

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: October 4, 2023

Town of Natick Finance Committee
Meeting Date: October 4, 2023

The minutes were approved through the following action:

Motion:

Made by:

Seconded by:

Vote: 0 – 0 – 0

Date: X, 2023

Respectfully submitted,

Cody Jacobs

Secretary

Natick Finance Committee

Call to Order

The meeting was called to order at 6:37 p.m.

Roll Call

Members present; R-denotes members attending remotely

Hossam Behery - R (joined at approximately 7:00 p.m.)

Dirk Coburn

Garth Gayle - R

Todd Gillenwater

Cody Jacobs

Grace Keeney - R

Toby Metcalf

Kat Monahan

Richard Pope

Patti Sciarra

Betty Yobaccio

Linda Wollschlager

Call to Order

Announcements

Public Comments

2023 Fall Town Meeting Warrant Articles - Public Hearing

Motion to open the public hearing on the 2023 Fall Town Meeting Warrant by Mr. Gillenwater, seconded by Ms. Sciarra. The motion was approved unanimously (11-0-0).

Article 16: Zoning - Use Regulation (Zoning Districts)

Ms. Wollschlager reminded the committee that this is a carryover item that was presented at an earlier meeting.

Amanda Loomis, Director of Community and Economic Development presented Article 16. She explained that the form of the motion has changed a bit since it was in front of us. She reminded the committee that the idea of this by-law is to move use regulations from by-laws into the use regulation schedule.

After some discussion on the subject, Ms. Wollschlager said we would postpone a vote on this until our next meeting because it appeared that the motion was not quite ready.

Mr. Coburn asked whether the superscript will be long term. Ms. Loomis explained that the plan was to eventually remove the subscript so and instead make the allowed uses more definitive at the next Town Meeting.

Article 17: Zoning - Use Regulation (Update Use Categories and Definitions)

This article deletes the zoning category for subsidized housing (Motion A) and makes clear that no permit is required for religious and childcare uses which is required by state law (Motion B).

Ms. Loomis explained that she had double checked with Town Counsel that what we were doing with this one was compliant with state law and she confirmed that it was.

The committee discussed whether this Article was dependent on Article 16 passing, but ultimately decided to move forward with considering Article 17 tonight.

Mr. Pope asked if the removal of subsidized housing is because we have a sufficient redefinition of that already in the by-law? Ms. Loomis explained that we have an inclusionary housing by-law that already has definitions. The definition being deleted here is from the by-law related to the subsidized housing district but does not impact the inclusionary housing by-law.

Mr. Jacobs, seconded by Mr. Gillenwater, moved to recommend favorable action with respect to Article 17, Motion A as in the draft labeled 10.2 in the meeting materials.

The motion passed unanimously (12-0-0).

Mr. Gillenwater, seconded by Mr. Metcalf, moved to recommend favorable action with respect to Article 17, Motion B as in the draft labeled 10.2 in the meeting materials.

Mr. Jacobs added that he hoped we come up with a definition of “other religious institutions” that doesn’t force us to go further than state law requires us to go so we can continue to regulate uses that ought to be regulated.

The motion passed unanimously (12-0-0).

The meeting was recessed at 7:17 p.m.

The meeting returned from recess at 7:23 p.m.

Minutes

The minutes from Apr 11, 2023, Sep 21, 2023, and September 26, 2023 were discussed.

Mr. Gillenwater moved that we approve the above minutes as revised, seconded by Mr. Metcalf.

The motion passed unanimously (12-0-0).

Mr. Coburn left the meeting at approximately 7:33 p.m.

Article 24: Charter and ByLaw Review Committee Report and Extension (if needed)

Paul Griesmer, Chair of the Charter and By-Law Review Committee presented Articles 24-26.

There are two motions under Article 24. Motion A would be to hear a report of the Charter and

By-Law Review Committee. Motion B would be to extend the term of the committee through the dissolution of Fall 2024 town meeting.

Ms. Sciarra asked how this Article relates to 25 and 26. Mr. Griesmer said it's independent. There will be a summary report and they also plan to talk about their process.

Mr. Pope asked about 50,000 dollars that was spent for independent counsel and whether they might need more money for that. Mr. Griesmer said that they would not need further allocation before fall.

Mr. Jacobs asked if, given the request for an extension, any thought was given to putting at least the by-law changes off until Spring. Mr. Griesmer explained that there would likely be additional by-law changes in the spring but the ones the CBRC was bringing forward now would help make Town Meeting more efficient and were relatively straightforward.

Mr. Gillenwater asked if there were any anticipated charter changes that would require "quick" follow-up with by-laws. Mr. Griesmer said there was not.

Ms. Wollschlager asked why they decided not to include "discuss" and just make it "hear" in the proposed motion. Mr. Griesmer explained that he felt the substantive issues would actually be discussed in the next two articles.

