

BOARD OF SELECTMEN – TOWN OF NATICK

MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

FEBRUARY 19, 2019

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 6:04 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.

ANNOUNCEMENTS

Mrs. Eleanor Levine was recognized as achieving centenarian status with an upcoming birthday on February 24th, when she will be 100 years of age. She was presented a certificate of recognition and a bouquet of flowers, and a short biography, written by her daughter, was read aloud by Mr. Hickey.

Paul Carew, the Veterans’ Services Officer presented to recognize February 19th, 1945 as the day the battle of Iwo Jima began, and to recognize two Natick veterans who were part of that battle – Joseph “Muzzi” Franciose and Gorge Vouros, both of whom served in the Navy. Mr. Carew and Vouros attended a State House event today in recognition of Iwo Jima Day.

Peter Mundy, former Chair of the Friends of the 4th Committee, introduced the new Chair, Peg Waters, who will be taking over the 4th of July Parade activities.

Mr. Hickey announced the Natick Center Cultural District Call for Creatives to propose permanent public works of art and design at four locations in Natick Center. The deadline to apply to the “For the Love of Natick” project is May 13, 2019. Further information can be found at www.mapc.org/natick-creative-placemaking.

Ms. Malone introduced the newly hired Human Resources Director, Dorothy Blondiet, a 23-year Natick resident and Boston College graduate, who will start in her new post on March 11th.

RESPONSES TO CITIZEN’S CONCERNS:

1. Response to request to be placed on the Selectmen’s Agenda to review concerns with Natick Public Schools:
Mr. Hickey read the Board’s response to a member of the public who, during the Board’s February 4th and February 11th meetings, asked to be scheduled on a future agenda to discuss allegations of bullying by School Department officials and financial improprieties within the School Department. Chair Mistrot stated that the concerns regarding School Department officials fall under the direct purview of the School Committee so the Board will not take up the matter and defers to that board’s review. Regarding allegations of financial impropriety, it was noted that similar concerns were raised by the same member of the public in 2017 and were found to be baseless by the Education and Learning Subcommittee of the Finance Committee. Both the Town of Natick and the School Department undergo an extensive public audit annually and those reports can be found on the Town’s website.

Framingham resident Corey Spaulding asked to respond to the Board’s response, continuing with allegations of financial malfeasance on the part of the School Department and bullying of her daughter by School Department officials, calling her concerns “safety and ethical” issues that she contended did fall under the purview of the Selectmen. Ms. Mistrot directed Ms. Spaulding to bring her concerns to the School Committee. Noting that the agenda topic had been exhausted, Ms. Mistrot asked Ms. Spaulding to sit down.

2. Response to concerns about short-term rental legislation: Ms. Mistrot stated that in most of Natick, Airbnb's are not allowed in residentially zoned areas. With potential changes in State law looming at the end of December, there will be a citizen-sponsored Warrant Article on the 2019 Spring Annual Town Meeting Warrant that seeks to strength the purview of the Building Commissioner to regulate such short-term rentals. Ms. Mistrot advised residents to contact the Building Commissioner if notice is taken of an Airbnb in an area it does not belong.

CITIZEN'S CONCERNS

Framingham resident Corey Spaulding asked to be included on an upcoming agenda to discuss questions about perceived improprieties on the part of Natick nonprofit organizations, that the Audit Advisory Committee be present to answer those questions, and to discuss her belief that her daughter was targeted either due to her disability or because questions of financial wrongdoing were raised by Ms. Spaulding.

APPOINTMENTS:

Interview for Appointment to the Sustainability Advisory Committee – Rachel Serotta: Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 in favor of appointing Ms. Serotta to the Committee for the remainder of the term (ending June 30, 2019) vacated by Amy Boyd Rabin.

