

# BOARD OF SELECTMEN – TOWN OF NATICK

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## MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

JANUARY 7, 2019

6:00 PM

**PRESENT:** Chair Amy K. Mistrot, Vice Chair Susan G. Salamoff, Clerk Michael J. Hickey, Jr., and Jonathan H. Freedman

**ALSO PRESENT:** Town Administrator Melissa A. Malone, Town Counsel Karis North, and Executive Assistant Trish O’Neil

**ABSENT:** Richard P. Jennett, Jr.

After calling the meeting to order at 6:03 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 to:

1. 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 – Winona Farm
2. Purpose 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Collective Bargaining Update:
  - Public Employees Local Union 1116 of the Laborers’ International Union of North America:
    - Clerical
    - DPW
    - Facilities-Maintenance
    - Library
  - Deputy Fire Chiefs’ Association
  - Supervisors’ and Administrators’ Association – DPW Supervisors
  - Local 1707, International Association of Firefighters
  - Natick Patrol Officers’ Association
  - New England Police Benevolent Association, Inc. Local 82 – Superiors
3. Purpose 3 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares:
  - E.L. Harvey
  - Kurtin, et al. v. Natick Planning Board, et al., 18-MISC-00456 (Land Court)

Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 4-0-0 to enter Executive Session, confirmed by a roll call vote as follows:

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

The Chair announced that the meeting would return to Open Session at approximately 7:30 p.m. The Board entered into Executive Session at 6:05 p.m.

Open Session reconvened at 7:44 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

## **ANNOUNCEMENTS**

Ms. Malone recognized Cheryl Lucenta as present in the audience and thanked her for her efforts in SOAR. Ms. Lucenta, speaking on behalf of SOAR, noted that SOAR's mission is to bring awareness of the opioid crisis to the Natick community, and one of the ways in which to do so is through the interactive art exhibit that combines art and story-telling, called the Opioid Project, that is currently on display in the Selectmen's Meeting Room. The art pieces have been created by victims of the opioid crisis and those who have suffered from it. The exhibit has been displayed at multiple locations.

## **CITIZEN'S CONCERNS**

None.

## **APPOINTMENTS:**

Greg Bazaz: Interview for Appointment to the Affordable Housing Trust Fund (Term Ending June 30, 2019): Moved by Mr. Freedman and seconded by Mr. Hickey, the Board first voted 4-0-0 to pull the Consent Agenda item accepting the resignation of Carolyn Love-Scalise from the Affordable Housing Trust Fund for an early vote in order to consider Mr. Bazaz's candidacy. Moved by Ms. Salamoff and seconded by Mr. Hickey, the Board voted 4-0-0 to accept Ms. Love-Scalise's resignation, acknowledging her service and thanking her for same. Mr. Bazaz noted that he is retired and a Cedar Gardens resident and, as a resident in affordable housing, he is interested in affordable housing. He mentioned that he is also running for a seat on the Natick Housing Authority. Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 4-0-0 to appoint Mr. Bazaz to the AHTF to fill the remainder of Ms. Love-Scalise's term, ending on June 30, 2019.

## **BOARD OF SELECTMEN UPDATES:**

1. Review of FY 2020 Preliminary Budget: Ms. Malone and Mr. Townsend presented the preliminary budget. Ms. Malone noted there has been much angst and concern among groups regarding where the Town is to go from here given the fiscal forecast. As the budget evolves, Ms. Malone stated, there is an opportunity for all parties to work together. Though it appears daunting, she was confident that the Town will figure out a path forward. Ms. Malone said that we will fix the issue as a community and it will be okay. Ms. Malone noted that there are many needed and planned capital improvements, great investments in parks, the South Main Street sewer line, the Kennedy School, the new West Natick Fire Station, and the Cochituate Rail Trail, and great programs, services, and schools. She noted that there has been a steady incline since FY 2014 in capital expenditures and that the Town is financially strong. The Finance Committee's process will run parallel to the budget process, but things will be done slightly differently this year. There will be no departmental presentations to the Board of Selectmen, and FinCom will see all budgets in totality before making final, fundamental recommendations on individual budgets. If departmental presentations are desired by the Board (which Ms. Salamoff felt they were, saying that the Board would like to hear directly from Department Heads, especially when some of their asks have not been included in the budget), it might be worth adding another meeting and some of the Selectmen wanted to keep that as an option. Further discussion resulted in the decision that the Selectmen will submit a series of questions for which they will be given answers. Ms. Malone stated that there has been a lopsidedness in past budgeting, with department heads feeling their departments have been somewhat neglected, and consternation on the school side when their ask for a 6% increase was countered by a suggested reduction to 3.5%. Mr. Hickey recognized that the use of free cash has been flagged as a problem for some time. Ms. Malone agreed, stating that starting with a balanced budget that does not necessarily support everything the Town and the Schools would like is the best way to start.

