

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: March 28, 2023

The minutes were approved through the following action:

Motion:

Made by:

Seconded by:

Vote: 0 – 0 – 0

Date: X, 2023

Respectfully submitted,

Linda Wollschlager
Chair
Natick Finance Committee

Finance Committee

Town of Natick

Minutes for the meeting of March 28, 2023

Meeting Location: Natick Town Hall, School Committee Meeting Room

And virtual by Zoom: <https://us02web.zoom.us/j88324467728>

Meeting: ID88324467728

Passcode: 906139

One tap mobile: +19292056099

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.

AGENDA

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. Meeting Minutes
5. 2023 Spring Annual Town Meeting Warrant Articles - Public Hearing
 - a. [Article 21: Charter and ByLaw Review Committee Report and Counsel](#)
 - b. [Article 19: Home Rule Petition to Amend Chapter 336 of the Acts of 2004](#)
 - c. [Article 22: Disposition of 0 Shore Terrace and 4 Pine Ridge Road](#)
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

Roll Call

The meeting was called to order at 8:02 pm.

Members present; Note R-denotes members attending remotely

Dirk Coburn

Larry Forshner

Todd Gillenwater

Cody Jacobs – R
Grace Keeney – R
Toby Metcalf
Richard Pope
Patti Sciarra
Linda Wollschlager
Betty Yobaccio – R
Daniel Zitnick – R

Announcements - None

Public Comments - None

2023 Spring Annual Town Meeting Warrant Articles

Motion made by Mr. Gillenwater, seconded by Mr. Coburn, to open the public hearing for the 2023 Spring Town Meeting Warrant Articles.

Motion was approved unanimously 11-0-0.

Article 21: Charter and ByLaw Review Committee Report and Counsel

Presenters: Mr. Paul Griesmer and Ms. Christine Weithman of the Charter and Bylaw Review Committee (CBRC)

The presenters explained the purpose and process of the Charter and Bylaw Review Committee. Natick's Charter requires periodic review of both the Charter and Bylaws. This review is done by a Committee appointed by the Town Moderator within five years of the previous Review Committee's dissolution, which was May 3, 2018. The Committee's charge is to review all sections of both the Charter and Bylaws.

Motion A is to hear and discuss a report of CBRC to update Town Meeting on committee activities. Motion B is to get Town Meeting authorization for the retention of Special Counsel and an appropriation in that regard.

In addition to hearing and discussing the Committee's report, the Committee seeks authority to hire and fund engagement of legal counsel specifically devoted to the Committee's charge. The presenters detailed reasons for seeking independent specialty legal counsel:

1. Current Town Counsel is a generalist, and the Committee feels that more specialized advice would be of benefit.
2. Current Town Counsel's time is currently divided among all Town departments and covers all legal issues. It can be challenging to get time devoted to Committee matters.
3. Special Counsel may provide a fresh set of eyes and a new perspective.

4. One of the issues being reviewed by the Committee is the structure of Town Counsel services – and an independent review may be of value.

Mr. Pope asked if previous CBRCs had funding for special counsel. Mr. Griesmer did not know. Mr. Pope then asked if town administration was in agreement that extra resources were needed. Mr. Griesmer stated they have not talked to administration.

Mr. Jacobs asked if the special counsel came from within the town counsel's firm would we lose some of the benefit of getting a fresh perspective. Mr. Griesmer answered that one of the issues that we have identified in the Charter is that the Select Board appoints a town counsel in the singular. And we feel that it's appropriate to take a look at whether the town should have multiple counsel roles. Possibilities include one for zoning and land use to advise Planning Board and ZBA or perhaps one for employment matters and union contracts or procurement. Maybe even an internal person if they have the legal expertise.

Mr. Zitnick asked how the budget of \$50,000 was derived. Mr. Griesmer explained that the amount was a best estimate, based on history and scope of work and conversations with three law firms that submitted a previous RFP to be the town's counsel.

Ms. Wollschlager asked about the philosophy of the committee in proposing larger changes vs a charter commission. Mr. Griesmer answered that they are looking at things like the size of town meeting and the powers and duties of the town administrator and where they actually need to be stronger.

Mr. Coburn moved to recommend favorable action on the subject matter of Article 21, Motion A seconded by Mr. Gillenwater.

Motion was approved unanimously 11-0-0.

Mr. Coburn moved to recommend favorable action on the subject matter of Article 21, Motion A seconded by Mr. Gillenwater.

Motion was approved unanimously 11-0-0.

Article 19: Home Rule Petition to Amend Chapter 336 of the Acts of 2004

Paul Joseph, Chair of the Select Board, presented Article 19.

Mr. Joseph framed this Article within the Select Board's initiative to take a comprehensive look at Town alcohol policies over the past year. One of the key provisions the board has identified is club alcohol sale licenses. In 2004, Natick went to a home rule petition to require that clubs get liquor permits for non-member events to report sales and use those proceeds for charitable purposes only. Over the years, running these organizations has grown increasingly difficult and accounting around these events has been sporadic at best. Year after year, these licenses have to be reapproved and sometimes the numbers for totals and charity contributions do not always add

up. The board is forced to go through a mechanical process to have the clubs balance their sheets but, truthfully, it is kind of meaningless.

The goal of this Article is to give some additional latitude to the financial liability of these clubs and no longer restrict their use of the funds for charitable purposes only. It is important to remember that they are registered non-profits themselves and they could use these profits to sustain their own operations. The actions of the Article would help give the clubs some stability moving forward.