REQUESTED ACTION

1. Procurement Officer:
 - a. Approve Award of Fire Department Assessment Center Contract for Lieutenant and Captain Selection Process: Moved by Mr. Freedman and seconded by Mr. Hickey, the Board voted 5-0-0 to award a contract to Municipal Resources, Inc. for consultant services to provide an assessment center in the selection process for lieutenants and captains in the amount of \$1,425 per candidate, for a total amount not to exceed \$15,675, contingent upon the funding source (Selectmen's Training Budget) being identified and added to the award letter.
 - b. Designate Procurement Officer/Manager Position as Chief Procurement Officer and Authorize Chair to Sign Notice of Appointment: Moved by Mr. Hickey and seconded by Ms. Salamoff, the Board voted 5-0-0 to designate the "Procurement Officer/Manager" position, as appointed by the Town Administrator, as the "Chief Procurement Officer" for the purposes of Chapter 3B, Section 2 retroactive to the department date in March of 2016 of the former Procurement Officer/Manager, Peter Roche and to authorize the Chair to sign, execute, and submit the required form authorizing same to the Office of the Inspector General. The designation of "Chief Procurement Officer" will not expire going forward but will continue to apply to the position of "Procurement Officer/Manager" unless the Board of Selectmen votes to rescind the appointment.
2. Police Chief – Approve Request to Appoint Two Permanent, Full-Time Police Officers:
 - a. Jaime L. Verner
 - b. Derek E. ButlerMoved by Mr. Jennett and seconded by Mr. Freedman, the Board voted 5-0-0 in favor of appointing both candidates as permanent, full-time police officers effective March 25, 2019 and contingent upon completion of their course work at the MBTA Police Academy.
3. Sustainability Coordinator – Approve and Sign Watertown Net Metering Agreement: Ms. Wilson Martin explained that this is an opportunity for the Town to purchase net metering credits at a discount from an off-site solar array in Watertown for a period of 20 years, applying the credits to the Town's electric bills. There would be a savings of \$10,000 per year. Moved by Mr. Freedman and seconded by Ms. Salamoff, the Board voted 5-0-0 to approve and sign the Watertown Net Metering Agreement.
4. Approve Entertainment License for Mexicali Grill: Jorge Guzman presented on behalf of Mexicali Grill, explaining that the request for the entertainment license would include mariachi and karaoke. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to approve an entertainment license for 2019, Monday-Saturday, 5:00 p.m. – 11:00 p.m.

