

# BOARD OF SELECTMEN – TOWN OF NATICK

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## **MEETING MINUTES**

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

**August 5, 2019**

**6:00 PM**

**PRESENT:** Chair Michael J. Hickey, Jr., Clerk Jonathan H. Freedman, Karen Adelman-Foster, and Richard P. Jennett, Jr.

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

**ABSENT:** Vice Chair Susan G. Salamoff (Vacation)

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 and was being recorded by Natick Pegasus, and requested a motion to enter into Executive Session to discuss matters pertaining to Purpose 6: the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position. Ms. Adelman-Foster, seconded by Mr. Jennett, moved to enter into Executive Session. The motion passed on a vote of 3-0-0 (Ms. Salamoff, as above, was on vacation and Mr. Freedman arrived after the vote was taken), confirmed by a roll call vote as follows: Mr. Hickey – Yes; Ms. Adelman-Foster – Yes; Mr. Jennett – Yes. The Chair announced that the meeting would return to Open Session at approximately 7:00 p.m. The Board convened Executive Session at 6:05 p.m.

Open Session reconvened at 7:30 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country. Paul Carew, the Town's Veterans' Services Officer, remembered Major General Harold Green on the anniversary of his death (August 5, 2014) in Afghanistan. Major General Green was the first officer killed in the line of duty since Vietnam. Mr. Carew also remembered a friend of his, Navy veteran Charlie McGregor, who passed away today at the age of 82.

## **ANNOUNCEMENTS**

1. **Downtown Fire Updates:** Ms. Malone noted the actual cost to the Town for police, fire, and DPW services was less than \$50,000, and that in excess of two million gallons of water were used in fighting the recent fire. Mr. Freedman provided a synopsis of a memo from Ted Fields, Senior Planner in the Community & Economic Development Office. Site security has been returned to the owner and there should be no trespassing. The State Delegation met recently and a follow-up session for the recovery needs of affected businesses will take place. Natick Center Associates has raised over \$27,000 to assist affected businesses with disbursements planned for August 19<sup>th</sup> and September 19<sup>th</sup>. A database for in-kind assistance has been created and temporary space to the displaced businesses has been offered by other downtown businesses. Most of the businesses in close proximity to the fire site have reopened. The State has created a small business emergency loan fund with \$400,000 available to businesses affected by the fire. The Department of Revenue will waive penalties for late tax payments. MassHire is offering ongoing support to employees of businesses involved in the fire.
2. **Middlesex Path Dog Park:** At present, the Town is awaiting bond confirmation and insurance certificates but Ms. Malone explained that the groundbreaking will hopefully occur within the coming two weeks.
3. **Lottery for Affordable Housing Units at Natick Avenu, LLC:** Kate Snyder of National Development gave August 26<sup>th</sup> as the deadline for applications. The lottery will take place at the Morse Library on September 18<sup>th</sup>. Ms. Malone stated there is a link on the website under the News section.

## **CITIZEN'S CONCERNS**

None.

## **BOARD OF SELECTMEN UPDATES**

1. MBTA Station Project Update: John Doherty from the MBTA provided a PowerPoint presentation. The design for the new Natick Center Station will include a full upgrade of the station, including improvements in accessibility, traffic, pedestrian traffic, etc. The project is funded in the 2024 CIP. Drainage issues will be significantly alleviated. Advertising for construction will take place this month. The Notice to Proceed will happen mid-November. The approximate duration of construction is 30 months. No real disruption to commuters is anticipated. An inspector, or other MBTA staff, will be on site at all times, even when working is being performed overnight.
2. South Main Street Reconstruction: Town Engineer Bill McDowell provided a PowerPoint presentation. The DPW should be receiving the design submission in late August. Construction bidding and procurement are scheduled for August-September 2019. Construction funding is anticipated to be approved at the 2019 Fall Annual Town Meeting. Award of the contract will be in November 2019. Construction is to begin in the spring of 2020. Mr. Hickey noted that a Warrant Article needs to be prepared for FATM for easement acquisitions necessary to the project. Mr. Freedman asked if a Warrant Article for funding was needed and Ms. Malone explained that it is a capital expenses that would typically be sponsored by the Town Administrator. On a motion by Mr. Freedman, seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to sponsor a Warrant Article for the 2019 FATM that would effect the easements necessary for the South Main Street roadway construction project.
3. Collins Center: Ms. Malone stated that the Collins Center, a University of Massachusetts entity that provides research analysis and objective information to towns across the Commonwealth, has been retained to objectively look at the Town Counsel model currently employed by the Town. The Collins Center will reach out to the Town Counsel Study Committee, which examines the format of Town Counsel services, as well as the Town Counsel Screening Committee, which will be the entity used if an RFP is required. It is anticipated that some information will be provided at the 2020 Spring Annual Town Meeting.
4. West Natick Fire Station: Ms. Malone stated that there is hope that the work plan for removal of asbestos discovered at the site will be completed.

