



Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following Meeting:

Town of Natick Finance Committee

Meeting Date: September 30, 2021

The minutes were approved through the following action:

Motion:	xxx
Made by:	xxx
Seconded by:	xxx
Vote:	0 – 0 – 0
Date:	, 2021

Respectfully submitted,

Bruce Evans

Secretary

Natick Finance Committee



TOWN OF NATICK

Meeting Notice

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, Sections 18-25

Natick Finance Committee

<u>DAY, DATE AND TIME</u>
September 30, 2021 at 7:00 PM
<u>PLACE OF MEETING</u>
Virtual Meeting accessed via Zoom: https://us02web.zoom.us/j/84585053038 Meeting ID: 845 8505 3038 Passcode: 906920 One tap mobile +19292056099,,84585053038# US (New York)) Dial by your location +1 929 205 6099 US (New York)

Notice to the Public: 1) Finance Committee meetings may be broadcast/recorded by Natick Pegasus. 2) The meeting is an open public meeting and interested parties can attend the meeting. 3) Those seeking to make public comments (for topics not on the agenda or for specific agenda items) are requested to submit their comments in advance, by 2:00 PM on the day of the meeting, to fincom@natickma.org. Comments will be posted on NovusAgenda and read aloud for the proper agenda item. Please keep comments to 350-400 words. 4) The Chat function on Zoom Conferencing will be disabled.

MEETING AGENDA

Posted: September 27, 2021 8:10 AM

1. Call to Order
 - a. Pledge of Allegiance & Moment of Silence
 - b. Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing
 - c. Review of Meeting Agenda and Ordering of Items
2. Announcements
3. Public Comments
 - a. [Committee policy & procedures available via this link and also at the meeting location](#)
4. 2021 Fall Town Meeting Warrant Articles - Public Hearing
 - a. [Article 1: Committee Article](#)
 - b. [Article 23: Amend Home Rule Petition, Home Rule Petition, and/or Authorize Sale of Property at 5 Auburn Street](#)
 - c. [Article 37: Committee Report, Handbook, and Term \(TMPRC\)](#)
 - d. [Article 39: Amend Article 3 Procedure at Town Meeting of the Town of Natick ByLaw \(TMPRC\)](#)
5. Meeting Minutes
 - a. Review & Approve Meeting Minutes for August 24, 2021, September 23, 2021, and September 28, 2021
6. Committee and Sub-Committee Scheduling
 - a. Update on upcoming Committee and Subcommittee meetings
7. Committee Discussion (for items not on the agenda)
8. Adjourn

Meeting may be televised live and recorded by Natick Pegasus. Any times listed for specific agenda items are approximate and not binding. Please note the committee may take the items on this agenda out of order.

MEMBERS PRESENT:

Hossam Behery, Member
David Coffey, Member
Cathy Coughlin, Member
Jeff DeLuca, Member
Bruce Evans, Secretary
Todd Gillenwater, Vice-Chairman
Kat Monahan, Member
Richard Pope, Member
Patti Sciarra, Member
Linda Wollschlager, Chairperson

MEMBERS ABSENT:

Dirk Coburn, Member
Bill Grome, Member
Chris Resmini, Member
Phil Rooney, Member

Call to Order: Meeting called to order at 7:02 p.m. by Linda Wollschlager, Chairperson.

Announcements –

Ms. Wollschlager said that she was very sorry to report that a fellow committee member, Mr. Bill Grome has resigned. But on a positive note, today is his 80th birthday, so a round of applause for Bill. Bill decided that the Committee was a little too much for him, given the late hours and the amount of work. Ms. Wollschlager thanked Bill for his contributions, noting that no one got the “ditto” rule down as well as Bill and you can always count on Bill to give us the straight story on things. Ms. Wollschlager said she appreciated his long years of public service not only in Natick, but also in Wellesley and the wealth of experience that he brought, so he will be missed.

For anyone who is interested in joining the Finance Committee, please contact the Moderator. You'll see that the vacancy has been posted on the town website as well as various Natick related Facebook groups. If anyone is interested or know anyone who is interested, please contact the Moderator at moderator@natickma.org and express your interest. If you're not interested in joining the committee right now but are potentially interested in joining in the future I urge you let the Moderator know this.

Mr. Foss said he has received some comments back from Town Counsel on the motion for the Hybrid Town Meeting question and will be sending the Chair the edits to be made to the motion based not only on her commentary but the comments that the Finance Committee made in the earlier meeting so that the Finance Committee can include it in its recommendation book. Ms. Wollschlager asked whether these changes would require reconsideration of the Finance Committee's vote. Mr. Foss said the changes are very minor and, after seeing the changes, the chair can determine whether reconsideration is warranted.

Public Comments: None

Mr. Evans moved to open the public hearing on the Fall 2021 Annual Town Meeting Warrant Article review, seconded by Ms. Sciarra, voted 9 – 0 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. Evans = yes	Ms. Sciarra = yes
	Ms. Wollschlager = yes

Article 1 - Committee Article

There is only one submission under committee articles which is from the Cochituate Rail Trail (CRT) and Mr. Josh Ostroff is here representing the newly christened and fully open CRT.

Mr. Ostroff introduced himself as the Chair of the CRT Advisory Committee and a Town Meeting member from Precinct 6.

[Link to CRT Fall 2021 Report](#)

Mr. Ostroff said that he would recap the history of this project since it first came before Town Meeting in December 2006 and the members on the CRT Committee have changed as well as the Finance Committee and the town in general. This may be a little repetitive for people who are very familiar with the project, but he said he wanted to give people a grounding of what it's about.

History of the Saxonville Industrial Track: The Saxonville railroad was created in the mid-19th century to serve a burgeoning industry in Saxonville and was instrumental in the development of our region. There's more to say about that in terms of that and he will be elaborating on that more at Town Meeting. The planning and design goes back about twenty years with a reconnaissance study under the Metropolitan Planning Organization (MPO). The Board of Selectmen, as it was called when I served on it in 2006, established a task force and we did a preliminary report. This task force conducted research with abutters, held community forums, funded a conceptual design study as well as a transit/trail study to determine whether some kind of transit and the trail

could coexist. The task force was then funded to do final design, which goes from 25% to final over five years from 2014 to 2018, including an environmental assessment in 2018. In terms of land acquisition and easements, we started negotiating with CSX soon after CSX abandoned the railroad in 2006. The task force then went through a series of appraisals which varied widely depending on the timing, land values, and who was doing them between \$3.3 million and \$14 million in valuation. Between 2007 and 2016, we negotiated with CSX and ultimately acquired the main part of the right-of-way for just over \$6 million. The Wonder Bread spur, for various legal reasons, was acquired at no cost to the town and subsequently obtained construction and permanent easements. The appraisal methodology that CSX required us to use is called the “across-the-fence-methodology” which means that the appraisers were required to value the land immediately adjacent to each segment of the trail and that was used to establish values that totaled the to the purchase price. The purchase price was then subject to something called a “corridor factor” a possible adjustment upwards for the value of a fully intact length of property. We entered into something called “rail-banking” which means that the town was allowed to be the sole negotiator with CSX as an abandoned railroad that was under the jurisdiction of the Surface Transportation Board. That meant that, we alone could buy it for as long as we stayed in that status. It also meant, that hypothetically, the land could be returned to railroad use in the future. In practice however, there is no record of abandoned railroad tracks that are converted to rail trails reverting to railroad use. We also researched whether we could obtain the land from eminent domain and Town Counsel told us that were reasons not to do so, so that idea was scrapped.

