

# BOARD OF SELECTMEN – TOWN OF NATICK

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## **MEETING MINUTES**

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

**October 5, 2016**

**5:30 PM**

**PRESENT:** Chairman Richard P. Jennett, Jr., Vice Chair Nicholas S. Mabardy, Clerk Jonathan Freedman, John Connolly, Susan G. Salamoff

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

The Chairman called the meeting to order at 5:36 p.m. and requested a motion to enter into Executive Session to discuss matters pertaining to Litigation, Non-Union Personnel Negotiations, and Real Property 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. Connolly, 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 5:36 p.m., the Chair announcing that the meeting would return to Open Session at approximately 7:00 p.m.

Open Session reconvened at 7:52 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

## **ANNOUNCEMENTS:**

At the request of the Town Clerk, Mr. Freedman announced the early voting schedule for the Presidential Election (10/24-11/4: Monday & Wednesday 8:00-5:00, Tuesday & Thursday 8:00-7:00, Friday 8:00-4:00, and Saturday 9:00-2:00). The Natick VNA will hold its 10<sup>th</sup> annual Fresh Taste Fundraiser on October 13<sup>th</sup> at Elm Bank, with cocktails, food, and silent and live auctions. More details can be found at [freshtastevna.org](http://freshtastevna.org). An Owner's Project Manager for the Kennedy Middle School Project will be selected in November. Additional information is available on the school website.

Ms. Salamoff explained that new notices will be sent out by mail announcing a new date for the Natick 2030+ town-wide forum planned for November 15<sup>th</sup>. Since the Fall Annual Town Meeting begins on October 18<sup>th</sup>, and the Special Town Meeting begins on November 1<sup>st</sup>, November 15<sup>th</sup> will likely be a Town Meeting night.

## **WHAT'S NEW**

On behalf of Meena Jain, Director of the Bacon Free Library, Ms. White talked about the Author Confidential Online Auction whereby a bid can be made through eBay to ask one of many famous authors three questions, to which a response handwritten by the author will be received by the bidder. The proceeds of the auction will support the library.

Ms. White also discussed the Natick Artists' Open Studios event where 70 or more artists open their studios to the public, free of charge, on October 15<sup>th</sup> from 11:00-5:00.

## **CITIZEN'S CONCERNS**

Dave Shaughnessy of 7 Bayberry Road asked that the Board consider the purchase of 0 Magnolia Road, which is going up for auction on October 15<sup>th</sup>, stating it is a beautiful piece of land. Ms. White explained that a vote of Town Meeting is required to authorize the acquisition of land, and that the agenda for Fall Town Meeting has already been set, so the law would forbid taking up the topic at that meeting.

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

1. **Noel Powell, Aaronap Cellars – Consider Request for a Special License to Sell Wine at the Natick Farmers' Market from 11/5/16-5/13/17:** Mr. Powell is the owner of Aaronap Cellars and wants to join the Farmers' Market for the winter season to offer wines for sale. He explained that he is a one-man operation and would be doing all of the sales himself. Mr. Freedman noted that his

ServSafe certification is due to expire and Mr. Powell stated he will simply be recertified. Moved by Mr. Connolly and seconded by Mr. Mabardy, the Board voted 5-0-0 to approve the license contingent upon the stipulations outlined by the Police Department.

