

# BOARD OF SELECTMEN – TOWN OF NATICK

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## MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

NOVEMBER 26, 2018

6:00 PM

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

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

The Chairman called the meeting to order at 6:01 p.m., noting that a quorum was present and that the meeting had been duly posted. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

## REQUESTED ACTION

### 1. Procurement Officer – Approve Contracts

- a. Charles River Dam Project – Engineering Services: Mr. LeBlanc stated that this project is exempt from procurement. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to award the contract, in the form attached for the Board's review, to GZA GeoEnvironmental, Inc. to perform services outlined in Attachment A1 at the hourly rates indicated for a sum not to exceed \$141,400 for such services, plus expenses as outlined in the contract.

Funding: Town Capital Appropriation – 2018 Spring ATM Article 14B "Charles River Dam Repair" Item 1 (Part of \$675,000) – Tax Levy Borrowing

- b. Complete Streets Tier 3 Project - Engineering Services: Per Mr. LeBlanc, this project is also exempt from procurement. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to award the contract, in the form attached for the Board's review, to Environmental Partners Group, Inc. to perform engineering services as outlined in Attachment A1 for a sum of \$43,300.

Funding: \$43,300 – Chapter 90 Monies – DPW - \$43,300

- c. Morse Library Lift: Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to award the contract for a freight lift (used to moved carts of books to and from the library) to R.S. Fawcett, Inc., d/b/a Bode Equipment Co., in the amount of \$14,029.43 for the main bid work, pilus \$400 to dispose of old equipment.

Funding: Facilities Department Operating Budget - \$14,429.43

- d. Crack Sealing: Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to award an extension of their current contract through December 31, 2019 to Crack Sealing, Inc. at the unit price of \$6.43 per gallon.

Funding: DPW Operating Budget (\$36,400)

- e. Springvale Transfer Switches/4M Generator: Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to award the contract Dagle Electrical Construction Corp., Inc. in the amount of \$172,175.

Funding:	Acct # 65020106-583000	FY 2017 FTM
	Acct # 65020103-585600	FY 2017 SATM Art 14D
	Acct # 654516-585600	FY 2016 SATM Art 21
	Acct # 65020107-583000	FY 2017 FTM

2. Town Engineer – South Main Street Roadway Project - Second Amendment to Contract: Town Engineer Bill McDowell stated that additional funding is needed for contract work, based on environmental concerns, that was not originally anticipated. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to postpone this item to the next meeting in order to have Green International Affiliates, the Town's project engineering firm, present to the Board to provide additional information and an explanation as to the reason for the large increase of \$99,584.63 (increasing the total cost of design to \$362,636.73).

This portion of the meeting was interrupted to meet with the Massachusetts Legislators.

**7:00 MEETING WITH MASSACHUSETTS LEGISLATORS - SENATOR KAREN SPILKA, SENATOR-ELECT BECCA RAUSCH, REPRESENTATIVE DAVID LINSKY:** Ms. Mistrot welcomed the three state legislators to a discussion concerning happenings during the last legislative session. Senate President Spilka discussed the state revenues and the budget, and the hope to see increases in local aid, noting that Natick is very well represented in that the legislators are aware of the Town's priorities. Representative Linsky discussed planned legislative initiatives, his continued efforts with legislators across the country to decrease gun violence, as well as his intent to fix loopholes in the public records and open meeting law statutes that are allowing hundreds of frivolous public records requests and open meeting law complaints to tie up School Department and Town staff, wasting taxpayer dollars and taking time and money away from the principal functions of local government – educating children, maintaining a strong Department of Public Works, and ensuring public safety. Ms. Salamoff noted that the Town's Finance Committee has become a target as well. Senator Rausch, newly elected, promised to bring her energy and enthusiasm to the upcoming session and stated she was looking forward to working with and for Natick. Further extensive discussion of multiple topics ensued, including affordable housing, ways to assist the elderly population, funding for local government cable television, the opioid crisis and measures to counteract it, concerns with safety considerations around recreational marijuana, etc. Ms. Malone thanked the delegation for their time, service, and support.