2. Review Proposed Trash Bag Fee Increase: Ms. Malone noted that the Pay As You Throw (PAYT) Program was initiated in 2004 and fees have not been raised since inception of the program. Ms. Malone presented the Board with detailed information that indicates where Natick stands with respect to bag prices in comparison with other communities. Ms. Malone stated discussion would be around 8-, 15-, and 33-gallon bags and if the fee per bag is increased, then the bag color should change so as to avoid a rush on blue bags at their current pricing, and suggested that for blue bags still around after July 1<sup>st</sup>, stickers indicating the price differential between the blue and the new bags would be available to use on the blue bags. Some of the Selectmen felt that though there is a need to keep up with expenses, it is not necessary to make a large increase all at once. Ms. Mistrot reminded the Board that no decision would be required until the January 22<sup>nd</sup> meeting.
3. 2018 Fall Annual Town Meeting, Article 39: Amend Natick Town Charter; Natick By-Laws, Natick Zoning By-Laws: Appointment and Constitution of Zoning Board of Appeals, Division and Distribution of Powers, Assignment of Counsel: Ms. Mistrot reminded the Board that this Article had previously been referred back to the Board of Selectmen. Her hope is to have an update through Committee Reports available for Spring Annual Town Meeting and she suggested a working group to delve more deeply into it. Mr. Hickey and Ms. Salamoff volunteered to be the working group.

## **DISCUSSION AND DECISION**

1. Town Counsel Review: Ms. Malone has given thought to whether or not our current town counsel structure is the best structure for Natick given the growth of the Town, a changing landscape, and the complexity and volume of work generated by the Town. To consider that, Ms. Malone is interested in engaging with the Collins Center, which is recognized for its experience in assisting municipalities in matters like this and is very well regarded. It could be that the structure we have is best, or that we have an attorney on staff, or that we add counsel that specializes, or that some hybrid form of structure might be best. Mr. Freedman inquired about the cost and the funding source. Ms. Malone thought the fee would be around \$15,000 and could be taken from the BOS consulting and legal budget. The current Town Counsel from MHTL, Attorney North, offered her assistance in this process. Ms. Salamoff thought there was a need for the Town Counsel bylaw to be reviewed and revised with a potential Warrant Article for the Spring Annual Town Meeting. Ms. Mistrot suggested further discussion about this at the January 22<sup>nd</sup> meeting.
  - a. Approve Town Administrator's Engagement with the Edward J. Collins, Jr. Center for Public Management: Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 4-0-0 in favor of authorizing the Town Administrator to engage the services of the Collins Center for the reasons stated above.
  - b. Potential Screening Committee: Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 4-0-0 to proceed with a potential screening committee process for selection of Town Counsel, the idea being that the screening committee will work alongside the Collins Center, get their recommendations, and follow through with those recommendations.
2. Natick Army Labs Update: Ms. Malone gave background relative to a potential partnership with U.S. Army Soldier Systems (Natick Army Labs), which provides jobs for many and does research that is used by our armed forces. The Federal Government is investing in this army base with rebuilt, modernized housing to accommodate enlisted soldiers and their families. The installation is poised for growth and has approached the Town regarding taking part in a mutually beneficial partnership. The Army is interested in reducing its costs for contracted services, such as grounds maintenance, snow removal, custodial services, etc. and is collaborating with many communities across the country to have these services provided at a premium. The Natick installation is looking for a 10-year agreement with the state or a municipality. The ask tonight is whether the Board thinks this opportunity is worth investigating. This undertaking would involve Facilities and the DPW and would require a person in charge who understands the municipal side of things and the highly structured specifications required by the Army. Our special legal counsel, engaged specifically for this purpose,

has reached out to other communities, and we do have examples of what these intergovernmental agreements look like. This opportunity was presented to the prior administration in the past but was dismissed. Following further discussion, Ms. Salamoff, seconded by Mr. Freedman, voted 3-0-1 to proceed with vetting the Natick Soldier Systems proposal. Mr. Hickey abstained.