Construction: We got initial approval from the MassDOT Review Committee which put us on track to have construction fully funded using federal and state dollars dedicated to that purpose. Ultimately, the MPO approved a \$12.6 million budget for the project. There were bids and contract awards in 2018 and construction began in 2019, culminating in the official ribbon-cutting for the Natick section. The Framingham section was completed in 2015 and was separate from Natick because CSX stopped freight service in Framingham decades earlier than in Natick and ownership reverted to state agencies so Framingham didn't have to acquire it as Natick did because it was within the public realm.

Budget Overview:

Total Project Budget (all funding sources)	\$19,967,957
Federal/State construction	\$12,074,327
State appropriation (design)	\$252,156
Mitigation (design)	\$875,000
Free Cash (design)	\$220,000
Mitigation (land acquisition)	\$3,100,000
Borrowing (land acquisition)	\$2,960,000
Donations (land acquisition)	\$11,000
Tax Levy (land acquisition)	\$375,000
Capital Stabilization (easements)	\$100,474

It's been said that it's a \$7 million project if we look at the cost of land acquisition, or \$11 to \$12 million if we look at the construction cost, but it totals up close to \$20 million. When we look at the construction budget, there were a number of sources including state appropriations for design and mitigation funding, a relatively small amount of free cash for design services (\$220,000), FAR Bonus Stabilization Fund (\$3.1 million) and borrowing

(\$2.96 million) plus a small amount in private donations for land acquisition. The task force also acquired the parking lot on Mechanic Street that is owned by the Conservation Commission via tax levy land acquisition. We budgeted \$200,000 from the Capital Stabilization Fund for easements but only spent half of that money so the balance reverted back to the Capital Stabilization Fund.

Sponsorships: Mr. Ostroff said he wanted to touch on sponsorships because the Select Board and Town Meeting had identified sponsorships or naming rights as a way to help recoup town expenses, with the most ambitious effort being legislation to allow us to sell bridge naming rights was not successful. 2017 Spring Town Meeting approved a Home Rule petition, but it didn't make it out of the Legislature because MassDOT raised some concerns about the legality of doing this. However, he said although he disagrees with their concerns, they've put that aside for now. The town has an agreement with the Friends of Natick Trails which has provided \$100,000 and there are more potential donations such as signage, commemorative bricks and benches. Last spring, Town Meeting established a revolving fund for CRT maintenance that's under the authority of the Town Administrator or his designee and these funds can be used for maintenance or enhancements to the rail trail help offset some of the town's costs for maintenance and improvements.

Maintenance and Operations:

This is a developing topic. DPW is developing an operations and maintenance plan with input from the CRT Advisory Committee. LFNr will perform most of the maintenance and town oversight and administration is currently under the Select Board and town administration. It is not Recreation & Parks or the Conservation Commission, with the exception of that parking lot. However, this could change in the future. The CRT Advisory Committee also expects to leverage volunteer resources to help with some of the routine maintenance as that is pretty common with parks and trails.

Future Connectivity:

There are a few plans for future connectivity.

- Lake Cochituate Path is an extension of the trail that would go from West Natick starting at the end of Hartford Street where there's a cul-de-sac to the east of Speen St, along Route 9 that will connect to the CRT and go towards Route 27. That's at the 25% design stage and is scheduled for the state Transportation Improvement Program (TIP) funding under the MPO in FY 25, but it could be sooner than that.
- Connection to the MBTA station will be in two parts. The first part is a connection at the path level to the outbound platform and that's going to be built by the MBTA when they're done with the redesign and reconstruction of the Natick MBTA station. In addition, there is a viaduct (or ramp) up to Main Street that's approaching 25% design that has also been approved for future construction funding by MassDOT, but the design, as is common with transportation projects, is that the town must fund the design. Sourcing of funding for this design work is a Mass. trails grant of \$225,000 and then a grant from MetroWest Health Foundation for \$75,000, so expect that to be submitted for construction as swiftly as possible but it depends on when the MBTA station work is completed.
- Cochituate State Park connection is that a pathway that would go from the end of Chrysler Road through the State Park where they are going to have a new entrance to the park from the CRT trail and then it would go to the DCR parking lot (about quarter to half a mile away) and that will be built later this year or early next year. That will help with regional connectivity in general, enabling people to get after Route 30 where Weston is planning a bike lane along Route 30 and Wayland and Natick may do something similar in the years to come.
- Connections to the Bruce Freeman Rail Trail which currently goes into Concord; Sudbury is building a section and Framingham is on target to acquire land from CSX and then Framingham would need to figure out how to get safe connectivity for bicycles and pedestrians from Saxonville through Nobscot to where the Bruce Freeman Rail Trail will ultimately end.
- These are all interesting plans not because they are Natick projects but will extend the connectivity in all directions to and from the CRT.

Mr. Ostroff thanked current and past Finance Committee members for consistently supporting the efforts of this project and Town Meeting for supporting the requested appropriations. It's gratifying to see that, on average, 1000 people a day are using the trail and 2000 people used it on Labor Day, so it's getting a lot of use now even before it connects to the train station, or extends to West Natick and Framingham and beyond.

Questions from the Committee

Ms. Sciarra suggested that Mr. Ostroff add information on the entry points to the CRT. Mr. Ostroff said that was a good suggestion and will include that information. He said he would share a map with the Chair of the Finance Committee and this map will show the access points at various places along the trail. As you may know, right now, it's a little problematic right to get on the CRT at the southern end because there is not yet a formal connection to Whitney Field / Navy Yard; there will be in the coming weeks and the Mechanic Street parking lot is not open yet. So there will be three connections to connect to the CRT that will be helpful to get on the trail from Natick Center:

- A direct connection to Whitney Field - DPW is constructing that connection.
- Connection to LaGrange Street that is intended more for cyclists because the circular path that goes around Whitney Field is about five feet wide so it's not designed to be shared between bicycles and, pedestrians.
- Mechanic Street access. First of all, Mechanic Street is privately owned and the town has identified that the town has rights to access. Mechanic Street was where about 50 cars can park when DPW improves the road, as scheduled for next spring. Right now, it's a pretty rough Street, in part, because it's being used for MBTA construction vehicle access, so it'll probably be a couple of years before that will be a comfortable connection.

People can also get on the trail from Lake Street and Washington Avenue, General Greene and Fisher.

There is access to the trail on both sides of Route 9 (the end of Bacon Street on the east-bound side and next to Camp Arrowhead on the west-bound side).

There is access at AMVETS at the end of Chrysler Road.

There are 6-8 connections entrances within Natick and we're just at the southern end because it's still a work in progress due to the ongoing construction.

Ms. Sciarra asked for an estimate of the number of hours that it will take for DPW to maintain the trail. Mr. Ostroff said he didn't know that answer offhand and would ask Mr. Goodhind, the LFNR Supervisor if they have budgeted for that separately. It depends greatly on the scope of responsibilities in the operations and maintenance plan – whether it's maintaining existing plantings, doing new plantings or if there's extraordinary event where trees were toppled and needed to be cleaned up, although that would probably affect things all over town, not just on the trail. There's a plan to do snow removal but it's been represented to me that that would be a priority after streets and sidewalks have been cleared. As you know, Town Meeting voted to add two LFNR laborer positions to help address the CRT needs as well as other town-wide needs. Ms. Wollschlager added that LFNR has a very detailed plan for maintenance of the parks and fields, but she didn't know whether this is a final plan and it would be involved in carrying out that plan.