**REQUESTED ACTION (continued):**

3. Community & Economic Development Director: Approve CRT and Route 27 Contracts:
  - a. CRT/Beta Contract Amendment: Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the third amendment to the original contract with Beta Group, Inc. for design of the Cochituate Rail Trail, increasing the total contract sum to \$396,835 (\$352,045 for full design under the second amendment plus an additional \$44,790 for construction services in the third amendment). Moved by Mr. Jennett and seconded by Mr. Freedman, the Board voted 5-0-0 to renew the term of the contract for an additional one year, with a new termination date of April 17, 2020.  
Funding: Account # 00020575 522725  
Account # 00020241 581000
  - b. Route 27 North Main Street Beta Contract Amendment: The additional engineering services secured by way of this contract amendment are exempt from statutory procurement. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to adopt the amendment, adding the additional scope of services through a new Attachment A2 of the existing contract and an additional year to the contract term, which would have expired in January 2018. Full appropriation for all work was made through 2018 FTM and the contractor will be billed at hourly rates, with a total contract sum of \$950,100.
  - c. Route 27 North Main Street KP Law Engagement: Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to engage the services of KP Law in relation to the North Main Street/Route 27 Right of Way Project for services as outlined in the engagement letter (legal services \$300 per hour, billed in 1/10<sup>th</sup> increments; paralegal services \$100 per hour) in an amount not to exceed \$100,000.

4. Adil Rakim, Pizza by Rocco: Application for Common Victualer's License: Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to approve the common victualer's license contingent upon confirmation of Workers' Compensation Insurance.

### **CITIZEN'S CONCERNS**

John Chamberlain of 12 Florence Street expressed disappointment that two petitions he submitted to the Board were not on the agenda and thought this was a violation of Robert's Rules of Order. He hoped they would be included on a future agenda.

### **ANNOUNCEMENTS**

Mr. Hickey made the following announcements:

- Natick has received a AAA bond rating from Fitch.
- The Town's fixed, default electric aggregation rate is \$0.1143, lower than the Eversource Basic Service rate, which is due to increase from \$0.11397 to \$0.13704 per kilowatt hour on January 1<sup>st</sup>. The Natick rate will save the average resident about \$90 per year.
- Observation of Pearl Harbor Day will be celebrated on Friday, December 7<sup>th</sup> at the Morse Library at 2:00 p.m.
- A neighborhood meeting regarding the reconstruction of Washington Avenue will be held on Monday, December 3<sup>rd</sup> at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
- The DPW is looking for independent contractors for the Town's winter snow and ice operations for the upcoming 2018-2019 season. Interested parties should contact the Highway & Sanitation Division at 508-647-6562.
- Per the Massachusetts Water Resource Authority, door hangers that have been left at people's homes requesting that an accompanying small vial be filled with drinking water to be tested is not from the MWRA nor the Town but are from a firm selling home water treatment devices.

Mr. Jennett reminded residents that nomination papers for the March 26, 2019 Town election are available in the Clerk's Office and must be returned by January 8<sup>th</sup> at 5:00 p.m.

### **BOARD OF SELECTMEN UPDATES**

Acquisition of 22 Pleasant Street – Status Update: Ms. Mistrot relayed that an impasse has been reached relative to acquisition of the 22 Pleasant Street property. A vote of 3-2-0 in Executive Session dictates that the Board will not move forward with the acquisition given the concerning environmental challenges that exist on the site.

### **DISCUSSION AND DECISION**

1. Capital Overview: Ms. Malone, Mr. Townsend, and Mr. Chenard presented the Capital Overview. Ms. Malone stated that a better capital plan is needed. The questions to be answered are what does the community needs and what can it afford. Capital projects need to be reframed within a strategic plan that aligns with the budget and the community's expectations. Mr. Chenard stated that they have removed in excess of \$4 million in projects from the capital list and changed funding on some things that were discretionary. There are some requests made by Department Heads that will have to wait for the next Town Meeting. The capital plan will be ready for publication on the Town's website on December 3<sup>rd</sup>. Ms. Malone asked that Board identify the top three areas from which a future capital plan would be developed, prior to the spring.
2. Revise Composition of the Economic Development Committee: Natick Center Associates has requested a designee to serve on the EDC to represent the interests of downtown stakeholders. Mr. Hickey moved to amend the composition of the Committee to allow for a 10<sup>th</sup> member who would be