2. **Interviews for Appointments to the Cultural Council:** Three candidates presented, each providing background information. Teresa Pagliuca noted that she was on the Cultural Council in the past and has a background in photography and art. Cydney Hodder is a new Natick resident with a prior career as a classical arts musician. Leah Levy is an attorney who is looking for ways to become involved in Natick and expand her interests. Note was made that the Board has the latitude to increase the size of the Council if it wished to appoint all three candidates. Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 5-0-0 to appoint all three candidates, notice of which will be given to the Cultural Council.
3. **Public Hearing – Consider Three Square Dedications:** Mr. Freedman read the public hearing notice aloud and moved, seconded by Mr. Mabardy, to open the public hearing, and the motion carried 5-0-0. Paul Carew, the Veterans' Services Officer discussed the dedications.
  - a. Western Ave & Pond Street, in honor of the Hall Brothers, who served in World War II: The dedication is scheduled for October 22<sup>nd</sup> in order of the four Hall Brothers – George, Henry, and Walter, who all served in the Army, and Edwin, who served in the Marine Corp. On a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted 5-0-0 in favor.
  - b. Washington & East Central Streets, in honor of the Casey Brothers, who served in World War II: Scheduled for October 29<sup>th</sup> and honoring Robert, who served in the Army Air Corps, and Joseph, who served in the Army. On a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted 5-0-0 in favor.
  - c. Walcott & Cottage Streets, in honor of the Sinclair Family, who served in World War II, Vietnam, and Iraq: Scheduled for October 15<sup>th</sup> and honoring four Army vets, Robert and Albert, who served in Vietnam, and Donald and Kenneth, who served in World War II and Iraq, respectively, and Frank, who served in the Navy. On a motion by Mr. Mabardy, seconded by Ms. Salamoff, the Board voted 5-0-0 in favor.

It was noted by Mr. Ostroff that the Board neglected to close the public hearing before the votes were taken, so Mr. Mabardy, seconded by Ms. Salamoff, moved to close the hearing, which was carried on a vote of 5-0-0. A single vote (5-0-0) was then taken to approve all three square dedications on a motion by Mr. Mabardy that was seconded by Ms. Salamoff. Mr. Carew thanked everyone. He also noted that he has organized a panel for suicide prevention awareness that will include clinicians, family members, and veterans who have had exposure to suicide, noting that 22 vets per day take their own lives. RSVPs can be directed to the Veterans' Services Office for the panel planned for October 19<sup>th</sup> from 10:00 to noon.
4. **Public Hearing – Consider Heavey Way & Hunter's Lane Street Acceptances (2015 Fall Annual Town Meeting, Articles 15 & 16):** Mr. Freedman read the public hearing notice aloud. Mr. Jennett, seconded by Ms. Salamoff, moved to open the public hearing, which motion carried on a vote of 5-0-0. Mark Coviello, the Town Engineer, noted that both subdivisions were completed and have been accepted by the DPW and the Planning Board has recommended acceptance of both streets. FinCom voted favorable action at a public hearing on both Warrant Articles and for acceptance of both streets. If a favorable vote occurs at Town Meeting, both streets will be accepted. No members of the public wished to speak and Mr. Freedman moved to close the public hearing, seconded by Mr. Connolly, which motion carried 5-0-0.
  - a. Vote to Accept Street Layout for Heavey Way: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 4-0-1 in favor, with Mr. Mabardy abstaining.
  - b. Vote to Accept Street Layout for Hunter's Lane: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 4-0-1 in favor, with Mr. Mabardy abstaining.
  - c. Vote to Have Written Layout Documents and Plans for Heavey Way and Hunter's Lane on File at the Town Clerk's Office: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 5-0-0 in favor.
  - d. Sign Plans and Layout Documents: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 4-0-1 in favor, with Mr. Mabardy abstaining.
  - e. Vote Favorable Action on 2016 Fall Annual Town Meeting Article 15: Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 4-0-1 in favor, with Mr. Mabardy abstaining.
  - f. Vote Favorable Action on 2016 Fall Annual Town Meeting Article 16: Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 4-0-1 in favor, with Mr. Mabardy abstaining.
5. **Town Engineer – Consider Acceptance of Utility Easement on Jack Patrick Lane:** Mr. Coviello stated that Jack Patrick Lane was approved as a private road and one of the requirements for that approval was that the developer give the Town an easement for utilities. Mr. Coviello asked the

Board to accept the dedication of the easement. Mr. Freedman asked if there would be any cost to the Town and was told there would not. Mr. Freedman also noted that easements usually require a Town Meeting vote and wondered if this easement was being accepted under Town Meeting's authority to accept easements free of charge, which Mr. Coviello confirmed. Moved by Mr. Freedman and seconded by Mr. Connolly, the Board voted 5-0-0 to accept the easement.