5. Public Hearing – Change of Address from 4A and 4B Morse Street to 2 and 4 Morse Street: Mr. Hickey read the Public Hearing Notice aloud. Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to open the Public Hearing. Jim Reardon, the property owner, requested the change of address for mailing purposes. There were no questions or comments from the Board or the public. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to close the Public Hearing. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to approve the change of address.
6. Public Hearing – Change of Address for Two-Unit Building from 16 Cottage Street to 16 Cottage Street and 0 Jefferson Street: Mr. Hickey read the Public Hearing Notice aloud. Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to open the Public Hearing. Jim Reardon, a representative for Oxbow Development, explained that the two condos in the building have entrances on different streets. There were no questions or comments from the Board or the public. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to close the Public Hearing. Moved by Mr. Jennett and seconded by Mr. Freedman, the Board voted 5-0-0 to approve the change of address.
7. Public Hearing – Change of Address from 114 Glen Street to 118 Glen Street: Mr. Hickey read the Public Hearing Notice aloud. Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to open the Public Hearing. Pat Flynn of Brendon Properties stated that with the development of three new houses on the street, there are not enough house numbers. The elderly owner of 114 Glen Street submitted a signed, dated, and notarized authorization to allow her realtor, who was present in the audience, to speak on her behalf. There were no questions or comments from the Board or the public. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to close the Public Hearing. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to approve the change of address.
8. Public Hearing – Eversource Grant of Location – Rockland Street for McHugh Farms Subdivision: Mr. Hickey read the Public Hearing Notice aloud. Moved by Mr. Jennett and seconded by Ms. Salamoff, the Board voted 5-0-0 to open the Public Hearing. Katie Flaherty, representing Eversource, explained that one pole would be removed to accommodate a new road cut and one new pole would be installed on the westerly side. Seeing no comments or questions from the public or the Board, Mr. Jennett, seconded by Ms. Salamoff, moved to close the Public Hearing and the Board voted 5-0-0 in favor. Moved by Mr. Jennett and seconded by Mr. Freedman, the Board voted 5-0-0 in favor of the grant of location.
9. Public Hearing – Eversource Grant of Location – Rockland Street for Cider Mill Lane: Mr. Hickey read the Public Hearing Notice aloud. Moved by Mr. Freedman and seconded by Mr. Hickey, the Board voted 5-0-0 to open the Public Hearing. Ms. Flaherty explained that the customer will be switching from overhead service to underground service. With no comments or questions from the public, Mr. Jennett, seconded by Ms. Salamoff, moved to close the Public Hearing and the Board voted 5-0-0 in favor. Moved by Mr. Hickey and seconded by Mr. Jennett, the Board voted 5-0-0 in favor of the grant of location.
10. Public Hearing – Eversource Grant of Location – Sunshine Ave/Oak Street for St. Mark Coptic Church, Rectory, and School: Mr. Hickey read the Public Hearing Notice aloud. Moved by Mr. Freedman and seconded by Mr. Jennett, the Board voted 5-0-0 to open the Public Hearing. In a memo, Lt. Lauzon indicated that the placement of the poles would be problematic in that there were safety concerns relative to site lines. After further discussion, the Eversource representative requested that the Public Hearing be continued to allow the Eversource engineers, the Town Engineer, and the Safety Officer to get together to address those concerns. The Public Hearing will be continued to the March 4th Selectmen's Meeting.

DISCUSSION AND DECISION

1. Bountiful Farms, Registered Medical Marijuana Dispensary – Host Community Agreement and Development Agreement: Mr. Hickey explained that after several revisions, the outstanding question is the timing of payments to be made by Bountiful Farms to the Town. John Townsend noted that the DOR has issued an opinion that these funds may not be deposited into a revolving fund because the payments are considered gifts and should therefore be put into general funds. Recognizing this as a problem, the DOR has filed for a legislative fix but, for now, the payments must be considered general fund revenues. Ms. Malone indicated that as of 5:00 this afternoon, the plan had been to use a revolving fund, the benefit of which is that the money in that kind of fund can be spent without waiting for an appropriation from Town Meeting. This DOR opinion had come as a surprise to the Administration. As a result, further time is needed to resolve the issue. Mr.

Barton related that the fiscal year for Bountiful Farms is the calendar year. On that schedule, payments could be made 30 days after the end of their fiscal year or quarterly. Mr. Hickey mentioned the following schedule: 2/1, 5/1, 8/1, and 11/1. Mr. Townsend noted that with quarterly payments, only the first payment would fall to free cash. Free cash cannot be used until it is certified in October, at which time the money can be appropriated. Ms. Malone thought this solution, though not ideal, was viable. In an effort to have all entities (including adult use marijuana facilities) on the same cycle, Mr. Hickey suggested adding language to the Host Community Agreement that the Town will accept quarterly payments for the time being, but if there is good reason to align the payments with the Town's fiscal practices, it would have the option to amend the timing or frequency of such payments within reason. Mr. Barton agreed. As for the Development Agreement, Mr. Hickey thought such a clause should be added there as well, but with a one-time annual payment that would matching the timing of the first quarterly payment outlined in the Host Community Agreement.

Host Community Agreement (HCA): Mr. Hickey moved to approve and authorize the Board of Selectmen to enter into a Host Community Agreement with Bountiful Farms in the same form as provided by Special Counsel Laughlin and as attached to the February 19, 2019 Novus Agenda subject to a change to provide for quarterly payments aligned with the calendar year, and with the provision that the Town may elect to amend the timing or frequency of these payments in the future together with conforming changes to be finalized by Special Counsel Laughlin. Mr. Freedman seconded the motion. The Board approved 5-0-0.

