

**NATICK FINANCE COMMITTEE MEETING MINUTES**

**March 21, 2019**

**Natick Town Hall**

**School Committee Meeting Room 3<sup>rd</sup> Floor**

This meeting has been properly posted as required by law.

**MEMBERS PRESENT:**

Patrick Hayes, Chairperson  
Linda Wollschlager, Vice-Chairperson  
Bruce Evans, Clerk  
Michael Linehan, Member  
Jim A. Scurlock, Member  
Robert McCauley, Member  
Daniel Sullivan, Member  
Kristine Van Amsterdam, Member  
Dirk Coburn, Member  
Philip Rooney, Member  
Jeff DeLuca, Member  
David J. Gallo, Member  
Bill Grome, Member

**MEMBERS ABSENT:**

Lynn D. Tinney, Member  
David Coffey, Member

**AGENDA:**

1. Call to Order
  - a. Pledge of Allegiance & Moment of Silence
  - b. Advisement of Pegasus Live Broadcast
  - c. Review of Meeting Agenda and Ordering of Items
2. Announcements
  - a. Finance Committee Vacancy
3. Public Comments
4. Meeting Minutes
  - a. Review & Approve February 26, February 28, March 5, March 7 and March 12, 2019 Meeting Minutes
5. 2019 Spring Annual Town Meeting Warrant Articles Public Hearing
  - a. Article 4: Personnel Board Classification & Pay Plan
  - b. Article 5: Collective Bargaining
  - c. Article 18: Fox Hill Drive Sewer Betterment Citizen Feedback & Possible Reconsideration
  - d. Article 26: Amend Definition of “Dog Kennel” as Used in Zoning By-Laws
  - e. Article 27: Amend Dog Kennel Zoning
  - f. Article 23: Short Term Rentals

g. Article 2: Committee Article - continuation

7. Committee and Sub-Committee Scheduling
  - a. Finance Committee Recommendation Book –Draft Review
8. Adjourn

### **CALL TO ORDER**

Meeting called to order at 7:08 p.m. by Chairman, Patrick Hayes.

### **ANNOUNCEMENTS/CITIZENS CONCERNS:**

None.

### **PUBLIC COMMENTS**

Mr. Hayes announced that the Finance Committee has a vacancy and urged any interested resident of Natick to reach out to the Town Moderator.

Frank Foss, Town Moderator said that he cannot post the vacancy in time for this Town Meeting so the person would not serve for this budget cycle. Regarding 7a which is a discussion within the committee but I have two things I want to briefly add. The Consent Agenda will be at the start of the Town Meeting I will send a memo regarding the Consent Agenda and ask that it be put in the Finance Committee Recommendation book. Second, regarding the exact wording on Motions that come off the floor are difficult to decipher so there is now a form which if not filled out correctly will not be accepted. Please put a copy of the Motion Form in the book.

### **MOTION**

Mr. Linehan moved to take from the table 2019 Spring Annual Town Meeting Warrant Articles Public Hearing, seconded by Ms. Wollschlager, voted 11 – 0 – 0.

### **Article 18: Fox Hill Drive Sewer Betterment Citizen Feedback & Possible Reconsideration**

Presenters: Mr. Jeremy Marsette, Director, DPW; Mr. Bill Chenard, Deputy Town Administrator

Mr. Hayes: On February 26, we heard this Article and voted favorable action recommendation with a 9-0-0 vote. This is back on the agenda because during the initial hearing certain members of the public did not have a chance to comment because they were not available that night and they requested the opportunity for public comment. For the Committee to reconsider this vote, a majority of members would need to do so. That action would wipe out the prior vote.