Mr. DeLuca noted that there are private companies along areas that are either next to entrances or abutting the trail and asked whether any of these businesses have complained to the town. He stated that he has walked the trail many times and not seen much signage that would indicate the boundary of private company. For example, when you go near Home Depot, there's the trail on one side and I see plenty of people parking in the Home Depot lot and walking through areas they probably shouldn't be walking through to access the trail. Mr. Ostroff said that question touches on three different things. One is that the Advisory Committee is in discussions with the major multifamily developments alongside the trail, Modera, Avalon and Cloverleaf to have formal, fully accessible connections to the trail and they're in various stages of planning, design and construction, Avalon will be constructing an extension to an existing ramp in the coming weeks. A Modera plan to do something next spring and Cloverleaf is starting their design. This will allow the hundreds of people who live in these

developments to have safe access to the trail and fully ADA-compliant access. The second part is that, through the Safety Committee and DPW, they are working to address parking. Apart from the Mechanic Street lot, there's identified parking at the end of Chrysler Road. Believe it or not, we're having trouble with the supply chain to get paint for striping roads; otherwise the town would have already striped the end of Chrysler Road for the 1-2 dozen spaces intended for use by the rail trail. These spaces would likely be something like two hour parking or whatever the safety committee feels is appropriate. The third is issues of private access and, in his discussions with town staff, they are taking a wait-and-see approach to determine how widespread the problem of trespassing on private property is. The town wants to be a good neighbor so we need to find out to determine how people are entering and exiting the trail and, if we need to provide a different public access point or have better signage or communication, they'll need to do so. There's something in planning called a "desire line", which means when you see a worn path in the grass or elsewhere that tells you where do people want to walk, and that's where you anticipate where you might need to have some construction or some kind of intervention will they are walking where it is either unsafe or not allowed. Signage on the trail now is not what it will ultimately be. In addition to some of the sponsorship signs mentioned previously, there will be some regulatory signs installed in the coming weeks advising people on how to use the trail safely.

Mr. DeLuca noted that the proximity of the trail is a significant amenity to these large apartment complexes and asked whether they had been approached to provide financial contribution to the maintenance of the trail. Mr. Ostroff said they have not, noting that the connections to the trail are being funded at their expense and to meet DPW standards. Public safety is the first concern and we want to ensure that residents of these buildings don't have to climb down a hill to gain access to the trail.

Mr. DeLuca asked who is responsible for weed removal on the side of the trail. During construction, the town did not have authority to do that maintenance. But MassDOT and the contractor agreed, prior to the ribbon cutting that the season's worth of accumulated weeds would be removed and those have been cleared. The town now owns the responsibility for maintenance of the trail and there probably will be some improvements done by MassDOT and the contractor that may occur following the official handoff. For example, the connection down to Route 9, next to Camp Arrowhead, is going to be re-engineered slightly and there will be an agreement between MassDOT and the contractor to do that.

Mr. DeLuca noted that the trail would be plowed, but asked whether road salt and sand would be used on the trail or would the trail be untreated. Mr. Ostroff said his understanding is that paths are not typically treated with sand and road salt as a matter of practice.

Public Comments

Ms. Cathi Collins, Walkup Rd.

Ms. Collins asked for more detail on the re-engineering of the entrance on the west-bound side of Route 9, citing her concerns after seeing a small child riding a bike down that slope. Mr. Ostroff said this was originally designed to be pedestrian access, but as DOT and the contractor agree that they will make changes to allow safe access for both pedestrians and cyclists. Mr. Ostroff noted that this gives him an opportunity to comment on the work of Mark Coviello, the former Town Engineer who is now retired. He was retained by the town to be the town's representative for this project. And for Route 27, North Main Street and a few other projects, the town wouldn't have been able to get this over the finish line without his expertise, and diligence.

Mr. Evans moved to recommend that Town Meeting hear and discuss the CRT Advisory Committee Report, seconded by Mr. Behery, voted 10 – 0 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes

Mr. Evans = yes

Ms. Wollschlager = yes

Debate:

Mr. Evans said years of work went into this project and noted that, as someone who has walked on the CRT for some time now, he said this is a great resource for the entire community and stated that he sees people of all ages walking, biking, rollerblading, etc. And with all the links that are available soon or in the future, it will become even more attractive. He said there are so many pluses in terms of being able to walk to and from the mall area to downtown Natick and is accessible from all parts of Natick that adjoin the trail. You may have to get into a car to get on the trail from South Natick, but it is accessible for Natick residents everywhere. It is a great resource and it took a lot of vision and thick skin to persevere and make this happen, so kudos to everyone involved in making this happen.

Mr. Behery agreed that this is a fantastic project, noting that as someone who enjoys walking in a natural environment. The extensive amount of work that was done here has produced a great resource for all residents.

Ms. Monahan thanked Mr. Ostroff for the presentation and expressed enthusiasm for the rail trail and said she lives in West Natick near the West Natick train station and bicycles with her two kids to daycare near the mall and it's terrifying right now so she is looking forward even more to 2025 when there will be even more connections to and from the CRT.

Ms. Wollschlager said her office overlooks the Route 9 bridge on the rail trail and is amazed at how much the rail trail is being used during the week. It seems like any time I took a break and look up at the trail, there is someone on the trail. It's just amazing how, even before it opened officially, people have found it and they've used it. It's an incredible resource, and she can't say enough about Mr. Ostroff noting that were it not for him, this would not have happened. He'll shake his head and say it required a lot of people and a lot of effort and a lot of other people, but there would not be a rail trail today without him and she wanted to thank him publicly and enthusiastically and say that she is very grateful that he had the fortitude and the desire to make this happen.

Article 23: Amend Home Rule Petition, Home Rule Petition, and/or Authorize Sale of Property at 5 Auburn Street

Presenter: Mr. Michael Hickey, Member, Select Board

Mr. Hickey cited examples of how long the town has been trying to determine what to do with the property at 5 Auburn Street. In 1982, the Natick town charter is a year old and town leaders face a decision on what to do with the vacant former Eliot School at 5 Auburn Street. As part of his work on this article, he reviewed the Select Board's file on this and it's five inches thick and spans four decades and town reports for the last twenty years. Thirty-nine years ago this month, a young attorney named John Flynn reviewed the lease between the School Committee and the Eliot Montessori School. This lease was the first in a 38 year run of mostly short-term leases with the school. In 1995, the School Committee declared the site surplus as of June 1996. From that point forward, the town issued a series of RFPs to lease the building as the schools had done earlier. In a February 1998 memo to the Board of Selectmen following one of those RFPs, Mr. Conley, the Town Administrator, stated that the town values its relationship with the Montessori School. It's true today even though they're no longer a tenant, but it's also obvious that for many years the town has been interested in reaching a long term decision that allows it to avoid costs and risks associated with an aging building that it no longer uses and needs. Mr. Conley's 1998 memo may have been one of the earliest references to selling the property that he could find and the memo explained that an RFP was issued in the event of sale was unsuccessful. It appears that effort was unsuccessful or it was not pursued. In January 1999, Mr. Conley reminded the Board that an article had been on the warrant to sell the Eliot School property. A number of people, however, preferred not to give up property that valuable although there is no use for it at the moment. He prepared the RFP to rent the property and two months later in March 1999, the minutes indicate that the Montessori School was the sole bidder for a 10 year lease. In 2003, the Montessori School wrote to the Town Administrator requesting an update on the town's plans to address repairs needed to a number of building facilities discussed in a meeting earlier that year. Examples included filling or removing a septic tank, removing an oil tank, paving the parking lot, and ice damage repair. Possibly in light of

