexuality as it relates to their long-term health care. Hosted by the Council on Aging, a light dinner will be provided at the Community-Senior Center on Wednesday, September 28<sup>th</sup>.

## **WHAT'S NEW**

Director of Community Services – Senior Transportation Program Update: Jemma Lambert, Director of Community Services, announced that an electric car will be purchased through a grant awarded the Town (the application for which was submitted by the Town's Sustainability Coordinator, Jillian Wilson Martin) by the State's Green Communities Program and thanked the Friends of the Natick Senior Center for donating the matching local funds required as a condition for obtaining the grant. The new vehicle will be used to supplement the existing transportation program for seniors while reducing the Town's carbon footprint.

## **CITIZEN'S CONCERNS**

Kathleen Demko of 46 Beaver Dam Road voiced concerns about the expansion of the driving range at 218 Speen Street in terms of the impact it would have on the quality of life for residents in the surrounding area. Paula Cohen of 49 Beaver Dam Road worried that the spirit of the golfing range would be destroyed. Both residents attended a Planning Board meeting but complained that they were not heard until 10:00 p.m., with the meeting concluding at 12:30 a.m. Ms. Demko felt that the Planning Board seemed to be listening more to those who want the expansion than those who would be affected by it.

## **APPOINTMENTS WITH THE BOARD OF SELECTMEN**

### **1. Procurement Officer – Award of Contracts**

- a. Design of Navy Yard and East School Recreation Areas: Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 4-0-0 in favor of awarding the contract for design services for improvements to the Navy Yard Park and East Park to West & Sampson in the amount of \$280,000. Mr. LeBlanc explained that though exempt from procurement under MGL c. 30B (architect), a full procurement process was performed anyway. Three proposals were received. There were some questions about past performance by the lowest bidder, and Weston Sampson's proposal was deemed to be the most advantageous.
- b. Natick Dog Park Design: Also exempt from 30B, a modified RFP process was performed nonetheless with the most advantageous proposal submitted by Waterman Design Associates, Inc. After much discussion regarding legal issues related to the property deed and health concerns raised by opponents of the park, all of which have been resolved according to the Town Administrator. Mr. Freedman, seconded by Mr. Connolly, moved to award the contract to Waterman Design Associates, Inc. in the amount of \$25,000, the funding source for which is a grant from the Stanton Foundation, and the motion passed on a vote of 4-0-0.

### **2. Patrick Conaway – Endorse “Keep America Beautiful” Affiliation:** Mr. Conaway, a member of “Big Heart Little Feet,” a group created to get people “fired up” about their local environment, stated that the group is in the process of changing its name and is seeking the endorsement of the Board of Selectmen to rebrand itself as “Keep Natick Beautiful,” making the group a part of the national “Keep America Beautiful” Program. Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 4-0-0 in favor of authorizing the Chair to sign and send the letter provided by Mr. Conaway endorsing the affiliation.

### **3. Josh Ostroff – Cochituate Rail Trail**

- a. Environmental Testing: Mr. Ostroff discussed the vote taken in Executive Session by the Selectmen to award a contract not to exceed \$15,000 for supplemental testing along the rail trail right-of-way, asking the Selectmen to affirm the vote in the public session and citing the desire to further assure Town government and the public that the area being considered for purchase is safe for its intended use in the face of concerns raised about contamination near various former industrial sites, like the old Edison Building and the Johnson Wax Building. Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 3-1-0 in favor of awarding the contract for additional testing to Stantec with Mr. Connolly casting the dissenting vote.
- b. Legal Update/Acquisition of Saxonville Branch Property: John Flynn, Town Counsel, offered a response to the question raised about the title to the Saxonville Branch property (which the Town is interested in purchasing from CSX Transportation for the Cochituate Rail Trail) concerning abutting landowners holding a reversionary interest in all or a portion of the property, whether such reversionary interest would prevent or inhibit the Town of Natick from using the property as a rail trail, and whether the title should be examined for each parcel of land that abuts the property. Mr. Flynn's legal opinion was that any reversionary interest in the property held by a third party would not prevent the Town from using the property as a rail trail, and the remedy of the holder of such a reversionary interest would be to file a lawsuit against the Federal Government seeking damages under Federal Law.
- c. Budget: Mr. Ostroff provided a draft of expenditures and appropriations for the Cochituate Rail Trail. Total construction costs for the rail trail are anticipated to be just under \$8 million and some measure of funding from MassDOT is being pursued.
- d. Proposed Special Town Meeting Articles: Mr. Ostroff asked the Board to sponsor two Articles if a Special Town Meeting is called, one asking for appropriation of a sum of money to fund the design and development of the Cochituate Rail Trail and the other authorizing acquisition of the Saxonville Branch line and adjoining parcels.

4. **Town Engineer – Hunter’s Lane and Heavey Way Street Acceptances:** Though not present at the meeting, Mark Coviello, the Town Engineer, provided a timeline of the steps required to complete street acceptances for Hunter’s Lane and Heavey Way, which process begins with the Selectmen’s two votes this evening. Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 4-0-0 to affirm its intention to make a new layout for both streets. Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 4-0-0 to hold a public hearing regarding the two street acceptances.

