

# Warrant Article Questionnaire Non-Standard Town Agency Articles

## Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 23	Date Form Completed: September 28, 2021
Article Title: Amend Home Rule Petition, Home Rule Petition, and/or Authorize Sale of Property at 5 Auburn Street	
Sponsor Name: Select Board	Email: selectboard@natickma.org

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	<p>Move that the Town vote to authorize the Select Board to sell or convey all or a portion of the real property and improvements located at 5 Auburn Street in Natick Massachusetts, the site of the former Eliot Elementary School, parcel consisting of 2.84 acres, and including the buildings and improvements thereon, identified as Assessors' Parcel No. 63- 00000001, and to establish the terms of said sale or conveyance to the satisfaction of the Select Board, in the best interests of the Town; further,</p> <p>Said authorization is pursuant to the requirements of Chapter 93 of the Acts of 2009, and the wishes of Town Meeting, as authorized by Article 3, 2008 Special Town Meeting #2, and no further authorization of Town Meeting is required;</p> <p>and to take all action necessary or appropriate to effectuate the purposes of this Article.</p> <p>(Requires a 2/3 Vote)</p>
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	To authorize the Select Board to sell or convey all or a portion of the former Eliot Elementary School – i.e., the land and improvements located at 5 Auburn Street (hereinafter, the “Eliot School Property”), without further Town Meeting approval with respect to the terms and conditions of the sale beyond those set forth in the proposed motion.
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what have been the actions taken by the Finance Committee, other Boards or Committees and Town Meeting?
Response	The long term disposition of the Eliot School Property has been the subject of several previous Warrant Articles. The Select Board’s representative to the Finance Committee for purposes of this Article (Michael Hickey), conducted informal research, including review of past Town Reports, which identified at least the following prior initiatives:

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Warrant Period Ex: 2021 SATM	Other Committees Ex: Planning Bd refer	FinCom Action Ex: Referral	Town Meeting Ex: Referral
2008 STM #2 Art. 3 "Home Rule Petition – Eliot School Lease and/or Sale" (Paul Griesmer, et al) (attached as separate PDF)	Unknown	No recommendation	Passed
2008 STM #2 Art. 4 "Amend Zoning By- Laws – Eliot School District" (Paul Griesmer et al) (attached as separate PDF)	Unknown	Town Report did not indicate FinCom Action	Referred to Board of Selectmen
2008 SATM Art. 15 "Long-Term Lease of Eliot School: Home Rule Petition, Authorization for Lease" (Board of Selectmen)	Unknown	No recommendation (7-3-0)	Amended main motion passed by majority vote.
2007 FATM Art. 21 "Report of Eliot School Property Study Committee" (Eliot School Property Study Committee)	Unknown	9-0-0 to accept the Report	Per Town Report, "Voted by majority voted to receive and place the report on file without ratification of any action taken or authorization of any action proposed"
2007 SATM Art. 26 "Authorization to Lease Eliot School for Up to 50 Years" (Board of Selectmen)	Unknown	Recommended no action.	No action (Per Town Report "This article was included as a means to provide Town Meeting with an update

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				regarding the Selectmen's intent to issue a Request for Proposals for a long-term lease of the former Eliot School. The intent was to seek "no action" on this warrant article.")	
	2007 SATM Art. 27 "Home Rule Petition: Authorization to Lease Eliot School for Up to 50 Years" (Board of Selectmen)	Unknown	Favorable action (10-0-0)	A motion was made that the subject matter of Art. 27 be referred to a Committee to be appointed by the Moderator. Voted by majority to refer the subject matter of this Article to said Committee.	
	2003 SATM Art. 24 (Authorize Board of Selectmen to convey all or a portion of the Eliot School Property, to determine the minimum amount of consideration, and what conditions and restrictions shall apply to said conveyance) (Board of Selectmen) (attached as separate PDF)	Unknown	Recommended no action.	The original 2003 FATM Art. 24 language is quite similar to 2021 FATM Art. 23. However, an amended main motion was put forward at Town Meeting which imposed conditions on the Selectmen's authorization by: (1) establishing the minimum consideration as \$1.2M; and (2) providing that no conveyance shall occur without prior	