6. **Josh Ostroff, CRT Advisory Committee Chair – Cochituate Rail Trail:**

- a. Environmental Testing: The supplemental testing previously approved by the Board has been completed by Stantec both on and off the rail bed and the results were consistent with the previous testing. All results were in the expected and safe range of soil management practices and for capping that will be required to construct the rail trail. Nothing of concern was detected, including airborne contaminants or water contamination. The report can be found on the website.
- b. Saxonville Branch Acquisition: Mr. Ostroff stated that a purchase & sale agreement has been reached with CSX, and CSX has agreed to \$300,000 less based on the subsequent appraisal approved by the Board. Mr. Ostroff states work is continuing with the State to ask for assistance in funding this acquisition so that the communities involved do not have to bear the full \$6 million burden. Four members of the CRT Advisory Committee were present to answer questions, as was a representative from the Friends of Natick Trails – a group enthusiastic about raising funds for the project. Ms. Salamoff asked about the cost of constructing the rail trail. Mr. Ostroff stated the cost would be approximately \$8 million, 80% of which would be funded by the Federal Government, with 20% funded by the State, but with no taxpayer dollars. Mr. Connolly expressed opposition to using Free Cash, which is really tax money, for the rail trail and frustration that MassDOT has been so slow to provide an answer about potential funding assistance.
- c. Wonderbread Spur Taking: An eminent domain taking was approved at the last Town Meeting. CSX will not contest a taking regardless of what the property appraisal is. An Order of Taking has been prepared by Town Counsel. Moved by Mr. Freedman and seconded by Mr. Connolly, the Board voted 5-0-0 in favor of Mr. Ostroff's request to authorize Town Counsel to file an Order of Taking on receipt of a Release Deed from CSX that confirms that CSX will not contest the taking nor sue for damages in the future.
- d. Special Town Meeting #2, Article 2: Appropriate Funds for Design: Moved by Mr. Freedman and seconded by Mr. Connolly, the Board voted 5-0-0 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 sum of \$50,000 be raised from MathWorks Mitigation Fees.
- e. Special Town Meeting #2, Article 3: Appropriate Funds for Acquisition: After much discussion among the Board Members and with multiple concerns raised, Mr. Freedman, seconded by Ms. Salamoff, moved that the Board vote favorable action in support of Article 3. The motion carried on a vote of 3-2-0, with Mr. Connolly and Mr. Mabardy the dissenting votes, both citing their opposition to using tax dollars (Free Cash) for the acquisition.

7. **Deputy Town Administrator/Operations – Consider Revision to Water & Sewer Abatement Policy:** Mr. Chenard proposed several changes to the Water & Sewer Abatement Policy for 1) users who have filled their swimming pools without an irrigation meter, 2) for users who have had a leaking toilet but the water did not flow into the sewer systems, and 3) for users who have installed an irrigation system but were unaware that the Town requires the installation of an irrigation meter to avoid paying sewer charges. For scenario #1, an abatement of water and sewer charges could be granted by calculating average use for the quarter and billing the excess at irrigation rates, with the stipulation that an irrigation meter is installed. For scenario #2, an abatement of water and sewer charges could be granted by calculating average use for the quarter and billing water and sewer units at a lower tier, with a stipulation for proof of proper repairs. For scenario #3, an abatement of water and sewer charges could be granted by calculating average use for the quarter and billing the excess at irrigation rates, with the stipulation that an irrigation meter is installed. Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 5-0-0 in favor of adopting these changes.

## **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. Freedman and seconded by Mr. Connolly, the Board voted unanimously to approve the Consent Agenda conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following items were approved.

- a. Sign the Warrant for the Presidential Election on Tuesday, November 8, 2016
- b. Request for exemption from Town By-Laws Article 41, Section 4 for Nicholas Mamakos (Laborer/Temporary Specialist for Special Events, Recreation & Parks)
- c. Accept resignation of and send thank you letter to John Holz from the Information Systems Advisory Board

