

# BOARD OF SELECTMEN – TOWN OF NATICK

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## **MEETING MINUTES**

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

**DECEMBER 17, 2018**

**6:00 PM**

PRESENT: Chair Amy K. Mistrot, Vice Chair Susan G. Salamoff, Clerk Michael J. Hickey, Jr., and Richard P. Jennett, Jr. Jonathan H. Freedman arrived to the meeting late, at 7:31 p.m., as below.

ALSO PRESENT: Town Administrator Melissa A. Malone and Executive Assistant Trish O'Neil

After calling the public meeting to order at 6:04 p.m., noting that a quorum was present and that the meeting had been duly posted, the Chair requested a motion to enter into Executive Session to discuss matters pertaining Purpose 6: To consider the purchase, exchange, lease, or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to Approve Executive Session Minutes. Ms. Salamoff, seconded by Mr. Hickey, moved to enter into Executive Session. The motion carried by a vote of 4-0-0, confirmed by a roll call vote as follows:

Ms. Mistrot	Yes
Ms. Salamoff	Yes
Mr. Hickey	Yes
Mr. Jennett	Yes

The Chair announced that the meeting would return to Open Session at approximately 7:00 p.m. The Board entered into Executive Session at 6:08 p.m.

Open Session reconvened at 7:15 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

## **ANNOUNCEMENTS**

Ms. Salamoff stated she attended a community interfaith vigil last night commemorating those who have lost their lives to a substance abuse disorder, the most important message from it being to ask for help – there are multiple organizations in Natick that can offer help and Ms. Salamoff encouraged people to call Town Hall to be directed to them, including the Town's Prevention and Outreach Program Manager, Katie Sugarman, and the Town's Opioid Task Force.

Ms. Malone stated that the entry process for the 2019 Boston Marathon has been open. She encouraged people to submit their applications, due right after the New Year. Natick's allotment of 22 bids will be awarded on January 4<sup>th</sup> with preference given to Natick residents and employees and veterans working at the Natick Army Labs and/or on active duty there.

## **CITIZEN'S CONCERNS**

None.

## **BOARD OF SELECTMEN UPDATES**

1. Steve Levinsky, Clerk, Natick Center Cultural District: Quarterly Update: Mr. Levinsky provided his third quarter report, citing Natick Nights, Multi-Cultural Day, the ArtWalk, and multiple other events as highlights, and providing information about various sponsored and partnered programs. He noted that there are four new businesses in Natick Center and expressed a desire to collaborate with the Economic Development Committee to create an even more vibrant town center and invite more businesses. Paul Joseph, the Director of the MetroWest Chamber of Commerce, also expressed an interest in partnering with local affiliates, stating that he would like to see the Chamber become the regional focus for the cultural district, lobbying for specific interests.

2. Director of Community & Economic Development: Medical & Adult Use Marijuana Update: Mr. Erickson provided context around medical and recreational marijuana. Overlay districts in which adult use marijuana facilities can be located have been adopted by Town Meeting, as have adult use regulations, and a general bylaw that includes the licensing process. There is a cap of two on retail establishments, though the Board does not have to issue two licenses. The Attorney General has approved both the zoning and general bylaw amendments. As of January 1<sup>st</sup>, there will no longer be a moratorium in place since an extension was not approved by the Attorney General. If the Board of Selectmen chooses not to negotiate a host community agreement, that is their prerogative. A licensing structure is being crafted in conjunction with legal counsel and will be proposed in late January/early February. Mr. Erickson asked for guidance on the process by which the Board would like to review licenses and offered suggestions to employ a modified RFP or RFQ process with a list of requirements and a deadline for submission, with then a transparent review process through which a decision can be made. The zoning bylaw for medical marijuana is completely separate from adult use. An applicant for medical marijuana would require a letter of non-opposition and a host community agreement. The processes for both medical and recreational marijuana will come under the purview of the Cannabis Control Commission. Legal counsel has recommended the Town seek a gift, donation, or fee in the amount of \$5,000 from the applicant to be deposited into a 53A gift account to assist with legal fees attached to the process of negotiating a host community agreement and letter of non-opposition.
3. Cochituate Rail Trail Advisory Committee: Mr. Ostroff provided an update. MassDOT has five to six weeks to negotiate a construction contract, having received and opened bids, at which point there will be a better idea of the construction timetable. The naming rights issue has not been resolved with MassDOT but the Friends of Natick Trails continues to be a good resource for memorial benches and other projects. The DPW raised the question of an Operations and Maintenance Plan – a guidebook for how the Town will take care of the Trail once built. Ms. Malone stated the first step would be to determine what the Directors can do and then work with volunteers. A potential Route 9 path that will connect to the rail trail would not be a town-funded project but the CRT Advisory Committee could help to facilitate meetings with abutters. Mr. Ostroff will craft a letter encouraging MassDOT to begin working on this and will ask the Town Administrator to sign and send it off.
4. Transportation Advisory Committee: The TAC voted to ask the Board to support a bike share system. Framingham has an agreement that is supported by corporate sponsors with no cost to the City. If the Board is agreeable, Mr. Ostroff stated, he would come back to the Board with a document for signatures but the project would have to be developed by Town staff. Ms. Malone would like to ensure that this is a viable idea before pursuing it and would like to have a discussion with the two Deputy Town Administrators, the Director of Economic Development, and the DPW. Mr. Ostroff asked the Board to consider sending a letter to MassDOT in support of preserving pedestrian access at the Spring Street Bridge and offered to prepare one.