Mr. Joseph further explained that all the Article is doing is removing the language from the original home rule petition from 2004 about using the proceeds from non-member events for charitable purposes only. The rest of the original language will remain in effect.

Mr. Joseph also provided the numbers for all the charitable donations that clubs accounted for under this law in 2021 and 2022, which was approximately \$77,000 for those two years.

Ms. Wollschlager asked if the motion had been reviewed by Town Counsel. Mr. Joseph confirmed that it had.

Ms. Keeney asked if there has been any reaction from clubs to these proposed changes. Mr. Joseph stated that he was not aware if a member of the Select Board had direct contact with club representatives, so he could not directly answer the question. He commented that he could not see these changes having anything but a positive effect as they are reducing the work of the clubs and give them more flexibility.

Mr. Forsher asked to clarify if these changes would impact member events and non-member events. Mr. Joseph confirmed that the changes would only impact non-member events, as member event proceeds can be used for operational costs already. The member asked if clubs report non-member events to the Select Board after every event. Mr. Joseph clarified that these reports are done on an annual basis. The member asked if this will still be required under the new changes. Mr. Joseph explained that it would no longer be required.

Mr. Pope asked if these changes would impact the competitive balance between these clubs and restaurants downtown and if there were any financial repercussions that the Finance Committee should consider. Mr. Joseph explained that one could argue that they are already competing and this competition is something that the Select Board will continue to monitor as it examines Town alcohol policies moving forward. In his assessment, these policy changes do not give clubs a particular advantage.

Mr. Gillenwater moved to recommend favorable action on the subject matter of Article 19, seconded by Ms. Sciarra.

Motion was approved unanimously 11-0-0.

Article 22: Disposition of 0 Shore Terrace and 4 Pine Ridge Road

Jamie Errickson, Town Administrator, presented Article 22.

Mr. Errickson explained that this Article seeks approval from Town Meeting to allow the Select Board to dispose of parcels at 0 Shore Terrace and 4 Pine Ridge Road that were acquired by the Town through the tax title process. This occurs when a property owner does not pay their taxes for a long time. The Town can try to collect the back taxes or acquire the property through tax title. It is a very lengthy court process.

Mr. Errickson stated the two parcels are effectively one property because they have been in common ownership for a while. He also stressed that this is a rare occurrence, because the Town does not have many properties in tax title status. In Mr. Errickson's opinion, it is important that the Town dispose of the property as soon as possible so that it can get back onto the tax roll.

Mr. Errickson mentioned that abutting property owners have reached out to the Town to address concerns about the overgrown parcels and the structures on them. They are currently safe from a public health perspective, but they are not in good shape and they will continue to deteriorate.

Mr. Errickson also explained the steps of disposing of the parcels. If authorized by Town Meeting, the Select Board will go through an RFP process to choose a buyer. The buyer would be selected based on the criteria of the RFP and at a price dictated by the current real estate market. He described the property (the two combined parcels) as a single family lot in a single family neighborhood. It is also located close to the Wellesley Town line.

Mr. Errickson stated that the language in the motion of this Article follows the same language found in previous articles to request Town Meeting to authorize the Select Board to dispose of other properties and it has been reviewed by Town Counsel.

Mr. Coburn asked if the parcels are developable as of right and conform to zoning requirements. Mr. Errickson stated that the parcels are in a single family zone and that a house - though it is not currently inhabited - is on the property. Depending on the proposal, there might be requests to have findings depending on the location of a proposed structure on the property. It may need some criteria for waiver of a setback requirement of some type which would require it to go before the Zoning Board of Appeals. However, in his opinion, it is viable for a single family development. The member followed up by asking if a neighbor had inquired about acquiring the property. Mr. Errickson stated that he was not aware of any interest but encouraged any interested parties to seek to purchase the property by submitting a proposal.

Mr. Zitnick asked if there was any possibility for the previous owner to reacquire the property from the Town. Mr. Errickson explained that throughout the tax title process there are opportunities for the previous owner. However, in this case, these parcels have gone through the entire tax title process and through the courts. It belongs to the Town and the previous owner cannot reacquire the property without submitting a proposal to the RFP. Mr. Errickson also noted that the Town had considered if the parcels could be used to fulfill some Town need - like a sewer pump station or for access to something - and it was decided that they could not.

Mr. Jacobs asked what the process is for coming up with an RFP for a property like this. Mr. Errickson explained that there is a lot of flexibility and latitude for the Select Board to select the criteria as long as it is done in a public way and everyone understands the conditions and is able to submit a proposal.

Mr. Pope asked how affordable housing could play into the disposing of this property. Mr. Errickson explained that the criteria in the RFP will determine the level of interest from affordable housing developers. He was not aware of any strong affordable housing interest in this property. He commented, due to the need for subsidies, a lot of affordable housing developers tend to develop larger projects than single family homes.

Mr. Coburn moved to recommend favorable action on the subject matter of Article 22, seconded by Mr. Gillenwater.

Motion was approved unanimously 11-0-0.

Motion made by Mr. Coburn, seconded by Mr. Gillenwater to close the public hearing passed by unanimously by a vote of 10-0-0.

Committee Discussion

The committee discussed upcoming subcommittee and committee meetings. Ms. Wollschlager asked for volunteers to write up tonight's warrant articles.

Adjourn

Motion to adjourn made by Mr. Pope, seconded by Mr. Coburn approved unanimously 11-0-0.

Meeting adjourned at 9:18 PM.