Jeremy Marsette, Director of Public Works summarized the project. Fox Hill Drive has been on the town's 5-year roadway improvement plan for a number of years. It has a public water main that has been scheduled for replacement, is funded, and is in the design phase. We have been pausing to allow the sewer extension betterment process to occur. There is no public sewer serving 23 homes on Fox Hill Drive; all are on private septic systems, many of which are original to the homes when they were built. Residents approached the town and requested the feasibility of extending public sewer. Fall 2017 Town Meeting appropriated funds to study the sewer extension and the study was completed in Spring 2018. Findings and alternatives were presented to the neighborhood

and there have been numerous meetings with the neighborhood since then. This culminated in a letter that was submitted to the Board of Selectmen in January 2019 that requested this sewer betterment and was approved by the majority of the residents of Fox Hill Drive. Sewer betterments are covered by M.G.L. and also by town bylaw 71 – Sewer Assessments. It requires capital appropriations and Town Meeting approval. Our engineering consultant has estimated the final design and construction cost at \$1,131,900. According to Town Charter, 25% of this amount is payable by the town and 75% by the homeowners on Fox Hill Drive. These homeowners can be apportioned over twenty years and they will pay interest on it and it would be added to their third and fourth quarter tax bills. The impact to the average homeowner's tax bill each year would vary based on what the final borrowing parameters are, such as interest rate and term. Homeowners are able to elect to spread the total or some lesser amount of payments over 20 years - this would make the payments of each homeowner different. There is only one caveat in the law and that is that no bill can be apportioned for less than \$500. The statute requires 51% of the homeowners sign a petition in favor of this betterment with the town. Thirteen of the twenty-three homeowners signed so that threshold was met. But clearly, not all homeowners signed the petition. There is mixed acceptance within the neighborhood because the impact is pretty significant at almost \$40,000 per household. Lacking this betterment, some homeowners could be irreparably damaged if they don't hook up to the sewer line at some future date. The neighborhood is on ledge and some homeowners have already had to move their septic systems. Given the geological considerations and possible limitations, homeowners may have limited options for relocating septic systems if they have a septic system failure, as there may be no other options, except for the sewer betterment.

Comments from the Public:

David Kahn, 17 Foxhill Drive, Natick, Town Meeting Member Precinct 6. Thank you for rescheduling the Article. I am here to support the Article. Thirteen people were in favor of it.

*No member of committee wanted to move to reconsider.*

**Article 4: Personnel Board Classification & Pay Plan**

Presenters Dorothy Blondiet, HR Director and Bill Chenard, Deputy Town Administrator

Mr. Chenard said that he was here representing the Town Administrator and the Personnel Board. There are no changes to the Part-Time Classification and Pay Plan. The Full-Time Classification and Pay Plan has the following changes:

Town of Natick  
Classification and Pay Plan  
Fiscal Year ~~2019~~2020  
Effective July 1,  
~~2018~~2019

Grade	Minimum	Point 1	Point 2	Maximum
6	\$ 125,000.00	\$ 140,000.00	\$ 155,000.00	\$ 165,000.00
5	\$ 100,000.00	\$ 120,000.00	\$ 135,000.00	\$ 145,000.00
4	\$ 75,000.00	\$ 90,000.00	\$ 105,000.00	\$ 125,000.00
3	\$ 60,000.00	\$ 72,000.00	\$ 85,000.00	\$ 105,000.00
2	\$ 48,000.00	\$ 55,000.00	\$ 62,500.00	\$ 80,000.00
1	\$ 42,000.00	\$ 48,000.00	\$ 54,000.00	\$ 60,000.00

**GRADE 6**

Chief of Police  
Deputy Town Administrator/Director of Finance  
Deputy Town Administrator/Operations  
Fire Chief  
Town Administrator

**GRADE 5**

Comptroller  
Deputy Chief of Police  
Director of Community & Economic Development  
Director of Community Services  
~~Director of Facilities Management~~[Director of Facilities Management/Strategic Capital Partnerships](#)  
~~Director of Human Resources~~[Director of Human Resources/Labor Relations](#)  
Director of Information Technology  
Director of Public Works

**GRADE 4**

Assistant Comptroller  
Building Commissioner  
Director of Assessing  
Director of Council on Aging  
Director of Public Health  
Director of Recreation & Parks  
Morse Library Director  
Treasurer/Collector