#### **REQUESTED ACTION**

1. Announce 2019 Spring Annual Town Meeting - Tuesday, April 9, 2019: Mr. Hickey read the public announcement aloud notifying residents about the 2019 Spring Annual Town Meeting, noting that Articles must be received in the Board of Selectmen's Office by 5:00 p.m. on February 7<sup>th</sup>. Moved by Ms. Salamoff and seconded by Mr. Hickey, the Board voted 5-0-0 to call the 2019 Spring Annual Town Meeting for Tuesday, April 9, 2019 at 7:30 p.m. at Natick High School.
2. Interviews for Appointment to the MathWorks Scholarship Committee - One Vacancy for Three-Year Term Ending 6/30/2021:
  - a. Michael Panchuck stated he was formerly a guidance counselor who has an understanding of need-based and merit-based aid.
  - b. Richard Williams stated that he has recently earned a doctoral degree in physics and has a background in the STEM field.

By a ballot vote, the Board selected Mr. Williams 3-1-0 to serve on the Committee. The votes were as follows:

Ms. Salamoff	Mr. Williams
Ms. Mistrot	Mr. Williams
Mr. Jennett	Mr. Williams
Mr. Hickey	Mr. Panchuck

3. Interviews for Appointment to the Lookout Farm Advisory Committee for Three-Year Terms Ending 6/30/2021:
- a. David Lodding stated he has been a member of the Open Space Advisory Committee for five years and is interested in nature, conservation, gardening, and outdoor activities.
  - b. Michael Panchuck stated he has been a Natick resident for 45 years and sees the Farm as a valuable asset to the Town which he would like to see remain viable.

Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 4-0-0 in favor of appointing both Mr. Lodding and Mr. Panchuck to the Committee.

Mr. Freedman arrived to the meeting at 7:31 p.m.

4. Farvahar, LLC d/b/a The Common Cafe and Kitchen:

- a. Application for Common Victualer's License
- b. Application for Entertainment License for Radio, TV, Piped-In Music

Ali Zardeh, the new owner, advised that this will be a family-run business in conjunction with his wife and his brother-in-law. He inquired as to whether BYOB is something that is allowed in Natick and was told it was not. The plan is to open on a seven-day basis on January 2<sup>nd</sup>. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the common victualer's license. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the entertainment license for radio, television, and piped-in music.

5. Public Hearing: Approve Renewal of Club Special Permits for 2019:

- a. AmVets
- b. Natick Elks
- c. Sons of Italy
- d. VFW

Mr. Hickey read the Public Hearing Notice aloud. Mr. Jennett, seconded by Mr. Hickey, moved to open the Public Hearing and the Board voted 5-0-0 in favor. Each club had a manager or presiding officer present: Marijane Ricci for AmVets, Butch Donovan for the Elks, Cathy Washburn for the Sons of Italy, and Byron Prescott for the VFW. There were no questions nor input from the public and questions from the Board were answered satisfactorily. Mr. Jennett, seconded by Mr. Hickey, voted to close the Public Hearing and the Board voted 5-0-0 in favor. Mr. Jennett, seconded by Ms. Salamoff, moved to approve all four Club Special Permits for 2019 and the Board voted 5-0-0 in favor.

6. Natick Post # 1274 VFW of the US, Inc. – Application for a Change in Manager: Moved by Ms. Salamoff and seconded by Mr. Hickey, the Board voted 5-0-0 in favor of approving Mr. Byron Prescott as the new manager following the passing of the previous manager, Harry Seaholm.