a designee of Natick Center Associates. Ms. Salamoff seconded the motion. The Board voted 5-0-0 in favor. Mr. Freedman stated he would like to have a written document outlining the charge and the composition of the Committee. Ms. Mistrot asked for a confirmation as to when it became a nine-member committee and asked that the roster on the website be updated to reflect the change.

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

Mr. Freedman reported that the Kennedy School Buildin Committee approved a 90% construction design, which was also approved by the state. The project is still slightly under budget by a couple hundred thousand dollars.

Ms. Salamoff asked Karen Adelman-Foster to discuss the MetroWest Regional Collaborative. Ms. Adelman-Foster, a Town Meeting member from precinct 6, noted that the last meeting focused on the MS4 storm water permit, which is a big upcoming expense that will have a lot of reporting associated with it. The Metropolitan Planning Organization will hold a meeting on Thursday in the Selectmen's Meeting Room regarding TIP funding for transportation projects.

### **CONSENT AGENDA**

The Chair asked if any members of the public would like to discuss any item on the consent agenda and no discussion was requested. Mr. Hickey asked to remove item 9B, 10/29/18 Minutes, from the Consent Agenda to correct a typo (BOS Updates-change 1.6 million to 15.6 million). The Chair asked for a motion to approve the remainder of the Consent Agenda. Moved by Mr. Hickey and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve the remainder of the Consent Agenda. Moved by Mr. Hickey and seconded by Mr. Freedman, the Board voted 5-0-0 to amend the minutes in question to correct the typo as above. The following items were approved:

1. Meeting Minutes – 10/25/18 and 10/29/18
2. 2019 License Renewals:
  - a. Lodging House
  - b. Psychic Reader
  - c. Class I, Class II, Class III,
  - d. Automatic Amusement
  - e. Daily & Sunday Entertainment
  - f. Common Victualer
  - g. Inn-Holder
3. Requests for Exemption from Town By-Laws, Chapter 41, Section 4
  - a. Caroline Canney – Woodtrail Camp Counselor/ASAP Substitute Instructor
  - b. Sarah Farrell – Woodtrail Camp Counselor/ASAP Substitute Instructor
  - c. Christian Rodrigues – Guidance Counselor/Boys' Varsity Soccer Coach
  - d. William Gassett – DPW Station Operator/Assistant Varsity Baseball Coach

### **TOWN ADMINISTRATOR NOTES**

Framingham beat the Natick Football Team on Thanksgiving Eve, so Natick lost its bet with Framingham.

### **SELECTMEN'S CONCERNS**

Ms. Salamoff noted that Agostino's will be opening on November 29<sup>th</sup>.

Ms. Mistrot talked about the Fourth Annual Fill the Cruiser day on November 10<sup>th</sup>, noting that 1,987 pounds of nutritious foods were collected and dropped off to the Natick Service Council to distribute to the needy for the holidays.

### **ROLL CALL VOTE TO ENTER EXECUTIVE SESSION**

At the conclusion of the Open Session at 10:30 p.m., the Chair requested a motion to enter into Executive Session to discuss matters pertaining to 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 Purpose 1: to discuss the receipt of a complaint against a public body. Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 5-0-0 in favor of the motion, confirmed by a roll call vote as follows:

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

### **ADJOURNMENT**

On a motion by Mr. Freedman, seconded by Ms. Salamoff, the Board voted unanimously to adjourn the Open Session portion of the Board of Selectmen's Meeting at 10:30 p.m. as confirmed by the following roll call vote:

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

Ms. Mistrot announced that the Board would not be returning to Open Session.

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Michael J. Hickey, Jr., Clerk

Submitted by Trish O'Neil, Executive Assistant

November 26, 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=574&MinutesMeetingID=-1&doctype=Agenda>