## **APPOINTMENTS**

Interviews for Appointment to the Transportation Advisory Committee: Matt Page, a finance attorney who works with government agencies on capital projects and a 13-year resident of Natick, and Alex Walker, a 6-year resident of Natick software developer who has done his own study of traffic on his street, were interviewed. Moved by Ms. Adelman-Foster and seconded by Mr. Freedman, the Board voted 4-0-0 to appoint Mr. Page for the term ending 2021 and Mr. Walker for the term ending 2020.

## **REQUESTED ACTION**

1. Bernardi Volvo – Application for Class I Car Dealer's License: Amy Rossi presented on behalf of the Bernardi Auto Group. The new dealership is scheduled to open around the end of the month. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 in favor of approving the application subject to any outstanding conditions.
2. Public Hearing (Continued from 7/22/19) – Proposal to Rename Navy Yard Park to Whitney Field at the Navy Yard with Installation of a Permanent Sign: The Public Hearing had previously been opened on July 22<sup>nd</sup> and was continued to this meeting due to the downtown fire. Steve Evers, Chair of the Historical Commission, spoke about the Whitney Family as great contributors to the Town. Captain George Whitney was in the Revolutionary War and was a Selectman. His grandson was a founding member of the Planning Board. Since the Navy Yard is currently being restored, Mr. Evers felt it was

appropriate to rename the field in honor of the Whitney Family and the Navy Yard neighborhood. The name had previously been changed from Whitney Field to the Navy Yard and Mr. Evers and the Historical Commission felt it was important to recognize both. Agreement has been received by Recreation and Parks. Robert Gee, a resident of Lincoln Street, spoke in favor of the name change. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to close the Public Hearing. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 in favor of renaming the park from the Navy Yard to Whitney Field at the Navy Yard.

3. Public Hearing (Continued from 7/22/19) – Smashburger Application for S12 Wine and Malt License: Alan Wright, the manager of record, appeared for Smashburger, stating he will be spending approximately 50 hours per week at this location. There were no questions from the public. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to close the Public Hearing. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to approve the application for a wine and malt license.
4. Public Hearing – Natick Avenu, LLC, Superior Drive – Application to Store Flammable Storage: Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to open the Public Hearing. Katie Snyder of National Development stated there will be 164 units at the new Natick Avenu apartment building and 184 parking spaces in the garage. A license is needed for fuel storage for those parked cars, which belong to residents. Based on an assumed capacity of 20 gallons per car, 3,680 gallons will be stored on site. There were no questions from the public. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to approve the application after asking multiple pertinent questions of Ms. Snyder.
5. Supervisor of Land and Natural Resources – Appeal Objection to the Removal of Public Shade Trees Along Strafford Road and Drury Lane: Mr. Goodhind explained that Massachusetts General Law states that a public hearing must be held in anticipation of cutting and removal of shade trees. The DPW received two written objections. MGL further states that when an objection is received, the Tree Warden may not remove the trees in question unless approved by the Board of Selectmen. Thus, the DPW has chosen to appeal the objection. Eleven trees, eight in poor condition and three in fair condition, are to be removed due to limited soil volume, sidewalk buckling, etc. The Engineering Department has determined that the trees are physical obstructions to the reconstruction of the roads and sidewalks on these two streets, which are on the 2019 paving plan. Seven of the trees are on Strafford and four are on Drury Lane. All of the Board Members felt they would need a visual site check prior to making any decision. Mr. Goodhind offered to join them. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to continue the Public Hearing to the next meeting to allow for further information gathering.

