

**ARTICLE 2**  
**Ratification of Prior Town Meeting Votes**  
**(Town Clerk)**

To see if the Town will vote to ratify, validate and confirm all acts and proceedings taken by the Town at the 2007 spring annual town meeting and the 2007 fall annual town meeting; or otherwise act thereon.

**Recommendation:** By a vote of 10-1-0 on May 8, 2008, the Finance Committee recommends **FAVORABLE ACTION** with regard to the subject matter of Article 2.

*A problem with the posting of the 2007 spring and fall Annual Town Meetings has been identified; specifically the posting in each of the precincts did not include the warrant articles per Section 2-11(d) of the Charter. Just the notices of the Town Meetings were posted. As a consequence, bond counsel will not authorize the issuance of bonds in accordance with Town Meeting's authorizations. The administration, of course, proceeded in good faith unaware of the posting errors and is now unable to accept delivery of equipment that was ordered pursuant to Town Meeting's authorization. A daily penalty is now being incurred due to our failure to accept delivery.*

*There are two alternative means to remedy this problem. One is for the legislature to validate the votes; the other is for Town Meeting to do so. The Board of Selectmen has filed legislation but as of this writing it has not passed the legislature. Therefore, this article was included in the warrant and, if it passes, the legislation will not be needed.*

*During the Finance Committee hearing, the question arose as to whether anyone could reopen or reconsider any of the Articles from the two Town Meetings in question. In the opinion of Town Counsel, subject to the ultimate decision of the Moderator, any such action would be beyond the scope of Article 2.*

**MOTION:** (Majority vote required)

**UNANIMOUSLY VOTED** Favorable Action with regard to the subject matter of Article 2.

**ARTICLE 3**  
**Home Rule Petition – Eliot School Lease and/or Sale**  
**(Paul Griesmer, et al)**

- A. To see if the Town will vote to authorize the Board of Selectmen
- i.) to petition the General Court to enact legislation which, notwithstanding the provisions of Chapter 40 Section 3 of the Massachusetts General Laws or any general law or special law or ruling or contract or regulation to the contrary, would
- a. authorize the Board of Selectmen to issue a Request for Proposals to lease for a term not to exceed 99 years (including any renewal terms) and simultaneously offer for sale, the property at 5 Auburn Street in Natick, Massachusetts which is now or formerly known as the Eliot Elementary School and
  - b. which would authorize the Board of Selectmen to enter into a lease for said property for a term not to exceed 99 years or to sell said property pursuant to the same or combined RFP process including a lease to purchase or similar arrangement and
  - c. to provide for an adequate mechanism for comparing any lease and purchase bids in such an RFP process and
  - d. to allow for qualifying bids and best and final bids to be solicited as part of such an RFP process and
  - e. to allow the Town to restrict and/or to reserve the development and/or use and/or subsequent transfer of any part or all of said property by temporary or permanent deed restriction, easement, historic preservation clause, lease clause or other means and
  - f. to solicit bids both with and/or without any or all such restrictions and to allow the Town's so called open space fund to be a bidder and/or buyer (either based

solely and entirely on Town Meeting's decision or also subject to the involvement of the Conservation Commission or other board) for all or part of the property and/or difference in such bids and

- g. which would provide for bidders' due diligence, including but not limited to site inspections and tours of said property, at the Town's sole and absolute or other discretion but not to interfere with the reasonable operations of the current Tenant and

- ii.) to solicit bids and issue RFP's for the lease and sale of said property provided that
- iii.) the terms of any lease or sale must be approved by a subsequent Town Meeting and

- B. To see what sums of money the Town will raise, appropriate or transfer from available funds for the purpose of conducting lesser/seller due diligence studies before any RFP process for such matters including but not limited to architectural, engineering, soils, structural, legal or other matters pertinent to an informed RFP process

Or take any other action relative thereto regarding any or all of the above.

The Finance Committee has no recommendations on Article 3.