7. Town Clerk: Approve Document Restoration Contract: Per the Town Clerk, the monies for this contract were already approved by Town Meeting and the vendor presently has an existing General Services Administration (GSA) contract. This is year three of the historic preservation of the Town Clerk's permanent records. Moved by Mr. Freedman and seconded by Mr. Jennett, the Board voted 5-0-0 to award the contract to Kofile in the amount of \$99,840.

Funding: Total: \$100,000	Acct # 00020288-58500	\$19,044
	Acct # 00020332-580130	\$100,000

8. Nick Rossi, Mass Audubon: Request for Conservation Restriction Amendment: 155 Glen Street: Tom Hunnewell and Nick Rossi stated that the property had been restricted in the 1970s and again in the mid-1990s, and now the proposal is to restrict most of the remaining unrestricted portion. The Planning Board has recommended the Board approve this amendment and the State Office of Environmental Affairs has approved it. Ms. Malone suggested the Board consider ways to work with homeowners who receive a tax benefit and put those monies into an account for future conservation and open space in order to collectively and methodically work towards always having funds available and said she would bring a policy forward to the Board. Ms. Malone stated she is also interested in determining how to better partner with tax exempt groups. Mr. Hickey asked if any of the conservation land would be open to public access, which is encouraged by the state. Mr. Hunnewell said that in his experience as a lawyer, when property has minimal frontage on a public way but may back up to many acres, the public benefit is the preservation of the all of that land. Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 4-0-1 to approve the conservation restriction amendment as presented. Mr. Hickey abstained from voting.

9. Jeff Barton, Bountiful Farms: Registered Marijuana Dispensary Presentation: Attorney George Richards gave the presentation on behalf of Mr. Barton, stating that the hope is to move forward with the support of the Board, noting that he did not feel there would be a problem with Mr. Barton paying the legal costs through a gift account as suggested by KP Law to negotiate a letter of non-opposition and a host community agreement, but did suggest a “not to exceed” amount. Mr. Barton has negotiated an option to lease the property at 13 Mercer Road, which is zoned only for medicinal, not recreational, marijuana, and Mr. Barton is not seeking approval of any kind of recreational marijuana whatsoever. If granted a letter of non-opposition and a host community agreement, Bountiful Farms would then have to attend a Planning Board hearing to obtain the required special permit. Additional recommendations could be made to the Planning Board at that time if necessary. Having been working with Natick for an extended period of time, Mr. Barton stated he would like to obtain a letter of non-opposition at the Board’s earliest convenience, hopefully some time in January.
10. Approve Extension of Contract with KP Law: KP Law has served as Special Counsel to the Town in drafting adult use marijuana regulations with an engagement letter having a “not to exceed” clause of \$10,000. This amount has been met. With additional legal support needed for the drafting of licensing and RFP/RPQ creation, the Director of Community and Economic Development has requested the Board amend that amount from \$10,000 to \$20,000. Moved by Mr. Freedman and seconded by Mr. Jennett, the Board voted 5-0-0 in favor of amending the current engagement letter as requested. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 in favor of establishing a 53A gift account requiring a deposit of \$5,000 be received from any applicant for a medical marijuana dispensary license to cover legal fees. Moved by Mr. Hickey and seconded by Mr. Freedman, the Board voted 5-0-0 to authorize Town Staff to engaged with KP Law to negotiate any legal documents required for a medical marijuana dispensary, including a letter of non-opposition and a host community agreement with Bountiful Farms, using the initial 53A gift account deposit of \$5,000 to fund legal fees, reporting to the Board when approaching that amount, seeking additional funds if needed, and returning any unexpended funds to the applicant.

## **DISCUSSION AND DECISION**

1. Review and Establish Business Parking Permit Fees: Ms. Mistrot stated that the Board had received extensive feedback concerning the recommended fee hike for business parking permits. Ms. Malone offered her apologies to the business community, noting her understanding that the late notice of such and the lack of communication were troubling, and stating that this omission on her part was not reflective of the Board or her other colleagues. She accepted full responsibility for what she termed her lack of foresight and communication. In looking for ways to create additional needed revenue to meet the Town’s financial obligations, it was noted that parking fees had not been increased since 2007. Additionally, comparisons were made to fees in surrounding towns. In that light, Ms. Malone stated, the fee hike to \$600 per year would have amounted to a parking fee of a little over \$2 per day based on a schedule of approximately 261 days of use. In conferring with colleagues and participating in further discussion, Ms. Malone’s new recommendation is to base any increase on the inflation rate from 2007 to present and increase the annual cost to \$400 rather than \$600 and to add compliance measures, which would include certain fines for lost and unreturned permits, by which local business employers and employees must abide. Mr. Jennett pointed out that the point for the Parking Advisory Committee in creating the parking program back in 2007 was to use it as a management tool to encourage employees and company owners not to park in front of their own businesses in order that shoppers might, not to be a generator of revenue for the Town. Steven Levinsky opined that moderation was the point so as not to shock people with large rate hikes, as well as to look at the unintended consequences of such a fee increase, which might discourage employers from buying the permits, thereby encouraging employee parking on the street that really should be available to shoppers and visitors to downtown. He also noted that a third important point is to understand the message the Town sends in its attempts to develop more business in Natick – which should be consistent and inviting.