all repair requests, Selectmen sponsored an article to authorize the sale of some or all of the property. Town Meeting amended the motion to condition authorization on receiving at least \$1.2 million, at least and to require that no conveyance occur without Town Meeting approval of terms, conditions and restrictions. He said he was unable to find any record of the Board acting on that authorization and he can only speculate, but as a commercial real estate attorney, it's hard to picture a scenario where an executive board acting on legislative authority negotiates price and terms and conditions for the sale of real estate out of the public sphere as allowed by Open Meeting Law exception, only to be required to return before the legislative body publicly to secure (after the fact) approval of the results of that negotiation. There are numerous ways such a three-step process undercut the board's negotiating position. At any rate, in spring 2007, Selectmen sought authority to follow Home Rule legislation allowing the lease of up to 50 years. Instead Town Meeting formed a study committee. The Board was back at Town Meeting the following, again seeking authorization for a long term lease. Later that year at a Special Town Meeting, there were two articles relating to the Eliot school, one related to sale or long-term lease and authorize the selectmen to seek special legislation that was passed by Town Meeting. The other article related to zoning was referred to the Selectmen by Town Meeting. Following the 2008 Special Town Meeting, the board did petition the Legislature which passed Chapter 93 of the Acts of 2009 (there's a summary of that Act in your questionnaire as well along with a copy). The board assembled a terrific committee to work on the sale or long term lease RFP. Around the time the committee was developing the RFP, the town and the Eliot School reverted to short term agreements. The first shifted utility costs to the school, which was good because the town had been losing money on the deal for several years. The RFP committee solicited public input and letters of interest for potential reuse of the property. There was no shortage of ideas as to future use and undoubtedly that's still the case. The RFP for sale or long term lease was issued in 2012, was widely advertised and direct mailed to parties that submitted letters of interest - no proposals were received. Another bid process went forward in 2016 and this time, the town received only one proposal from the Montessori School. However, staff did not consider the proposal "financially advantageous" and recommended that the Board not award the lease. So short term agreements continued until the Montessori moved into their new building across Route 16 and moved out of 5 Auburn Street for good. Cost avoidance and risk reduction associated with a building the town hasn't used for the better part of 40 years. Of course, any sale proceeds will be nice to have and Town Meeting would have final say over what to do with those proceeds. A [recent building assessment](#) projected immediate repair costs of at least \$150,000. Mr. Hickey thanked Mr. Ciccariello for his time working on that assessment also for his support of this sale as communicated to this committee. Town administration estimates it will spend as much as \$10,000 to mothball the building this year and that's above and beyond the carrying costs of \$60,000 a year for utilities and insurance for a vacant building. As the motion provides, the Select Board would establish the terms of sale in the best interests of the town by working with town administration, consulting professionals, and listening and incorporating reasonable community interests and preferences. The Board will be protective of town interests, approaching the task in a prudent manner that's respectful to neighbors and the wider community and complying with state law like Chapter 30B. In short, to do what the Select Board, as the town's Executive board is elected to do, to execute in the best interests of the town. By passing this motion, Town Meeting would provide the meaningful authorization that would give the board the flexibility and negotiating strength it needs to achieve the best outcome for the town as a whole without an onerous approval process on the back end.

Questions from the Committee

Ms. Sciarra asked whether this property is in the historic district. Mr. Evans said he asked Ms. Evans, Planning Board member and she verified that this property is in the historic district.

Ms. Sciarra said Mr. Hickey said the negotiations would be done under Open Meeting Law and she thought that negotiations on sales of property are done in executive session, so how would Town Meeting members and residents be able to see the negotiations. Mr. Hickey said he was making the point that negotiation and deliberation of real property negotiations is entitled Open Meeting Law exemption and apologized if that didn't come out clearly.

Ms. Sciarra asked whether Town Meeting has ever given the Select Board the authority to sell property without Town Meeting approval because looking at the history of this property as it's been presented, it looks like Town Meeting has not liked the idea of providing blanket authority to the Select board. Mr. Hickey said he reached out to the town procurement officer because during his time on the Select Board, he didn't have much to draw on and wasn't aware of anything like this because cities and towns don't sell property every day. He said that Article 19 of 2017 Fall Annual Town Meeting and Article 21 of 2019 Fall Annual Town Meeting, both relating to the West Natick Fire Station on which he participates as a member, were the only articles where that committee had the had this authority in the recent past. Article 19 gave the Board of Selectmen the authority to authorize a transfer of a certain parcel of land, currently held by the Board of Selectmen for general municipal purposes, to the Board of Selectmen for purposes of sale, and to authorize sale of such property on terms authorized by the Natick Board of Selectmen. Article 21 was a conveyance on terms and conditions as the Board of Selectmen deem appropriate. Neither of them required returning to Town Meeting for approval. I'm not suggesting that they were the exact scenario, but am saying those were the two more recent authorizations and neither included anything further from Town Meeting.

Ms. Sciarra asked whether the Select Board has any purchasers in mind or anyone who has expressed interest in this property, Mr. Hickey replied that no purchasers have expressed interest and potential purchasers would be identified in the future.

Mr. Pope said he was thinking about the St. Patrick's School articles that came before the Committee last year and asked whether the Select Board would be authorized to come to the Committee with a pre-packaged redevelopment plan of that school or would this be an authorization to put it on the market and determine the disposition of the property. Mr. Hickey asked for clarification of what Mr. Pope meant and Mr. Pope said the parallel would be that it's a three-acre property, would the Select Board be authorized to decide that this should be a development or expand the South Natick business district or would that be something completely separate. Mr. Hickey noted that the St. Patrick's site was not town-owned property, so there was no sale of the property. Mr. Hickey said this is an apples-to-oranges comparison in that you're asking about a potential future use of the property that might occur following the disposition of the property. As it was approached in the past, there's been a lot of community input and the Select Board anticipates reviewing these to develop RFPs that frames the disposition in a way that the town may want to reserve certain rights or create certain limitations or conditions on the sale. The Select Board (& the town) certainly has the discretion to do that, but it's premature for the Board to consider this right now. A lot of listening and engagement needs to happen. The Select Board is required to have an open public bidding process where different ideas will ultimately be heard and considered.

Mr. Evans noted that he didn't see anyone from the Planning Board on the call. Any development that would be put on that site would be subject to review by the Planning Board and the Historic District Commission so there's not blanket authority for the Select Board to say what the property room will be used for and it will get reviewed by the Planning Board and be subject to the zoning of that district.