**GRADE 3**

Assistant Assessor (certified)  
Assistant Director Council on Aging  
Assistant Director Recreation & Parks  
Assistant Library Director, Morse Library  
Assistant Treasurer/Collector  
Bacon Free Library Director  
Benefits Manager  
Communications/Information Officer  
Director of Recreation Programs/Special Events  
Environmental Health Agent  
~~Executive Farm Director~~[Executive Director, Farm](#)  
Facility Maintenance Manager  
Golf Course Manager  
Housing/General Planner

**GRADE 3 Continued**

Information Systems Data Base Administrator  
Information Systems Network Administrator  
Local Building Inspector (certified)  
Planner/Conservation Agent  
Prevention and Outreach Program Manager  
Procurement Manager  
Project Manager  
Public Health Nurse  
Regulatory Compliance Coordinator  
Senior Environmental Health Specialist  
Senior Planner  
Staff Accountant  
Sustainability Coordinator  
Veterans Agent

**GRADE 2**

Assistant Assessor (non-certified)  
Assistant Director, Bacon Free Library  
~~Assistant Farm Director~~[Assistant Director, Farm](#)  
Clinical Social Worker  
Data Analyst  
Executive Assistant  
Facility Custodial Supervisor  
Golf Course Superintendent  
Human Resources Coordinator  
~~Office Administrator, Farm~~[Assistant Director Internal Operations](#)  
Payroll Manager  
Sanitarian  
Senior Executive Assistant  
Social Worker  
Social Worker Coordinator  
Special Assistant to Director of Community Services  
Special Assistant to Director of Facilities Management  
Special Assistant to Director of Finance  
Special Needs Coordinator  
[Systems Specialist Administrative](#)

**GRADE 1**

Animal Control Officer  
Finance Coordinator  
Golf Professional  
Outreach Coordinator  
[Program Manager Volunteer Services](#)  
Student Officer  
Teen Center Coordinator

Member Questions:

Mr. Linehan said that there were concerns expressed by the Finance Committee about town employees supervising employees who were not town employees. Mr. Chenard explained that Natick's structure has been confirmed to comply with state regulations so there is no problem with town employees supervising non-town employees and there is a memo from the state and Town Counsel confirming this.

Ms. Van Amsterdam stated that there is a meter enforcement operator shown on the part-time classification plan and asked what the full-time equivalent position is. Mr. Chenard noted that it looks like the Personnel Board missed this and I will bring it to their attention at a meeting next week.

Mr. Coburn asked whether the description for the Director of Facilities Management consistent with the Memorandum of Understanding for facilities consolidation. Mr. Chenard confirmed that it is.

Mr. DeLuca asked whether the job descriptions are included in the Massachusetts Equal Pay Act (MEPA) guidelines. Mr. Chenard said they are.

Mr. McCauley asked whether these updates are happening in 2019. Mr. Chenard said the effective dates of the job descriptions are typically the dates that the Personnel Board approves them. If we changed them the new date would be on there.

Mr. Linehan asked what strategic capital partnership in the new Facilities Management Director means. Mr. Chenard noted that if the town partners with another town or with a state or federal agency, the Director would be responsible for managing this partnership on behalf of the town.

**Public Comments**

Frank Foss, Town Moderator asked what the scope of Article 4 is. Mr. Foss noted that Article 4 amends the by-laws and you can add new position titles, add new titles and effect changes in the salary ranges of those new titles and/or make changes to what is presently established. It doesn't allow you to change a job description – that is outside of the scope of the article.

Mr. Chenard asked for clarification on how the Finance Committee wishes to proceed, knowing that the Personnel Board has to make changes to Article 4. Mr. Hayes suggested that the Personnel Board be allowed to make its changes and that the Finance Committee review and approve this article at a future meeting prior to Town Meeting.