Kristen Brandt, the President of the Sundin Associates Marketing Company, located in Natick Center for 17 years, agreed that perhaps the fee had been too low but that the amount of the increase was untenable. She talked about the Middlesex lot, which the Town, in her opinion, does a very poor job of maintaining, relaying that the lot had recently experienced severe flooding in which one of her employee’s cars was destroyed with no compensation from the Town’s insurance company, which classified it as an “Act of God.” Ms. Brandt stated she had reached out to the Town multiple times but received no response, and the proposed 85% increase was the final straw for her.

Paul Joseph of the MetroWest Chamber of Commerce encouraged consideration of new technologies and better communication.

After further extensive discussion about rates, communication, lot maintenance, and the business community, Mr. Jennett moved to change the annual rate to \$375. Mr. Freedman seconded the motion. The Board voted 3-2-0 in favor of the change, with Mr. Hickey and Ms. Salamoff in opposition to the change, wanting the fee to remain unchanged from the current fee.

2. Joint Facilities Agreement: Ms. Mistrot shared that progress has been made in adjusting the agreement. The job description for the Director of Facilities has been squared away. There is still discomfort on the part of the School Department and it is hoped that outreach to Dr. Nolin will remedy that, but it was agreed that a meeting of the Joint Facilities Committee would be scheduled if the School Superintendent and the Town Administrator are not able to come to an agreement. The Superintendent's role in the hiring and evaluation process of the person hired, as well as a more broad-based interview committee to ensure a full vetting process, have been clarified, and the Superintendent has requested the opportunity to weigh in with a written report of her view of the candidates and would like to make that report public record. The Board of Selectmen would like to

signal to the Superintendent and the School Committee that it recognizes their concerns and believes the right path is being followed. There will be further discussion on Thursday of this week. Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 5-0-0 to support the articulated agreement as described, adding in an escalation clause (i.e., that the matter will be escalated to the level of the Joint Facilities Committee if an agreement cannot be reached), and clarifying the Superintendent's role in the hiring and evaluation processes.

3. Discussion & Approval of Letter of Intent for Conservation Restriction Relating to the Kennedy Middle School Project: Mr. Hickey moved to authorize the consultant team for the Kennedy Middle School Building Project to prepare a draft letter of intent for review and approval of the Town Administrator and Town Counsel indicating the intent to mitigate the building impacts of the middle school project by on-site wetland mitigation with the Army Corp of Engineers. Mr. Jennett seconded the motion. The Board approved the motion by a vote of 5-0-0.

#### **SELECTMEN SUBCOMMITTEE/LIAISON UPDATES**

#### **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. Jennett and seconded by Ms. Salamoff, the Board voted unanimously to approve the Consent Agenda conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following was approved: Appointment of Athena Pandolf as the Natick Center Associates Representative to the Economic Development Committee.

#### **TOWN ADMINISTRATOR NOTES**

None.

#### **SELECTMEN'S CONCERNS**

Regarding the Boston Marathon, Ms. Salamoff stated that a small charity brought its concern to her attention about the increase in the amount Natick Marathon runners will be required to raise, i.e., \$6,000 (up from \$4,000), since runners have even had difficulty raising the lower amount in the past. Ms. Salamoff felt that the situation should be monitored to see how things work. Mr. Jennett stated he had also heard the same from the director of a charity. Ms. Malone stated the increased amount is in line with fundraising expectations across the board.

#### **ADJOURNMENT**

On a motion by Mr. Jennett, seconded by Mr. Hickey, the Board voted unanimously to adjourn the Board of Selectmen's Meeting at 11:52 p.m., confirmed by the following roll call vote:

Ms. Mistrot	Yes
Ms. Salamoff	Yes
Mr. Hickey	Yes
Mr. Freedman	Yes
Mr. Jennett	Yes

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Michael J. Hickey, Jr., Clerk

Submitted by Trish O'Neil, Executive Assistant

December 17, 2018 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on \_\_\_\_\_.

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

**<https://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=595&MinutesMeetingID=1&doctype=Agenda>**

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