Development Agreement (DA): Mr. Hickey moved to approve and authorize the Board of Selectmen to enter into a Development Agreement with Bountiful Farms in substantially the same form as provided by Special Counsel Laughlin and as attached to the February 19, 2019 Novus agenda, which will be amended to provide that the payment will be made annually within one month following the end of the calendar year, with similar language from the HCA that allows the Town to amend the timing or frequency of that payment, with changes consistent with this to be made by Special Counsel Laughlin. Mr. Freedman seconded the motion. The Board approved 5-0-0.

Ms. Mistrot reminded the Board that it had previously voted to execute a Letter of Non-Opposition once the HCA and DA were executed, but asked if the Board wished to make a confirmatory vote and their answer was no. The plan is to have Special Counsel make any needed adjustments to the HCA and DA and, once completed, obtain Mr. Barton's signature and then the signatures of the Board.

Mr. Hickey thanked Mr. Barton for his patience for the better part of a year-and-a-half. He stated that the Board is hoping for his success but because everything is new to the Town, the level of angst about the unknown is high. Mr. Hickey stressed the importance of having things run correctly, properly, and professionally because everyone will be watching. Mr. Barton thanked the Board. The next step is for Bountiful Farms to obtain a special permit from the Planning Board.

2. Adult Use Marijuana – RFI and Licensing: There are two things to be considered: adult use retail and adult use nonretail marijuana. Only two adult use retail licenses can be issued per the Town's bylaws. Mr. Erickson presented three options to the Board by which Requests for Interest/Qualifications (RFI/RFQ) and licensing rules and regulations could be crafted: 1) establishing a BOS working group, which would meet on a regular basis, be open to the public, and be subject to OML regulations; 2) designating one BOS member to work with staff and legal counsel; and 3) having staff and legal counsel create draft documents for later review of the Board. After further discussion, the consensus of the Board was that option #3, administrative preparation of draft documents, would be the best way to proceed, with Mr. Erickson returning to the Board for guidance once preliminary documents are prepared.
3. Affordable Housing Trust Fund – Proposal to Develop Veterans' Housing on the Henry Wilson Site: Randy Johnson, Chair of the AHTF, stated that direction from Town Counsel is that a title search is the first thing to be done and the Trust has already begun the process. Ms. Mistrot asked if the Board wished to give conditional approval for the development of the site for the requested purpose assuming the title search comes back clean. Feeling that they did not know enough about the property, the Board came to the conclusion that they would like to wait to see the results of the title search before supporting a use for the property. Ms. Mistrot asked Mr. Johnson to keep the Board apprised of the timeline so that the topic can be taken up again at a future meeting.

4. Kennedy Middle School – Access Agreement for Natural Gas: Mr. Chenard explained that the new gas line for Kennedy Middle School will cross Town-owned land (the building is under the care and custody of the School Department but the land is under the care and custody of the Town) so the Town must grant Eversource permission for access. Mr. Chenard estimated the cost of the project to be just over \$60,000. Moved by Mr. Jennett and seconded by Mr. Hickey, the Board voted 5-0-0 to authorize Eversource to install a gas service supply line to Kennedy Middle School at 165 Mill Street and to authorize the Chair to sign the application for gas service.
5. 2019 Spring Annual Town Meeting – Review of Warrant Articles: Ms. Mistrot inquired if another meeting would be helpful for the Board to review Warrant Articles in order to have a voted position available for Town Meeting, noting that FinCom would be meeting on March 19th, health care numbers would be available on March 4th, and the Schools will be voting on their budget on March 11th. The consensus of the Board was to schedule an additional meeting on March 14th (with nothing else included on that agenda) to discuss various Warrant Articles, including Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 22, 23, 26, 27, and 28.
6. 2019 Spring Annual Town Meeting – Approve Motion Language for BOS-Sponsored Articles #18, #20, #21:
 - Moved by Mr. Hickey and seconded by Mr. Jennett, the Board voted 5-0-0 to recommend Favorable Action on Article 18 (Fox Hill Drive).
 - Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to recommend Favorable Action on Article 21 (Town Counsel).
 - Moved by Mr. Hickey and seconded by Mr. Jennett, the Board voted 5-0-0 to refer Article 20 (Means Tested Senior Tax Exemption) back to the Board of Selectmen feeling that further information and research were required.