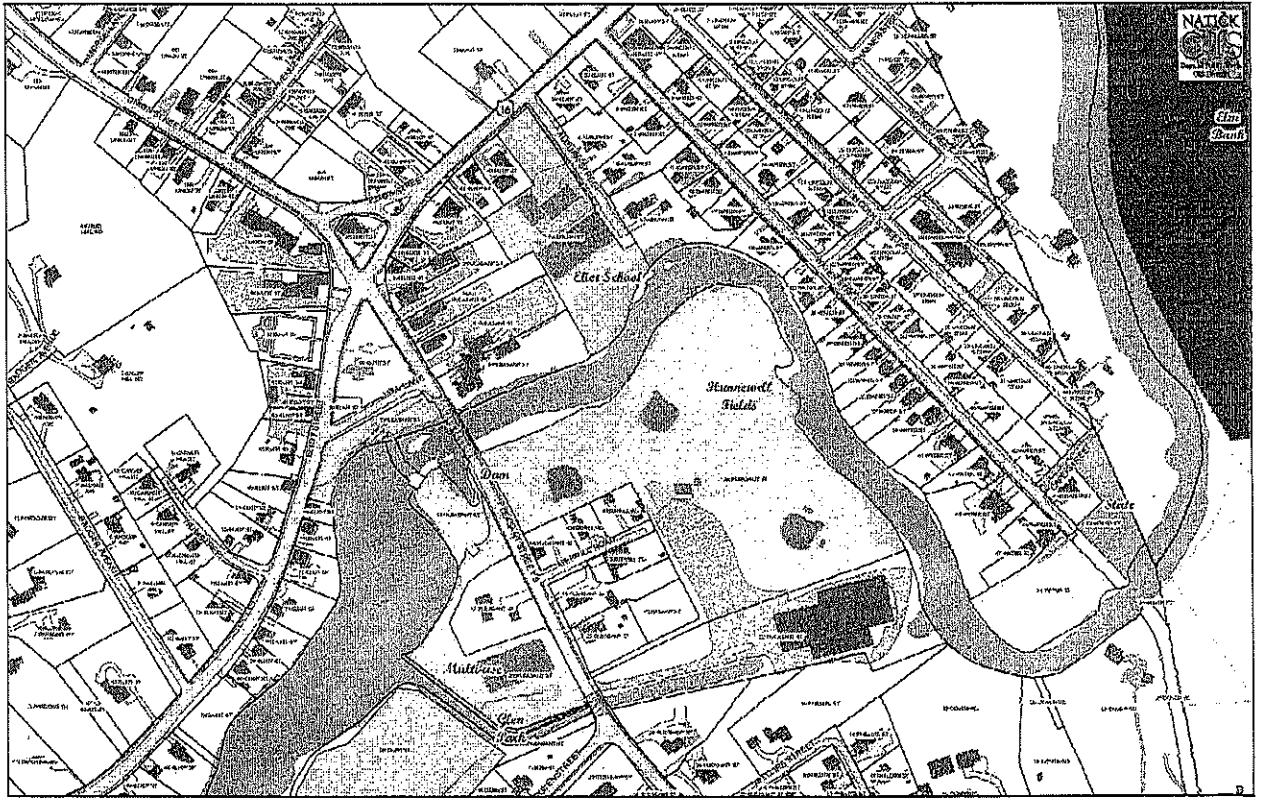
Cathy Collins made a motion, seconded by Richard Sidney, to move Positive Action on this Article as printed in the handout available outside and request that the proponent be allowed 15 minutes to expound. Without objection, Mr. Griesmer was given additional time beyond 10 minutes. After the presentation, Dave Dimmick moved Indefinite Postponement, seconded by John Newton, and then spoke on the article. Mr. Newton would like to enter into the record the "Reasons to Retain Eliot School property in South Natick under Town Ownership". (This document on file in the Town Clerk's office.) Mr. Newton then spoke in favor of IP.

After much debate and questions and answers Dight Crain made a motion, seconded by Mary Brown and it was VOTED BY 2/3RDS MAJORITY TO MOVE THE QUESTION.

INDEFINITE POSTPONEMENT FAILS AND IT WAS

VOTED BY MAJORITY that the Town :