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				approval of Town Meeting of the terms, conditions, and restrictions of said conveyance. This amended main motion passed.
It is possible that Warrant Articles on the subject matter of the Eliot School Property were filed prior to 2003, but Mr. Hickey suspended review of Town Reports when he approached Y2K.				
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?			
Response	Currently, the Town has the authority under Chapter 93 of the Acts of 2009 (attached as separate PDF) to lease for up to 99 years or otherwise convey the property, but the terms of the sale or lease must go back to Town Meeting for approval. Requiring such further approval is cumbersome, and may make it impossible to sell the property. Indeed, the Town has issued RFPs since the passage of Chapter 93, none of which culminated in a successful transaction. The Select Board is seeking authorization to sell the parcel, on terms to the satisfaction of the Select Board and in the best interests of the Town. This gives the Select Board needed flexibility in negotiating the terms of a possible deal.			
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?			
Response	No, other than staff time and legal time to create, issue, and review an RFP, and to negotiate any potential deal – all costs that can be absorbed into existing Town budgets.			
6	Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?			
	Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?			
Response	Yes, this article is intended to serve as the authorization from a subsequent Town Meeting, as set forth in Chapter 93 of the Acts of 2009, and also consistent with the approvals granted under Article 3 of 2008 Special Town Meeting #2.			
	No.			

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7	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?
Response	<p>For all intents and purposes, the Town declared this property surplus in 1982, when the School Committee first leased it to The Eliot Montessori School. And, the School Committee formally voted to declare this property surplus and turn it over to the Board of Selectmen in 1995. And, as outlined above, Town leaders (including Town Meeting) long ago recognized that this property is no longer needed for municipal purposes and have many times supported at least the concept of disposition, whether by sale or long-term lease. Despite this history, the property has continued to cost the Town for almost 40 years; essentially, therefore, the “fit” from a financial planning perspective is mainly cost avoidance – i.e., to avoid further, open-ended carrying costs, not to mention longer-term big ticket expenses.</p> <p>With respect to the Natick 2030+ Master Plan, the Select Board is aware that the Plan includes an emphasis on historic preservation, and fully intends to take such interests (and others) into consideration in pursuing sale of the property.</p>
8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	Select Board, Town Administration/Procurement Officer, Planning Board, Historical Commission, Historic District Commission, Finance Committee, Town Meeting, Town Counsel, and the community at-large (in particular, the residents who live near the property).
9	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>● Interested parties were notified in a timely way and had a chance to participate in the process</li> <li>● Appropriate Town Boards &amp; Committees were consulted</li> <li>● Required public hearings were held</li> </ul>
Response	There has been considerable process and public input regarding the Eliot School Property from time to time over the past few decades. In addition to multiple previous Warrant Articles dating back almost twenty years (at least), committees have been assembled to consider disposition strategy (e.g., the “Eliot School Property Study Committee”, circa 2007) and to inform decision making (e.g., the “Eliot School RFP Committee”, circa 2010). There have been public input meetings, multiple RFPs, and countless hours of public deliberation (including many hours at Town Meeting), culminating in many good and thoughtful ideas. Most recently, an informal advisory group assembled by Interim Town Administrator Bob Rooney recommended the Town proceed with disposition (by sale or long-term lease). Mr. Hickey will provide a more in-depth timeline of various Town efforts during his opening remarks on September 30, 2021.

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	<p>Assuming passage of the Art. 23 Motion at 2021 FATM, the Select Board fully anticipates considering the work done over the past decades, as well as reviving a public engagement process to gauge current thinking – particularly on the part of the “critical participants” identified above – to inform its approach to the disposition process.</p> <p>Again, the Select Board is well aware of many good and thoughtful ideas that prior Study and Advisory Committee efforts and community engagement have generated relative to the disposition of this property – for example, preservation of green space fronting on Eliot Street, preservation of public access to the Charles River, preservation of the historical nature of the exterior building envelope, and consideration of neighborhood impacts, such as parking. The Motion before you allows the Select Board flexibility to consider and incorporate reasonable community preferences, while balancing those considerations against the best interests of the Town as a whole (and while proceeding according to applicable state law (e.g., MGL c. 30B)).</p>
10	Since submitting the article have you identified issues that weren’t initially considered in the development of the proposal?
Response	No.
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	<p>The consequences of even further delays in selling the Eliot School Property are mainly financial and risk-related. The Town is now spending approximately \$60,000 per year in carrying costs alone (e.g., utilities and insurance) for this vacant building. Town Administration anticipates spending as much as \$10,000 to “mothball” the building in the next two (2) months, to avoid spending approximately \$150,000 (at minimum) on immediate costs that would be otherwise be required (principally, replacement of the existing boiler, which no longer functions). There are no plans to resume active municipal use of the building, nor have there been plans to do so over the past 40 years, but the types of repairs, replacements, and renovations that would be required to resume such use are projected to cost millions of dollars. With respect to immediate plans to “mothball”, it’s important to emphasize that a mothballed, vacant building is not without its own risks, such as greater risk of exposure to (and associated costs and expenses of) vandalism, mold, mildew, and further deterioration, including possible deterioration to the point at which it becomes necessary to consider demolition. In short, a Town asset is being wasted.</p>