## **DISCUSSION AND DECISION:**

1. Parking on East Street/Referral to Safety Committee: Mr. Hickey asked if the Board would support asking the Safety Committee to consider discussing some parking restrictions on East Street, where he has noted a vehicle consistently parked on the eastbound side of the street that limits the vision of other drivers. The next Safety Committee Meeting is on August 13<sup>th</sup>. Moved by Ms. Adelman-Foster and seconded by Mr. Freedman, the Board voted 4-0-0 to refer the matter to the Safety Committee.
2. 2019 Fall Annual Town Meeting/Board Sponsored Articles: The ask tonight is for the Board to vote on whether it wishes to sponsor the following proposed Warrant Articles.
  - a. Unaccepted Ways/MGL Ch. 40, S. 6N: Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 in favor of sponsoring three separated Articles subject to further review and administrative updates as necessary:
    - Article #: Eliot Hill Road, Merifield Lane, and Woodcock Path
    - Article #: Clearview Drive
    - Article #: Michael Terrace
  - b. Private Way Bylaw Article: Moved by Ms. Adelman-Foster and seconded by Mr. Jennett, the Board voted 4-0-0 to sponsor a Warrant Article to bring the Town's Bylaw into alignment with what is currently done in practice.

- c. Kennedy Middle School/Article 97 Land Dedication: Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to sponsor a Warrant Article.
- d. West Natick Fire Station/MassDOT Easement: Moved by Ms. Adelman-Foster and seconded by Mr. Freedman, the Board voted 4-0-0 to sponsor a Warrant Article.
- e. Storm Water and Erosion Control Bylaw Amendment: Matt Gardner, Chair of ConCom, explained that the Conservation Commission's summer schedule does not allow for the Commission to take a vote to sponsor a Warrant Article before the Warrant closes, so the Board is being asked to sponsor this Article to modify the Town's the Town's existing Storm Water and Erosion Control Bylaw to optimize the Town's regulation of land disturbance activity related to protection of the local water supply, reduction of storm water runoff, etc. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to sponsor the Warrant Article.
- f. Commission on Disability/BOS Appointments: A discrepancy has been discovered related to which entity makes these appointments – the Town Administrator or the Board of Selectmen. The statute states it is the Board but the Town's bylaw states it is the Town Administrator. Mr. Freedman made a conditional motion, seconded by Ms. Adelman-Foster, that the Board sponsor a Warrant Article if necessary to align the bylaw with the MGL. Further research will need to be done to determine if a Warrant Article is needed.

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

Mr. Freedman stated that the Kennedy Middle School Project is moving full steam ahead. The OPM just directed the construction team to modify some of the project phasing due to delays by Eversource in relocating utility poles and wires.

Mr. Freedman stated that the Financial Planning Committee met last Wednesday and established a meeting schedule for the next seven to eight months – every other Wednesday beginning this week in the Selectmen's Meeting Room. The next meeting is scheduled for August 7<sup>th</sup> at 6:00 p.m.

#### **CONSENT AGENDA**

Mr. Freedman read the Consent Agenda aloud. 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. Freedman asked to remove the 7/10/19 and 7/29/19 minutes from the Consent Agenda because the 7/10 minutes were not attached to Novus and administrative changes are needed for the 7/29 minutes. The Chair asked for a motion to approve the remainder of the Consent Agenda. Moved by Mr. Freedman and seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to approve the Consent Agenda, excluding the items removed and conditional upon the fulfillment of all recommendations from Town Agencies and/or Departments. The following were approved:

- Meeting minutes for 6/24/19, 7/3/19, 7/8/19, 7/22/19, and 7/23/19
- Common victualer's license for Tempura King, Inc.
- High Street block party
- Keefe Tech banner for 11/11-11/25/19
- Reappointment of David Lodding to the Open Space Advisory Committee
- Donation of Electric Vehicle Charging Station (\$8,785)

7/10/19 minutes: Add to next agenda.

7/29/19 minutes: Moved by Ms. Adelman-Foster and seconded by Mr. Freedman, the Board voted 4-0-0 to approved the 7/29 minutes with the following addition to the PAYT item: "Mr. Marsette will ensure that any future manufacturing defects that affect Natick are publicized, including at point of sale."

#### **TOWN ADMINISTRATOR NOTES**

The Town Administrator stated that some residents have contact the Selectmen's Office regarding access to Hunnewell Field. More information will be forthcoming when available.

**SELECTMEN'S CONCERNS**

None.

**ADJOURNMENT**

On a motion by Mr. Freedman, seconded by Ms. Adelman-Foster, the Board voted 4-0-0 to adjourn the Selectmen's Meeting at 9:43 p.m.

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Jonathan H. Freedman, Clerk

Submitted by Trish O'Neil, Executive Assistant

April 5, 2019 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on \_\_\_\_\_, 2019

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

<https://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=665&MinutesMeetingID=-1&doctype=Agenda>