Mr. DeLuca asked what the current use of the property is. Mr. Hickey said the property has been vacant for the last year or so, but it was used by the Montessori School since about 1982. It was the Elliot Montessori School for many years and then merged with South Natick Montessori and was renamed Riverbend School eight or nine years ago. The Riverbend School moved out permanently at the end of the 2020 school year.

Mr. DeLuca asked whether, in the process of reviewing this property, was input from the School Committee or Superintendent sought. Mr. Errickson said he has been in constant contact with the NPS Superintendent about this property among other properties that the town is not actively using. This building was used for a brief period during the COVID crisis for the ASAP program, the after school assistance program for the school district, from roughly September through, he believes March 2020. They vacated the Eliot School after that program was no longer needed to be separated as the pandemic became more under control and the ASAP program no longer needed this facility. Since that time, the building has not been used - all the town is currently doing is exploring mothballing the property. Mr. Errickson said the town is also using it for storage of some of the plastic that was used in the schools for COVID protection and he is not sure whether that use is still occurring. Mr. Errickson said he has discussed potential future uses with the Superintendent but she has no identified use for this building.

Mr. DeLuca asked whether the town has any statement from the School Committee that this has no potential use going forward. Mr. Hickey said the most recent statement that he found in the file is a 1995 letter from Dr. Keefe stating that the School Committee voted to surplus the property and have no use for it. There has been no communication of interest in long term or any other use of this property from NPS. Mr. Errickson said, in his conversations with Dr. Nolin about the use of the Eliot School, she has said that NPS has no interest in either the use of the building or the property.

Ms. Wollschlager asked, given that we were successful in having a very long-term lease on the property, is it reasonable to assume that there is no interest or no financial benefit to the town to pursue a lease option and potentially keep our options open for future use of the building or property by the town. Mr. Hickey said the premise that the town was successful with the long term lease is not accurate; the town has had a long-term occupant on a series of short-term agreements. There was a ten year agreement earlier, but generally, they were one or two year leases and short-term extensions. In the commercial real estate business, without a long-term lease, it's a struggle to make investments in the building when the tenant could leave in a year or two.

Ms. Wollschlager asked if Mr. Hickey anticipates a market for a profitable long-term lease or even a short-term lease. Mr. Hickey said he is not aware of any expressed interest in a short-term lease. We have pursued long-term and been unsuccessful. A key question we need to ask ourselves is whether the town would need to bring this site back after a long-term lease. For many years, there's been no strong municipal or NPS use for this building and site and that's why the town has been leasing it.

Mr. Behery asked what the maintenance cost for this property was over the last year when it was empty. Mr. Hickey said his recollection is \$58,000 for utilities, insurance and other basic carrying costs, as provided by town administration.

Mr. Behery noted that the Ciccariello report noted that the property would require a lot of spending just to make it usable for any tenant again. Mr. Hickey confirmed this was correct. Mr. Behery asked, what other options, if any, the town has given that the town is not going to be spending this sort of money on this property. Hickey agreed and stated that there is no justification for investing \$5 million in this building when there's no compelling municipal or NPS use. In fact, the Select Board is actively trying to avoid spending \$150,000 to replace a nonfunctioning boiler.

Ms. Coughlin asked if any consideration been given to demolishing the building and the town keeping and maintaining the land. Mr. Hickey said that has not been actively considered because the building is considered to be an asset. The Assessors value the building at greater value than the land. Mr. Hickey found no indication of interest in demolishing the building in the course of his review of the 40 year file.

Ms. Coughlin noted that, at this point, land is at a premium and green space is at a premium and asked if the Select Board has discussed this possibility. Mr. Hickey said the Select Board is looking for authorization to sell the property and it seems prudent to consider the building as part of the value proposition of a possible RFP for sale.

Ms. Coughlin asked what the value of the land without the building is. Mr. Hickey said the land is assessed at \$863,200 and the building is assessed at \$2.4 million.

Public comments

Mr. Griesmer, resident, Arbor Circle, Town Meeting member

Mr. Griesmer said this is a problem property and highlighted that this property was in front of the Finance Committee once a year between 2000 and 2009 because the 10 year lease deal that cost the town more per year than it would have been to mothball it at the time, so it was not a good lease. He opined that the town is really good at some things, but not the best real estate landlord. This is also a very sensitive property in the John Eliot Historic District located on the west side of Auburn Street. The entire property is zoned residential general (RG), so you can put a single family home or duplex on it, put a school on it, and by special permit even put a veterinary hospital on that lot. Auburn street is a publicly accepted road for 436 feet running from Eliot Street down to the Charles River. One of the things that could happen to this property where it would not be subject to a Planning Board review is if someone were to buy it and file an "approval not required" (ANR) plan. There's also

enough frontage on Auburn Street to create more than one lot. If you create enough as-of-right lots, you can pull a building permit with the Building Inspector. The Historic District Commission has some authority over changes to the existing structure but I'm not sure they have ironclad responsibility. It's in both the Massachusetts state historic district and Natick local historic district. There were many attempts to try to lease this property. This building was built in 1937 and when people were debating what to do with it in the 2000s, it was 70 years old, it's now 84 years old and no one is interested in being a long term tenant in this building unless they're willing to put in a lot of money on systems. The zoning doesn't allow commercial uses. It was the reason that Town Meeting put restrictions on it each time it came up was that there was no other way to get an authority out of Town Meeting to do anything with it because the neighborhood is very sensitive about the front lawn and the back playground. When the tenant Eliot Montessori was not in session and when the building was subsequently vacated, the neighborhood used it. They didn't want anything built out on the front lawn either. Thus, some people believed the only way to control the destiny of this property was for the town to continue to lease the property. However, the town as property owner could limit on what can be done with this property by deed restriction. You can protect your rights in either the lease agreement or in the deed, so if people didn't want a subdivision, the Select Board could offer it for sale and put in a deed restriction that would prevent someone putting in an ANR development. The age of the building, zoning limitations and the fact that it's in the historic district are the main reasons that there has not been a lot of interest in this property. If the Select Board can sell this property while protecting this neighborhood, it's a good idea. If the building were to be demolished to create a little pocket park, that would be a great addition to South Natick so it raises the question of what the town wants to obtain through the sale or whether it would keep the property and create a park.

Mr. Foss said Mr. Griesmer mentioned a couple things he was going to state, as he was on the Finance Committee with him at that time. However, Town Administrator Lemnios said he was going to look into what the town did when it sold West School on Mill Street to a developer who actually then built condominiums and they put a restriction so that the north part of that property would be preserved as a park. Mr. Foss urged the Select Board to take a look at that and maybe tailor any proceeding going forward similar to the way that we conditioned the sale of the West School. He recalled that there was another property in Felchville, which is on the north side of town that was handled very much the same way and he believed that these sales took place in the 1970s.

Ms. Cathi Collins, Walkup Rd. Town Meeting member, School Committee member

Ms. Collins noted that the Superintendent has said that she has no need or interest in the Eliot School for a number of reasons, including that it is ADA-compliant and would require significant amount capital investment.

Ms. Adelman-Foster pointed out that this Article really isn't about an intended use or a plan. Rather, it's about allowing a process that is rational in the real world and enables the Select Board to make deals for the residents that would advantage the town rather than disadvantage the town or be stalled because there was no way to proceed. So the questions about what the Select Board has or doesn't have in mind or what we've explored are premature since we are only trying to agree on the process.