Motion A

Mr. Gillenwater moved to recommend favorable action with respect to Motion A, seconded by Mr. Pope. Mr. Gillenwater thought this was the best way to get the report heard and not discussed.

Mr. Coburn re-entered the meeting remotely at approximately 7:40 p.m. remotely.

Mr. Coburn indicated that he would be abstaining because he missed the discussion on this motion.

The committee voted 11-0-1 to approve the motion. The vote was as follows:

Hossam Behery - Yes
Dirk Coburn - Abstain
Garth Gayle - Yes
Todd Gillenwater - Yes
Cody Jacobs - Yes
Grace Keeney - Yes
Toby Metcalf - Yes
Kat Monahan - Yes
Richard Pope - Yes
Patti Sciarra - Yes
Betty Yobaccio - Yes
Linda Wollschlager - Yes

Motion B

Mr. Gillenwater moved to recommend favorable action with respect to Motion B, seconded by Mr. Jacobs.

The committee voted unanimously to approve the motion (12-0-0).

Article 25: Charter Changes

Mr. Griesmer explained that Town Counsel and Special Counsel had a call today with himself, the moderator, and Ms. Wollschlager. The main motion language is still being crafted. With regard to Amendment P, there are two versions being presented to us, one that does and doesn't move the fire and police chief to a Town Administrator appointment. He also said Amendment Q is still "going back and forth" with counsel.

Ms. Wollschlager reiterated that Amendment P would be postponed to Tuesday along with Amendment Q because of the ongoing discussions about those along with the main motion.

Amendment R

Mr. Griesmer explained that Amendment R was to make sure that all genders are covered by any reference to any gender in the Charter in case any references weren't covered.

Mr. Gillenwater moved that we recommend favorable action on the subject matter of Amendment R of Article 25, seconded by Mr. Jacobs.

Ms. Wollschlager added that he hoped that someone on the committee did a find and replace to ensure that no references to a specific gender were missed.

The motion was approved unanimously (12-0-0).

Amendment S

This deals with requirements for notice. It would eliminate the requirement that where notice is required by the Charter it be placed in a local newspaper and instead replace it with any reasonable notice.

Mr. Griesmer said that Town Counsel was wondering if the different example forms of notice listed should be required or if something else should be added to further clarify the specific types of notice required.

Mr. Gillenwater asked whether the CBRC was going to look at ways to cut down on the use of paper to satisfy requirements to "publish" things in other areas of our by-laws? Mr. Griesmer agreed and said that is one of the things on the agenda for the spring.

Mr. Jacobs asked if this language was in other charters. Mr. Griesmer said as far as he knew it wasn't, but they do know other communities are struggling with this and the idea of the language was to make sure that the notice given was reasonable.

Mr. Jacobs moved to recommend favorable action with respect to Amendment S, seconded by

Mr. Behery.

The motion was approved unanimously (12-0-0).

Amendment T

This allows a person authorized by a multiple member body or $\frac{1}{3}$ of the members of a multiple member body to call a meeting in the absence or failure of the chair.

Mr. Pope asked whether the requirement to inform all members of the committee within 48 hours was required by Massachusetts law. Mr. Griesmer said no, but that this was to make sure that members got notice which sometimes in the past had not happened even when a meeting was posted in compliance with the state Open Meeting Law.

Mr. Jacobs asked if this provision could be abused by a determined minority calling lots of meetings. Mr. Griesmer explained that this used to be in our Charter but there is a worry about what happens if the chair of a committee doesn't designate a person to be able to call meetings in the chair's absence. Mr. Griesmer said that it could be abused, but the remedy is for the other people on the committee not to show up and thereby deny a quorum to the committee.

Ms. Wollschlager said she was still concerned about this creating serial discussion and therefore OML violations. She asked whether there was a consideration of limiting this to situations where a chair hasn't called a meeting in a certain period of time. Mr. Griesmer explained that different committees have different meeting schedules so it was hard to set a period of time that would suit all boards and committees.

Mr. Behery asked about whether this provision as drafted would prevent us from holding virtual meetings.

Mr. Griesmer said based on that point, he was going to hold off on this one until Tuesday to allow him to consult committee counsel on this.

Mr. Pope said that the $\frac{1}{3}$ of the member body should only kick in with the absence of the chair or failure of the chair to call a meeting.

Mr. Gillenwater asked whether there was consideration in having the appointing authority be able to call a meeting in the case of appointed committees. Mr. Griesmer said he understood and took it under advisement.

Amendment U

This deals with the public notice required for vacancies in appointed positions in the town. Part of what it does is to make it where the notice requirement does not apply to compensated employees whose terms are ending but there is no anticipated vacancy. This would also make it clear that it is required for all other vacancies.

Mr. Pope asked which appointed terms exist for people not under civil service law and collective bargaining agreements. Mr. Griesmer listed several examples, especially director level

employees.

Mr. Jacobs moved that we recommend favorable action with respect to Amendment U, seconded by Mr. Gillenwater.