## **DISCUSSION AND DECISION**

5. **Consideration of Special Town Meeting #2 – November 1, 2016:** Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 4-0-0 in favor of calling Special Town Meeting #2. Mr. Freedman read the public notice of the Special Town Meeting #2, including a timeline for signature and Warrant closing. Regarding Mr. Ostroff’s request of the Board to sponsor the above-mentioned potential rail trail Articles, Mr. Connolly, seconded by Ms. Salamoff, moved to sponsor Article #1 (Design and Development Appropriation) and the Board voted 4-0-0 in favor. Mr. Freedman, seconded by Ms. Salamoff, moved to sponsor Article #2 (Acquisition Appropriation) and the motion passed on a vote of 4-0-0. Mr. Jennett stated that he would like the Board to sponsor an Article authorizing a feasibility analysis of the Town constructing a parking facility on Middlesex Ave, though no action is requested at tonight’s meeting.
6. **Discussion of 2016 Fall Annual Town Meeting Warrant Articles – 9, 10, 19, 20, 21, 23, 31, 32:**
  - a. Articles 9 and 10: Postponed.
  - b. Article 23: Tabled at last agenda for review of comments from Town Counsel. Mike Linehan of Precinct 6 voiced his opposition to this Article pertaining to regulating placement, type, appearance, and servicing of signs. Discussion ensued among the Selectmen about the pros and cons of the Article. Mr. Freedman, seconded by Mr. Connolly, moved to recommend favorable action and the motion carried 4-0-0.
  - c. Article 19: Ms. White’s proposal is to establish a revolving fund for the Curbside Compost Collection Program to facilitate expenditures with an annual spending limit of \$20,000. FinCom voted in favor of this Article. Ms. Salamoff, seconded by Mr. Connolly, moved to recommend favorable action and the motion carried 4-0-0.
  - d. Articles 20 and 21: The proposal is to establish a capital reserve fund and appropriate money into the newly created fund. The Board had previously voted favorable action but not with a unanimous vote. Ms. White stated that the Administration is recommending no action rather than favorable action as voted. Ms. Salamoff, seconded by Mr. Freedman, moved to reconsider the Board’s previous votes on Articles 20 and 21 and the Board voted 4-0-0 in favor of reconsideration. On two separate motions, Ms. Salamoff, seconded by Mr. Connolly, moved to recommend no action, first on Article 20, and then on Article 21. Both motions carried on a vote of 4-0-0.
  - e. Articles 31 and 32: Both Articles are going to be resubmitted for the Special Town Meeting Warrant votes of no action are sought. On two separate motions, Mr. Connolly, seconded by Ms. Salamoff, moved to recommend no action, first on Article 31, then on Article 32, and the motions carried by a vote of 4-0-0.
7. **Update Regarding Opioid Crisis Task Force:** Ms. White stated that the Opioid Task Force has met a couple of times and is planning to schedule another public meeting since there was little time for a Q&A session at the previous meeting. Creation of an additional staff position is being considered but FinCom did not vote in favor of a new position. Mike Linehan, a member of FinCom, stated that there was discussion about alternatives to hiring a new full-time employee.

## **CONSENT AGENDA**

The Chair asked if any members of the public or the Board would like to discuss any item on the consent agenda and no discussion was requested. Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 4-0-0 to approve the Consent Agenda conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following items were approved.

- a. Grant of Location at 235/4 Madison Street for pole relocation
- b. Block party on Morningside Avenue on September 24, 2016 (rain date: September 25, 2016)
- c. Request for exemption from Town By-Laws Chapter 41, Section 4 for Jonathan Fleming (Paraprofessional & ASAP Assistant Instructor)

**TOWN ADMINISTRATOR NOTES**

None.

**SELECTMEN’S CONCERNS**

Mr. Connolly stated he had received a complaint from a citizen about scam phone calls being made to residents, especially seniors, and warned residents to be careful.

Ms. Salamoff stated that some people are not cleaning up around the Community-Senior Center after walking their dogs and thought there ought to be signs and bags there, noting that they are available on the Town Common. Ms. White stated that there used to be a group that provided those and said she would look into it.

Mr. Jennett noted that the Massachusetts School Building Authority has given their approval for a larger number of students at the Kennedy Middle School, so there is the potential to build a larger facility.

**ADJOURNMENT**

On a motion by Mr. Connolly, seconded by Mr. Freedman, the Board voted 4-0-0 on a roll call vote to adjourn the Board of Selectmen’s Meeting at 10:35 p.m.

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Richard P. Jennett, Jr., Clerk  
January 29, 2018

September 19, 2016 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on January 29, 2018

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**All documents used at this Board of Selectmen meeting are available at:**  
<https://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=289&MinutesMeetingID=-1&doctype=Agenda>