Mr. Richard Jennett, Select Board Member

Mr. Jennett agreed with Ms. Adelman-Foster, stating that is about allowing the Select Board to negotiate a sale and not have to come back to Town Meeting as we are currently authorized by the previous Town Meeting, articles that were approved. So if the Board were to negotiate a sale, we'd have to come back to Town Meeting and that could take quite a bit of time depending on when the terms of the sale were agreed by the parties. That is all this Article is concerned with; whether to sell or not has not been determined yet. The Board is looking for the authorization to negotiate a deal in the best interest of the town and keep it as a public process, as discussed, but not have to come back to Town Meeting to get approval to negotiate a final sale. We are asking Town Meeting to have trust in our board to do the right thing and negotiate a deal in the best interest of the town, if it is determined that it should be sold.

Mr. Evans said that he would like to have clarified what the public process would be if the Select Board were to negotiate a sales agreement. Mr. Hickey said the legal process of [MGL 30B](#) for disposition of property is pretty onerous. At the town level, it's going to be an iterative process of considering wants and needs, the development

of an RFP, which is a requirement at as part of the state disposition process. In any property disposition, the Select Board has to get Town Meeting approval to dispose of small properties in connection with the West Natick Fire Station project. This Article serves to enable the Select Board to act in the best interest of the town to establish the terms of a sale of the property and that is the framework of the Board's authorization from Town Meeting. The Board is not expected to then return with a 38 page purchase & sale agreement in six months, a year, depending on how long this takes and then having to wait until the next scheduled Town Meeting to run it by Town Meeting.

Ms. Sciarra asked, if the Committee approves this, then we're giving five people the decision as to whether to sell the property or not. Mr. Hickey said that is true.

Ms. Sciarra asked where the public process to determine if the town wants to sell the property or if they want to look at options such as putting a park in or something like that. Mr. Hickey said the public process for determining whether the town wants to sell the property is happening right now - first at the Finance Committee and then at Town Meeting, the legislative body that, as a precursor, would authorize the disposition of the property. There will then be a public process at Select Board meetings where the Board would have public engagement. There's a good roadmap for what was done back around 2010 to 2012 when Selectmen appointed an RFP committee, there was public engagement, public meetings, letters to abutters and canvassing for ideas. This resulted in a lot of good ideas that were used to shape the form of the RFP that the Selectmen ultimately issued. The Select Board will foster a lot of public engagement and rely on town professional staff, to do this in a way that both adheres to the law and is respectful of the community.

Ms. Sciarra noted that if this Article is approved and residents say, for the sake of argument that they don't want to sell the property, then Select Board could still say "we heard you, but we're going to sell it" and the people in town would have no recourse against that decision. Mr. Hickey said that if not all residents are supportive of selling the property, the Select Board is still legally authorized to sell the property.

Ms. Sciarra said passage of this Article gives five people, the ability to sell versus 180 Town Meeting members. Mr. Hickey said the law states that the executive board of a town (Select Board) is ultimately responsible for disposition of municipal properties but based on authorization acquired by the legislative branch (Town Meeting).

Ms. Wollschlager asked for confirmation that, if the Finance Committee recommends approval and Town Meeting approves this Article, the Select Board will consider potentially not selling it, but looking at keeping it, demolishing the building and possibly turning it into something else. Mr. Hickey said the authorization to sell doesn't mean that it must be sold. It's an authorization and the Select Board expects there will be ideas that we will hear, consider and maybe members may propose based on public discussion, but that's really down the road.

Article 23 Motion

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,

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;

and to take all action necessary or appropriate to effectuate the purposes of this Article.

(Requires a 2/3 Vote)

Ms. Coughlin moved to recommend referral to the sponsor, seconded by Ms. Sciarra, voted 3 – 7 – 0

Roll-call vote:

Mr. Behery = no	Mr. Gillenwater = no
Mr. Coffey = no	Ms. Monahan = no
Ms. Coughlin = yes	Mr. Pope = no
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = no	Ms. Wollschlager = no

Ms. Monahan moved to recommend Favorable Action, seconded by Mr. Gillenwater, voted 8 – 2 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = no	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = no
Mr. Evans = yes	Ms. Wollschlager = yes

Debate:

Ms. Coughlin said she was concerned about what she didn't hear tonight, She said she didn't hear that there were conversations with the people of Natick about what they considered for this property. One of the speakers talked about trusting five people to act in the best interest of this town- perhaps yes and perhaps no. She recalled that on the 22 Pleasant St., the Select Board was instructed by Town Meeting to purchase a property and that didn't happen because five people chose not to buy it. She said it's clear that selling is the only option that has been explored thus far and she is reluctant, to give this authority to five people without the will of Town Meeting and any discussion and she is requesting referral because a lot more homework needs to be done.

Ms. Sciarra said she agreed with Ms. Coughlin and is uncomfortable giving five people the authority to sell a property and thinks that decision belongs with Town Meeting, which has historically been the case. In Natick, land is valuable and scarce and the town wants to preserve open space. She said we ought to explore all options before we look at selling and I think that needs to stay with Town Meeting and a larger representative member body to determine whether to sell it or not.

Ms. Monahan said she has faith in the Select Board to act in the best interest of the town. I have only been on Town Meeting two years now, but she doesn't want to be hearing about this thirty years from now after a series of short-term leases, noting that Town Meeting has made decisions on this property over the last thirty years that have been unhelpful decisions like all these years with short-term leases and paying money to maintain a building that we're not using and paying to maintain. These weren't proactive choices and she said she doesn't want to have to deal with this again. She believes it is clear that this is an ongoing issue and the sponsors have offered a well thought-out approach to simplify creating an RFP to interest a potential buyer

Mr. Gillenwater said he has faith in the elected Select Board and noted, that given the pace at which these things proceed, if the town doesn't like the direction it's headed, we will probably have the opportunity to replace anybody on the Board that we don't like. The town has been going at this for 30 – 40 years now and it's unlikely that anybody will move into that property and put millions of dollars into it. This becomes less and less likely the older the building gets and the increasing regulatory restrictions, so he doesn't see a problem turning the process over to the Select Board. He said he believes it's more likely that five people in conjunction with professional staff will come up with a more workable process towards a solution than 180 people.

Mr. Coffey said he is voting for positive action on this matter. He noted that previous speakers discussed the need for further conversation and opined that, after 40 years without resolution, further conversation isn't necessary. We've heard from people who have been Finance Committee members talk about how this is intractable and quite frankly, if the Committee passes this tonight, there is still plenty of time for residents to weigh in with their opinions. He stated that we elect the Select Board and give those five people the authority to act on what we believe is in the best interest of the town. By voting this down, we're now saying that we don't want to give them this authority. They are the executive branch and he is willing to give them a chance to do something with this problem after forty torturous years and move forward. Referring it back to the sponsors means that it will be back in front of us at the next Town Meeting.