- (1) authorize the Board of Selectmen to petition the General Court to enact legislation which, notwithstanding the provisions of Chapter 40, Section 3 of the Massachusetts General Laws, or any general law or special law to the contrary, would authorize the Board of Selectmen to issue a Request for Proposals to lease for a term not to exceed ninety-nine (99) years (including any extension or renewal terms) the property at 5 Auburn Street in Natick, MA, which is now or formerly the site of the Eliot Elementary School, and which would authorize the Board of Selectmen to enter into a lease for said property for a term not to exceed ninety-nine (99) years (including any extension or renewal terms), provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and further,
- (2) authorize the Board of Selectmen to issue a Request for Proposals offering the property at 5 Auburn Street for both sale and lease (such lease to be for a term not to exceed ninety-nine (99) years, including any extension or renewal terms) with said RFP providing an adequate mechanism for comparing the sale and lease options, provided that the terms of any lease or sale must be approved by a subsequent Town Meeting; and further,
- (3) authorize that the Board of Selectmen consider and take appropriate action, within its authority, with regard to the subject matter of Article 3, paragraphs i.)d, i.)e, i.)f and i.)g; and further,
- (4) appropriate the sum of \$25,000 from Free Cash, said funds to be spent under the jurisdiction of the Board of Selectmen for the preparation of reports and analysis, which may include but would not be limited to appraisal services, environmental assessment, asbestos and lead paint testing and analysis, and analysis of building systems and development of associated capital improvement program.



**ARTICLE 4**  
**Amend Zoning By-Laws – Eliot School District**  
**(Paul Griesmer, et al)**

To see what actions the Town might take and/or to see what amendments the Town might make with regard to the zoning, permitted uses, definitions, Special Permit Granting authority provisions, restrictions, creation of overlay districts and/or any other amendments of or to the Zoning By Laws of the Town of Natick with regard to the district and/or districts within which the so called Eliot School property (which is now or formerly known as the Eliot Elementary School) at 5 Auburn Street in the Town of Natick is located and/or make any other changes to the Zoning By Laws consistent with the above and/or take any other action relative thereto.

**MOTION:** (Majority vote required)

**UNANIMOUSLY VOTED** that the subject matter of Article 4 be referred to the Board of Selectmen.

**ARTICLE 5**  
**Abandon Easement and Accept Easement – Rockland Street**  
**(Town Administrator)**

To see if the Town will vote to abandon an easement for drainage purposes granted by Steven E. Olenick to the Inhabitants of the Town of Natick by instrument dated October 6, 1992 and recorded with the Middlesex South Registry of Deeds at Book 22475, Page 002; provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for such abandonment. Said easement is located on the property at 88 Rockland Street, Natick, MA, which property is shown on Town of Natick Assessors' Map 66 as Lot 11. Said easement is shown on a plan entitled "Plan of Land in Natick, Mass. (Showing Town of Natick Drain Easement) over Land of: Steven E. Olenick", Scale 1" = 20', Dated September 23, 1992, prepared by MacCarthy & Sullivan Engineering, Inc., 41 Beacon Street, Framingham, Mass., which plan is filed with the Middlesex South Registry of Deeds as Plan No. 845 of 1992 in Book 22475, Page 001.

and further, to see if the Town will vote to authorize the Board of Selectmen to accept on behalf of the Town of Natick from the owner(s) of said property at 88 Rockland Street, Natick, MA a grant of an easement for drainage purposes, provided that no money or other consideration shall be paid by or on behalf of the Town of Natick for the grant of such easement. The purposes of said drainage easement shall include, without limitation, construction, reconstruction, installation, relocation, inspection, maintenance, repair, and replacement of drainage pipes and appurtenant structures and related equipment, excavation, regrading and refilling of soil in the easement area; and entry upon the easement area for such purposes. Said easement shall be located on the property at 88 Rockland Street, Natick, MA, which property is shown on Town of Natick Assessors' Map 66 as Lot 11, and on abutting property shown on Town of Natick Assessors' Map 66 as Lot 10D, which property is currently owned by the owners of the property at 88 Rockland Street, Natick, MA. Said easement is shown on a plan of land, a copy of which is on file in the office of the Natick Town Clerk;

or otherwise act thereon.

**Recommendation:** By a vote of 11-0-0 on May 8, 2008, the Finance Committee recommends **FAVORABLE ACTION** with regard to the subject matter of Article 5.

*This article has been requested to allow the homeowner to expand their house. The Town's existing drainage easement prevents the desired expansion. The homeowner will pay all costs for the engineering design and construction costs associated with the relocation of the drainage system. The Town's engineering division will approve the design and monitor the construction. The town benefits in that the new drain line will have catch basins and manholes (whereas the current drain line does not) that will allow easy access for maintenance. In addition, the new line will comply with the Town's stormwater management practices and thus will create cleaner water at the discharge point.*