## **DISCUSSION AND DECISION**

8. **Natick Center Cultural District – Consider Request to Close Common Street for the Natick Farmers’ Market on October 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup> from 7:00 a.m. to 1:30 p.m.:** Deb Sayre, the Manager of the Natick Farmers’ Market, is requesting the closing of Common Street for the month of October on Saturday mornings to early afternoon since the Recreation & Parks Department has requested that the Market move off the Common on October 1<sup>st</sup>, earlier than usual, at which point the Market would move to Common Street, and then indoors at the beginning of November. Mr. Connolly moved to support Ms. Sayre’s request and after some discussion, Mr. Freedman seconded the motion. Mr. Mabardy added to the motion that the sidewalk should remain open for pedestrians. The motion carried on a vote of 5-0-0.
9. **Discussion Regarding South Natick Hills Chapter 40B Development:** Ms. White stated that the MassHousing’s draft report pertaining to cost examination for the South Natick Hills development is provided for informational purposes and requires no action by the Board.
10. **Ratification of Public Employees Local Union 1116 of the Laborers’ International Union of North America Contract (Clerical):** Ms. White read the terms of the MOA aloud, stating that this contract has been ratified by the Clerical Union and approved in Executive Session and requires a public vote by the Board. Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 5-0-0 to ratify the contract.
11. **2017 Licensing Fees:** Ms. White recommended keeping licensing fees the same but advised the Board that if they do wish to adjust any of the fees, it would need to be done in a Public Hearing on October 17<sup>th</sup>. Mr. Freedman wanted the option to adjust fees to remain open and moved, seconded by Ms. Salamoff, to schedule a Public Hearing on October 17<sup>th</sup>, the motion carrying by a vote of 5-0-0.
12. **Discussion Regarding Fiscal Year 2017 Selectmen’s Goals:** This topic is postponed to the next Selectmen’s Meeting.
13. **Discussion of 2016 Fall Annual Town Meeting Warrant Articles – 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 16, 28:**
  - a. Articles 15 & 16 – Street Acceptances for Heavey Way & Hunter’s Lane: See votes above.
  - b. Article 2 – Stabilization Fund: Moved by Ms. Salamoff and seconded by Mr. Connolly, the Board voted 5-0-0 No Action.
  - c. Article 3 – Operational/Rainy Day Stabilization Fund: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 5-0-0 No Action.
  - d. Article 12 – Personnel Board – Amendments to By-Law Article 24: Moved by Mr. Connolly and seconded by Ms. Salamoff, the Board voted 5-0-0 No Action.
  - e. Article 14 – Committee Article: Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 5-0-0 Favorable Action.
  - f. Article 28 – Construction of Shade Apparatus Over Picnic Tables at the Community-Senior Center: Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 5-0-0 No Action.
  - g. Article 4 – Capital Stabilization Fund: Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 5-0-0 Favorable Action.
  - h. Article 8 – Other Post-Employment Benefits (OPEB) Fund: Moved by Mr. Freedman and seconded by Mr. Connolly, the Board voted 5-0-0 Favorable Action.
  - i. Articles 9 & 10 – Capital Equipment & Capital Improvement: Some discussion ensued but it was decided to continue the discussion and vote to the next Selectmen’s Meeting.
  - j. Article 1 – Fiscal 2017 Omnibus Budget: Mr. Chenard provided a brief overview, mentioning a reduction in the budget of over \$400,000 and a reduction in Free Cash by \$1 million, all vetted and voted by FinCom and approved by Town Counsel. The Board Members requested further time to review and the Article will be continued to the next Selectmen’s Meeting.

## **TOWN ADMINISTRATOR NOTES**

None.

## **SELECTMEN'S CONCERNS**

Mr. Freedman expressed concern about the additional work demands placed on Mr. Chenard and his stress level in the absence of a Deputy Town Administrator/Director of Finance. Ms. White stated that the Administration is closing in on making an offer for that position. Mr. Freedman asked when the Board would be provided a report on Free Cash. Mr. Chenard stated he had sent it to FinCom and would send a copy to the Board.

Mr. Mabardy asked about the Recreation and Parks Director's vacancy. Ms. White stated that the Assistant Director, Dan Keefe, is serving as the interim director but that applications are currently being accepted.

## **ADJOURNMENT**

On a motion by Mr. Connolly, seconded by Mr. Freedman, the Board unanimously voted on a roll call vote to adjourn the Board of Selectmen's Meeting at 11:50 p.m.

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

October 5, 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=303&MinutesMeetingID=-1&doctype=Agenda>