Mr. DeLuca said he wanted to call attention to the “missteps” that have taken place. He sees a building that’s assessed value is \$2.4 million, but then you have \$5 million of repairs and upgrades that would need to be done on this property. There is no appraisal done on the property yet and we’re discussing the actions to be taken at some point in the future. He said he could say that we can wait on an appraisal until we actually are in the sales phase except that we’re spending \$60,000 potentially each year on maintenance and \$10,000 to mothball this building each year, and he hasn’t seen a figure for the cost to demolish the building. The other aspect he would like to have seen is a commercial real estate lease analysis that can be done by contracting with a third party to see whether this building can actually be leased. One thing that is in leases is capitalization of expenditures across a lease term. When you deal with long term leases, there’s language that specifies repairs or additional work to be completed during the lease. He opined that he does not believe the town should be involved in that level of commercial real estate leasing. Members of the public spoke about how the property is currently being used informally in the neighborhood and more analysis of the potential disposition and alternative use of this property should have been done.

Mr. Pope said he supports favorable action for this and noted that his questions about a potential redevelopment plan were to emphasize that this is an important property in South Natick. He said that whatever process and RFQ they do, they will probably need to come to the Planning Board and Town Meeting to get those things approved because I’m sure that they will require changes. He encouraged the Select Board to go through with the process, do some of the things that Mr. DeLuca suggested they should do to ensure that the sale is done in an efficient and economically sound manner.

Mr. Evans said he is supportive of this Article for a lot of the reasons that the previous speakers have cited. It’s time for the town to move forward with this property and not continue this lengthy holding pattern. A previous speaker noted the ongoing annual maintenance cost; another mentioned the high cost to rehabilitate the building. A member of the public talked about the potential of a buyer him purchasing the property and then claiming that no approval from the Planning Board or Historic District Commission is required – he said he is very skeptical of that happening. This is a property that will need to be redeveloped in some manner and what that means in a subject for a future discussion. He also noted that this is the first step of a lengthy process and he wants to give the Select Board the opportunity to move forward to see what the property is worth, to assess what the potential use is. It could be a friendly 40B project there to put affordable housing in South Natick or maybe a pocket park, or something else we haven’t thought of yet. Nothing is on or off the table as far as uses of this property.

Ms. Wollschlager thanked the Committee for bringing up many interesting points and she hopes that the Select Board takes to heart that if the Committee does approve this, it is not a blanket authority to go ahead and sell the property without considering alternatives. There’s a lot of public input that needs to happen as part of this process. She said selling could end up as the very best alternative. However, she understands that this Article is a process question that the Select Board needs to get rid of the constraints placed on it by having to go Town Meeting for approval and that’s fine. She noted this doesn’t mean that the Select Board can ignore the input from residents and abutters. The Board should have the go-ahead to create an RFP to sell it and hope that the Board hears the points raised this evening and come up with a process that culminates in the best use for this property. Property is very limited in town and this is a resource that the town currently has and she emphasized that there should be a very high barrier to selling it,

Article 37: Committee Report, Handbook, and Term (TMPRC)

Presenters:

Mr. Paul Griesmer, Chair, Town Meeting Practices and Rules Committee (TMPRC)

Ms. Cathi Collins, Vice-Chair, Town Meeting Practices and Rules Committee (TMPRC)

Mr. Griesmer said Motion A is to hear and discuss the report of the TMPRC and Motion B is to extend the term of the committee through the dissolution of 2022 Spring Annual Town Meeting. The reason for the extension is 2021 Fall Annual Town Meeting has several warrant articles that would have an impact on Town Meeting and the Town Meeting Member Handbook that we are updating. (*Mr. Griesmer’s connection was cut off*)

Mr. Evans suggested that we might be able to move ahead with Motion A because he believed the Committee would be amenable to recommend that Town Meeting hear and discuss the report of the TMPRC and we could take a vote while the sponsors are trying to figure out the microphone issues.

Ms. Collins said she could step in to present. Ms. Wollschlager asked Ms. Collins to step in, and noted that the idea of discussing Motion A made sense and asked Ms. Collins if the TMPRC intended to provide a written report. Ms. Collins said there is no written report, only a verbal report. Ms. Collins said they will report what they have done since the last Town Meeting, which is working on the Town Meeting Handbook and noted that she is still getting feedback and providing a redlined version would not be a good use of time. Going forward, there are several articles that would substantially change sections of the Town Meeting Handbook, including:

- the Article put forth by the Moderator about hybrid Town Meeting
- the Article put forth by the Town Administrator about changing the dates for the start of Town Meeting and the dates for submission of the preliminary budget.
- the Article put forth by the TMPRC which the Finance Committee has already recommended favorable action on in terms of the required specific documents that need to be included in that preliminary budget submission.

Those three Articles alone would make significant changes to how Town Meeting functions and what Town Meeting Members can expect. Ms. Collins said the Committee plans to put a revised version of the Town Meeting member handbook up on website at some point. She also noted that there's a couple of people have reached out to her to sit down and go over things in the Handbook, but they haven't been able to schedule this yet.

(Mr. Griesmer is able to rejoin the call after solving his internet connection issue)

Mr. Evans moved to recommend Favorable Action on Article 37 Motion A, seconded by Ms. Coughlin, voted 10 – 0 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = yes	Ms. Wollschlager = yes

Debate:

Mr. Evans thanked the sponsors for taking us through the rationale for why they need a little bit more time and it makes sense and Town Meeting members will want to hear and discuss this report.

Ms. Coughlin agreed, noting that she had nothing to add.

Mr. Evans moved to recommend Favorable Action on Article 37 Motion B, seconded by Ms. Coughlin, voted 10 – 0 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = yes	Ms. Wollschlager = yes

Debate – None

Article 39: Amend Article 3 Procedure at Town Meeting of the Town of Natick ByLaw (TMPRC)

Ms. Collins said Article 39 deals with resolutions at Town Meeting. As you may remember, the TMPRC was charged with identifying things that would help Town Meeting work more efficiently. Town Meeting Time, the guide that we use to govern Town Meeting, only mentions what it calls complimentary resolutions, which are expressions of appreciation for some achievement or service on the part of a citizen or sympathy on an illness or death. The opening of the meeting is the time for such expressions and no article is necessary. That is the sum total of where resolutions are mentioned in Town Meeting Time. No further information is in our town charter or town bylaws. By definition, resolutions are non-binding because state law requires anything that results in binding action to be part of the warrant. However, the reverse is not true. You can have a warrant article that seeks a non-binding motion attached to it. Somewhere in the recent past, resolutions morphed and got away from the definition of appreciation or condolences into other resolutions including resolutions on the actions of a Town Meeting member in the Capitol on January 6, gun control, and all sorts of things that are not within the purview of Town Meeting, that Town Meeting could not take a binding action on. These things tend to use up an enormous amount of time. According to Town Meeting Time, getting an Article on a regular warrant takes 10 signatures and getting an Article on a Special Town Meeting requires 100 signatures. A resolution just takes one person standing up and reading their resolution. In addition, someone will read a resolution in the middle of the debate. A resolution can be long or it could be short. If it's seconded, then Town Meeting begins to debate it. So you go from requiring 10 people to get something on the warrant and notice to the public to a situation where one person can bring a non-binding resolution to Town Meeting with no prior notice to either Town Meeting members or the public. The TMPRC recommends that something requiring nonbinding action of Town Meeting should go through the warrant process where the Select Board would put it on the warrant and everyone would know about it. This would allow Town Meeting to get back to resolutions that are only complimentary resolutions.