BOARD OF SELECTMEN UPDATES

1. MMA Recap – S. Salamoff: Postponed.
2. FY 2020 BUDGET DISCUSSION: Ms. Malone stated that the Administration is continuing to refine the budget and will have more to share once health care numbers are available and there is more information on revenues. Ms. Mistrot noted that the School Committee would be invited to the March 4th Selectmen's Meeting to hear those numbers in real time and would be voting its budget appropriation request on March 11th.

CONSENT AGENDA

The Chair asked if any members of the public or the Board would like to discuss any item on the consent agenda. Ms. Salamoff asked to removed item A to ask a question. Mr. Jennett, seconded by Mr. Freedman, moved to approve items B-J and the Board voted 5-0-0 in favor conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. Ms. Salamoff asked about past practice as regards waiving the tent fee and was informed that the fee has always been waived. Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 to approve item A. The following items were approved:

- A. Tent Fee Waiver for American Cancer Society Relay for Life Event on 6/8/19
- B. Parade Permit for DMSE/Boston Marathon Jimmy Fund Walk on 9/22/19
- C. Parade Permit for St. Mark's Community Church 5K on 9/14/18
- D. Parade Permit for Walnut Hill School Commencement Procession on 6/8/19
- E. Natick Artists Open Studio's Request to Occupy the Public Way on Adams Street on October 19 and 20 from 9:00 a.m. – 5:00 p.m.
- F. Parade Permit for Natick Friends of the 4th Parade on 7/4/19
- G. Natick Cultural Council's Request to Paint Electrical Box at 87 East Central Street
- H. Reappointment of Dorothy Kennedy to the South Middlesex Opportunity Council and Authorization for Chair to Sign Reappointment Letter (Term Ending 6/30/2020)
- I. Natick Center Associates' Request to Hold the Farmers' Market on the Town Common from May 11-September 18, 2019 from 7:15 a.m. – 2:00 p.m.
- J. Parade Permit for the Carry the Fallen Ruck March on 3/23/19

TOWN ADMINISTRATOR NOTES

None.

SELECTMEN'S CONCERNS

None.

ROLL CALL VOTE TO ENTER EXECUTIVE SESSION:

On a motion by Mr. Freedman, seconded by Mr. Jennett, the Board voted 5-0-0 to enter Executive Session relative to:

- A. Purpose 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the Chair so declares:
- a. New England Police Benevolent Association, Inc., Local 82-Superior Officers
 - b. Collective Bargaining:
 - New England Police Benevolent Association, Inc., Local 182-Dispatch
 - Natick Patrol Officers' Association
 - New England Police Benevolent Association, Inc., Local 82-Superior Officers
 - c. Kurtin, et al. v. Natick Planning Board, et al., 18-MISC-00456 (Land Court)
- B. Purpose 4 – To discuss the deployment of security personnel or devices, or strategies with respect thereto

The vote was confirmed by roll call as follows:

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

Ms. Mistrot announced that the Board would not return to Open Session but would adjourn from Executive Session. The Board left Open Session at 10:10 p.m.

Michael J. Hickey, Jr., Clerk

Submitted by: Trish O'Neil, Executive Assistant

February 19, 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=620&MinutesMeetingID=-1&doctype=Agenda>