**Article 5: Collective Bargaining**

Presenters: Dorothy Blondiet, HR Director, Bill Chenard, Deputy Town Administrator

Mr. Chenard: We are in negotiations with all of our unions and we have settled none and none we are requesting no action on Article 5.

*Mr. Evans moved to recommend no action on the subject matter of Article 5, seconded by Ms. Van Amsterdam, voted 13 - 0 - 0.*

*Ms. Wollschlager moved to recommend that Article 5 be put on the Consent Agenda, , seconded by Ms. Van Amsterdam, voted 13 - 0 - 0.*

#### **Article 26: Amend Definition of “Dog Kennel” as Used in Zoning By-Laws**

Mr. Hayes: This Article has to finish with the Planning Board which won't be until April 3<sup>rd</sup> – we will reschedule it after the Planning Board has voted on it.

#### **Article 27: Amend Dog Kennel Zoning**

Mr. Hayes: The sponsor wants to wait to see what the outcome of Article 26. At the request of the sponsor we will not take this up tonight and will reschedule it, if necessary.

#### **Article 2: Committee Article - continuation**

##### **MOTION**

Mr. Foss, Town Moderator noted that he knows of two possible reports to be delivered under Article 2:

- Cochituate Rail Trail (CRT)
- Natick 2030+ Master Plan report

*Mr. Evans moved No Action on the subject matter of Article 2, seconded by Ms. Van Amsterdam, voted 13 - 0 - 0.*

#### **Article 23: Short Term Rentals**

Michael Linehan, Precinct 6 summarized the short term rental issue.

The objective of this article is to ensure that residents may enjoy their property and dwelling free from any detrimental effects resulting from short-term rentals (e.g., AirBnB, VRBO, etc.). Residential homes are being purchased by investors to for the purpose of offering them as short-term rentals, leading to:

1. Tightening of the real estate market, adversely affecting:
  - availability of opportunities for family home buyers, particularly first-time buyers
  - Further reduction of what little moderately-priced housing exists in town
2. Disruption, through noise and parking problems, of established neighborhoods.

Hotels and motels have their place, but that place should not be in an area zoned exclusively for residential use. Also, they have to compete for customers with short-term rental housing units that seldom, if ever, provide similar employment opportunities.

This article attempts to take preemptive action to get ahead of MGL 2018-337 that will create a registry of short-term rental properties such as AirBnB that takes effect June 2019 and to establish that Natick does not want to have these types of short-term residential properties and make the default answer that they are prohibited in residential zones.

### Member Questions

Mr. McCauley asked how the town would enforce this. Mr. Linehan said it's enforced by the Building Commissioner.

Mr. Rooney asked if a corporation were to buy a property and uses it to house out-of-town employees whether this would be prohibited by this bylaw. Mr. Linehan said that unless it became a rental, it wouldn't be a problem.

Mr. Sullivan asked for clarification on whether this bylaw would make advertising punishable by a \$350 fine? Mr. Linehan confirmed that it would do so.

Ms. Wollschlager asked whether Mr. Linehan talked with Town Counsel about this bylaw as it is typical that if someone sells and there is a time lag for buyer or seller and sometimes the house is "rented" for some time before the closing. Would this Article make this illegal? Also, has a real estate lawyer looked at this to see if it would cause a problem in a situation like this? Mr. Linehan said that it has not been reviewed by either Town Counsel or a real estate lawyer. The Building Commissioner has discretion on when to impose this.

Mr. DeLuca: Are you aware of any current "cease-and-desist" orders in place that have verbiage very similar to what's in here discussing daily fines as the business currently operates against the zoning? Mr. Linehan confirmed that there a cease-and-desist order has been issued for the house being rented on his street. The owner of this property would not sign a registered letter for a cease-and-desist order from the Building Commissioner.

### Public Comments

Jeremy Kipling, Precinct 6 asked for confirmation that there is no legal way in Natick to operate a business from a residence. Mr. Linehan said that if it is zoned as Residential General (RG), you can run a business, but if it is zoned RSA or RSB or RSC, it is not permitted until such a point as the Planning Board is convinced that it is in the best interest of the Town of Natick to allow it.