3. Reserve Fund Transfer for Emergency Sewer Repair: Moved by Ms. Salamoff and seconded by Mr. Freedman, the Board voted 4-0-0 to transfer \$94,738 from the annual emergency reserve water and sewer enterprise fund money to assist in completing the Mark Street sewer project. The emergency repair is required because a pipe is collapsing and if that happens, the cost of repair will be much higher.

#### **REQUESTED ACTION:**

1. Extend Town Counsel's Appointment: Town Counsel's contract is due to expire at the end of the year; Ms. Malone requested it be extended to June 30, 2019. Moved by Mr. Hickey and seconded by Ms. Salamoff, the Board voted 4-0-0 to appoint the law firm of Murphy, Hesse, Toomey, and Lehane as Town Counsel effective as of their expiration date of December 31, 2018 through June 30, 2019.
2. Approve One-Day Alcohol License – Walnut Hill School: Michael Collins of TCAN and Jane Segale of Walnut Hill School were present to request a license for an event the two are hosting together. TCAN will manage the event and provide three to five TIPS-certified bartenders. Lt. Lauzon provided a positive recommendation. Moved by Mr. Freedman and seconded by Mr. Hickey, the Board voted 4-0-0 to approve the license.
3. Consider Fee Waiver or Mahan Field Common Victualer's License: Jason Hoye, the Dean of Students at Natick High School, has requested the fee for their common victualer's license renewal be waived since the Mahan Field Concession stand generates very little revenue, usually not more than \$500 annually. Moved by Ms. Salamoff and seconded by Mr. Hickey, the Board voted 4-0-0 to remove Mahan Field from the list of eating establishments that require a common victualer's license since they have only a concession stand and are not truly an eating establishment.

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

Mr. Hickey stated that the new fire station bid process is ramping up and the Fire Station Building Committee is in regular contract with the architect and the OPM.

Mr. Freedman stated that the Kennedy School construction is on target. At an upcoming meeting, an update will be provided on permitting and there will be more information available relative to a possible conservation restriction for a portion of the land to satisfy the Army Corps of Engineers.

Ms. Salamoff stated the Affordable Housing Trust Fund is doing a feasibility study under the jurisdiction of the Natick Housing Authority to analyze the Cedar Gardens property and the building of six to eight accessible units over the community services building.

Ms. Mistrot stated the Financial Planning Committee met last week, with another meeting coming up, the focus of which will be a further dive into revenue projections for the FY 2020 preliminary budget as well as discussion of stabilization accounts and how they tie into the Town's Financial Management Principles.

#### **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. Hickey, 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:

- Resignation of Carolyn Love-Scalise from the Affordable Housing Trust Fund (voted earlier in the evening)
- Resignation of Mark Bergin from the Natick Contributory Retirement Board
- Request for Exemption from Town Bylaws Chapter 41, Section 4: Jennifer Stoller-Patrol Officer/ Head JV Girls' Ice Hockey Coach
- Project Samana 5K Walk/Run and Dog Walk/Run on 4/28/19
- Referral to Safety Committee – Removal of Trees on Pond Street at High Street
- Authorization for Chair to Sign Letter to MassDOT in Support of Preservation of Pedestrian and Bicycle Connection at Site of Spring Street Bridge

### **TOWN ADMINISTRATOR NOTES**

None.

### **SELECTMEN'S CONCERNS**

Mr. Freedman stated there are two openings on the Keefe Tech School Committee. Ms. Malone stated that advertisements have been run for the two open positions.

Mr. Hickey stated there is a Friends of the 4<sup>th</sup> meeting scheduled for January 10<sup>th</sup>. About 30 people are needed to volunteer given the resignations of Peter Mundy and Pat Destino. Mr. Hickey encouraged people to get the word out so that the annual 4<sup>th</sup> of July traditions continue in Natick.

### **ADJOURNMENT**

On a motion by Mr. Hickey, seconded by Ms. Salamoff, the Board voted 4-0-0 to adjourn the Board of Selectmen's Meeting at 11:15 p.m. as confirmed by the following roll call vote:

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

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Michael J. Hickey, Jr., Clerk

Submitted by Trish O'Neil, Executive Assistant

January 7, 2019 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=599&MinutesMeetingID=-1&doctype=Agenda>