Mr. Griesmer noted that this Article was brought to the TMPRC by the Moderator. The Moderator noted that certain resolutions have consumed a great deal of the Moderator's time, not just Town Meeting member's time. There have been a number of resolutions with the most recent the resolution on the participation of a Town Meeting member at events at the Capitol building on January 6, but there have been others as Ms. Collins mentioned. Another time, when someone didn't file a zoning article, and wanted to get up and read it in front of Town Meeting and see if Town Meeting would vote to endorse the concept. There have been resolutions on plastic straws, Styrofoam containers, as well as resolutions to compel the production of certain information by town administration. These chew up a fair amount of time and each of them could have been a warrant article. We're differentiating a resolution a warrant article. There is no process for resolution where one person says they want to make a motion for a resolution and they read it to Town Meeting. And, if seconded by a Town Meeting member, then Town Meeting take it up right then. This may be contrasted with a warrant article where it's on the published warrant, the Finance Committee and any other relevant Committee will hear it, Town Counsel has an opportunity to look at it, and the Moderator can review it, as opposed to a notification to the Moderator minutes before Town Meeting begins. There is public notice for warrant articles, and no advance public notice for resolutions. There's known sponsorship for warrant articles because the sponsor is known and that is not available for a resolution.

Every one of the resolutions that we have heard could have been a warrant article. The resolution that was read requesting the OPEB numbers could have been handled as a warrant article where the sponsor might have requested a study committee to investigate and gets this number.

Resolutions should be complimentary, not controversial. Natick has started to migrate, as our national politics has become partisan and polarized. Some of the recent resolutions even had counter resolutions prepared. If we don't limit resolutions to the complimentary subject matter consistent with Town Meeting Time, we leave ourselves open to chaos and wasted time, when we want to maintain order and decorum. Town Meeting has important business to do and make decisions.

Questions from the Committee

Mr. Gillenwater asked who will be the arbiter of what is a complimentary resolution. He said that we've all learned from the Moderator how to frame our debate or comments in the form of a question and he foresees the possibility that argumentative resolutions can be made in the form of complimentary resolution. For example, "I would like to compliment the Town Administrator for the following...". Mr. Griesmer said the Moderator would make that judgment. The wording will be the last item before the table of motions and articles in the Town Meeting procedures section of the bylaw. This is the wording in the third line of the first paragraph "the wording of the resolution consists solely of complimentary resolutions, consistent to express congratulations, appreciation or condolences as provided in Town Meeting Time"

Public Comments:

Ms. Sue Salamoff, Select Board Member, Town Meeting member. Ms. Salamoff thanked the TMPRC for putting this concept forward, noting that this will help keep Town Meeting moving ahead in a positive vein and it's really important to reduce the time consumed in dealing with resolutions, as well as developing controversies that can divide Town Meeting. That division is not a good thing, so I support this Article.

Mr. Frank Foss, Moderator

Mr. Foss said this is something that is been contemplated for some time, most recently after the last Town Meeting. He said he often is asked by Town Meeting members why they did not get a copy of that resolution so that I could understand it before there was read at Town Meeting. Others have noted that they didn't have a chance to get a greater review of it so that they understand what's being asked and reach out to the sponsor of an article. This was the impetus to requesting this from the TMPRC. Town Meeting had gone through a number of resolutions including plastic bag bans, plastic straw bans, assault rifle bans, and sustainability objectives. His research through the Town moderators Association is that most communities do those types of non-binding questions through a warrant article so the public gets a chance to see and review it during the hearing process. The second point is that as Moderator when he receives these resolutions, he has to read them all and try to understand them. And, when he thinks that they may have a legal input implication, I need to get it in front of Town Counsel. There have been some really complex issues raised by first draft resolutions where he has had to go back to the makers of the resolutions, and have them do a re-write. Mr. Foss said this doesn't make sense to do this on the fly; it should be through an Article placed on warrant.

Mr. DeLuca moved to recommend Favorable Action on Article 39, seconded by Ms. Coughlin, voted 10 – 0 – 0.
Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = yes	Ms. Wollschlager = yes

Debate:

Mr. DeLuca said he agreed with the points made by the sponsors and the Moderator, but wanted to quickly bring up a different perspective. We want to make sure we provide an inclusive opportunity for people to be Town Meeting members. And depending on people's livelihoods, some people need to submit ethics department reviews for approval before actually running for these positions and part of that review process may include stating that this is a non-partisan position. If these resolutions continue to end up pointing towards partisan issues, he foresees it causing difficulty in these ethics reviews for our volunteers. In his opinion, this motion helps alleviate some of that concern while making it more of a civic process and more of as an opening Town Meeting environment without a lot of the hostility that can come about when you start bringing in partisan politics to Town Meeting floor.

Ms. Coughlin agreed that, as a Town Meeting member when these resolutions come up in the last minute, members have no opportunity to prepare. She appreciates that the TMPRC brought this forward to prevent someone from standing up in the middle of Town Meeting and taking over the meeting.

Mr. Evans moved to close the public hearing, seconded by Mr. Gillenwater voted 10 – 0 – 0

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = yes	Ms. Wollschlager = yes

Upcoming meeting and subcommittee meetings.

Ms. Wollschlager said the Town Administrator said they, unfortunately I don't know when they will get their certified free cash number. We were anticipating hearing the remainder of the financial articles on Tuesday but that's not going to happen. It's possible that we'll be able to hear them on Thursday. If not, we'll have to go into next week, which means that Town Meeting will not have our votes on the financial articles in the Recommendation Book and we will have to meet and produce a supplement for Town Meeting. All this is out of our control, but it is inadvisable to vote on these articles without the free cash numbers. It's very hard for people to decide how much they want to put in stabilization from free cash when we don't have that number. At this point, she said she is not sure what will be on the October 5 agenda – it may include PEG access, and possible reconsideration on Article 14, which is the fiscal procedures that the Finance Committee did not have a recommendation in terms of changing the timing for Town Meeting and for the budget submission. There's some new information on that based on a meeting that I referenced last week and the Town Administrator would like review that with the Committee to see whether or not we want to reconsider that article and there might be some changes to it as well. On Thursday Oct 7, Mr. Patrick Hayes will also give an update on the West Natick Fire Station. If we discuss the financial articles on Thursday, Mr. Errickson will not be able to attend as he has a long-standing prior engagement that was scheduled before he was appointed Town Administrator, but Mr. Townsend is available to discuss the articles.

Ms. Wollschlager stated that, if you would like to help write up the articles that are in the Recommendation Book, there's a tab in the scheduling spreadsheet where the second tab has the warrant articles and she has added a column called Book Narrative. So, if members are interested in writing up one or more of the articles, you can put your initials there. Ms. Wollschlager said that because Mr. Evans produces wonderful minutes, a lot of it is taking things and cutting and pasting it from the Minutes which are available on the shared Google Drive. She will produce the templates for each one of these articles, so you would just be adding the narrative.

Mr. Evans moved to adjourn seconded by Mr. Gillenwater, voted 10 – 0 – 0.

Roll-call vote:

Mr. Behery = yes	Mr. Gillenwater = yes
Mr. Coffey = yes	Ms. Monahan = yes
Ms. Coughlin = yes	Mr. Pope = yes
Mr. DeLuca = yes	Ms. Sciarra = yes
Mr. Evans = yes	Ms. Wollschlager = yes

MEETING ADJOURNED 9:57 PM