Mr. Kipling asked should a residence be offered as compensation by an employer to an employee would that be covered under this bylaw. Mr. Linehan said it would not

Frank Foss, Town Moderator asked whether this has been reviewed by Town Counsel. Mr. Linehan said the Town Administrator said Town Counsel is looking at it, but Mr. Linehan had no idea of a timeline. Mr. Foss urged that Town Counsel review this bylaw.

Mr. Hayes asked what guarantee you have that the Building Commissioner will not enforce this unless/until there is a nuisance. Mr. Linehan said he doesn't have such a guarantee.

Mr. DeLuca asked whether there are of any similar by-laws in neighboring towns. Mr. Linehan said he contacted the Brookline Building Commissioner and they told him they are studying this issue. However, Mr. Linehan did not know of anyone who has implemented such a bylaw.

### MOTION

*Mr. Evans moved to recommend referral of Article 23 to the Board of Selectmen and the Planning Board, seconded by Mr. Sullivan, voted 12 – 0 – 1.*

Mr. Evans said while he's very sympathetic to this situation, he didn't think this is the best solution. There is no viable enforcement mechanism or even notification vehicle. I think that this could be a recurring issues and prefer to see the Planning Board research this to flesh out the details to find the best solution and review that with Town Counsel. Mr. Sullivan said he is sympathetic to the situation but we've come up with four or five scenarios tonight that are potentially problematic so I think it needs more work. I think the Planning Board is the best place to flesh this out.

Ms. Wollschlager said while she's sympathetic, she agrees this needs more work. This particular regulation needs to be vetted by several constituencies - I don't think we've completely explored all sides of this issue before making a decision.

Mr. DeLuca said that the bylaw should be vetted by Town Counsel so that it does not fail because of unanswered questions.

Mr. Coburn: Short-term rentals can alter the economics of neighborhood home values and can drive prices up and increase volatility. Planning Board should vet this.

Ms. Van Amsterdam encouraged Mr. DeLuca to ensure that his experience in his neighborhood be reviewed by the Planning Board when considering this issue.

Mr. Hayes said that, in the town of Natick, one can conduct business in your home. More consideration has to be given to all the angles of this because there are many considerations and none of us in this room know the answers to the questions we've asked here tonight. I support referral.

### **MOTION**

*Mr. Linehan moved to table the Spring 2019 Town Meeting Warrant Article Public Hearing until Thursday, April 4, 2019, seconded by Mr. Evans, voted 13 – 0 – 0.*

### **COMMITTEE AND SUB-COMMITTEE SCHEDULING**

Mr. Hayes: Recommendation Book – write ups have been emailed from Sub-Committee Chairs, please review as soon as possible so we can get final versions into the book structure.

### **MEETING MINUTES**

Move to approve the February 26, 2019 Finance Committee Meeting Minutes as Amended.

Moved/Motioned by:	Ms. Wollschlager
Seconded by:	Mr. Hayes
Motions or Debates:	None
Vote:	10-0-3

Move to approve the February 28, 2019 Finance Committee Meeting Minutes.

Moved/Motioned by:	Mr. Hayes
Seconded by:	Mr. Linehan
Motions or Debates:	None
Vote:	9Ms-0-4



Move to approve the March 5, 2019 Finance Committee Meeting Minutes

Moved/Motioned by:	Ms. Van Amsterdam
Seconded by:	Mr. McCauley
Motions or Debates:	None
Vote:	12-0-1

Move to approve the March 7, 2019 Finance Committee Meeting Minutes as Amended.

Moved/Motioned by:	Ms. Van Amsterdam
Seconded by:	Ms. Wollschlager
Motions or Debates:	None
Vote:	12-0-1

**ADJOURN**

*Mr. Gallo moved to adjourn, seconded by Mr. Evans, voted 13 – 0 – 0.*

*Meeting adjourned at 9:27 p.m.*