The committee voted unanimously to approve the motion (12-0-0).

Article 26: Bylaw Changes

Mr. Griesmer presented Article 26, motion A. This motion would shorten the period for calling a special town meeting to 14 days, which is the minimum required by state law. It would also allow notice of a special town meeting to be published by any reasonable means of reaching people instead of just local newspapers.

Ms. Keeney asked whether the committee considered requiring notice to Town Meeting Members. Mr. Griesmer explained that this was already required by law.

Mr. Pope asked whether there can be one definition of local newspaper that applies to all by-laws. Mr. Griesmer explained that the other change was being made in the Charter, so they needed to spell it out here to make sure they are able to do it even while waiting for the Special Act. However, Mr. Griesmer said a global definition of local newspaper could be added in the spring.

Mr. Jacobs moved that the committee recommend favorable action with respect to Article 26, Motion A, seconded by Mr. Pope.

Ms. Wollschlager said she hoped it would not create more requests for special town meetings.

Mr. Coburn said he was going to abstain on this one because the experience we had at Spring Town Meeting had not convinced him that this would contribute to making things work better.

The motion passed by a vote of 11-0-1. The vote was as follows:

Hossam Behery - Yes
Dirk Coburn - Abstain
Garth Gayle - Yes
Todd Gillenwater - Yes
Cody Jacobs - Yes
Grace Keeney - Yes
Toby Metcalf - Yes
Kat Monahan - Yes
Richard Pope - Yes
Patti Sciarra - Yes
Betty Yobaccio - Yes
Linda Wollschlager - Yes

Motion B

Motion B would eliminate the provision that prohibits a vote on moving the question if three or more members are waiting to speak and instead replace it with a provision allowing the Moderator to take the motion at the Moderator's discretion.

Mr. Griesmer explained that if you go straight to Town Meeting Time, anyone can move the question, and nothing stops this from happening. On the other hand, by the current provision in the by-law, the Moderator may not take that motion if there are at least three people standing waiting to speak who have not spoken yet, which has led to lengthy debates at Town Meeting. Mr. Griesmer said this provision would be a compromise between those two poles by giving the Moderator the discretion to accept the motion when they feel it is appropriate to do so.

Mr. Jacobs asked if a higher threshold was considered as an alternative. Mr. Griesmer said they didn't really consider that but they did consider other alternatives but ultimately decided this was the easiest to administer.

Mr. Jacobs explained that he thought there should be a time limit before the moderator has this power as it would give the moderator too much discretion to potentially cut off debate too early.

Mr. Metcalf said he favored the approach where once one opinion is presented, it is required that the Moderator ask specifically whether someone opposes or has a different opinion before moving to a vote.

Mr. Gillenwater said that not everyone on this committee was concerned about this being abused. He believed that the Moderator should have this discretion because what the Moderator is really deciding is to put it to the body for a vote and a $\frac{2}{3}$ vote is required to actually end debate.

Mr. Coburn said that it seemed to him there are a number of ways you could frame and structure this. He suggested that perhaps this should be in rules rather than a by-law.

Further discussion among members ensued where some supported this idea as making Town Meeting more efficient but others were concerned about the possibility of this stifling minority voices on a question and/or the moderator having too much discretion.

Mr. Gillenwater moved that we recommend favorable action on the subject matter of Article 26, Motion B, seconded by Mr. Metcalf.

Mr. Gillenwater explained that this is a good middle ground in solving the "three hands raised" problem at Town Meeting. It gives a little discretion that may allow quicker movement to close debate.

The committee passed the motion by a vote of 9-2-1 as follows:

Hossam Behery - Yes
Dirk Coburn - Abstain
Garth Gayle - No
Todd Gillenwater - Yes

Cody Jacobs - No
Grace Keeney - Yes
Toby Metcalf - Yes
Kat Monahan - Yes
Richard Pope - Yes
Patti Sciarra - Yes
Betty Yobaccio - Yes
Linda Wollschlager - Yes

Motion C¹

Ms. Wollschlager asked if something might be missing from this because there's five plus signs next to precedent and nothing that correlates to that. Mr. Griesmer said it is an error in the by-laws.

Ms. Wollschlager asked Mr. Griesmer to take a look at this before we can vote on it.

Ms. Keeney asked what the rationale was behind when to use $\frac{2}{3}$ versus majority. Mr. Griesmer explained that none of those were changed. This simply clarifies that to make it clear that $\frac{2}{3}$ is distinct from $\frac{2}{3}+1$ which might be suggested by the language that currently says " $\frac{2}{3}$ majority."

Motion D

This motion makes it clear that the Select Board is responsible for the executive affairs of the town in a way that is consistent with the language in the Charter about the Select Board's roles.

Mr. Metcalf asked whether this would interfere with the Town Administrator's ability to handle financial matters that they currently have the power to handle. Mr. Griesmer explained that the Town Administrator is under the Select Board as part of the executive branch.

Mr. Jacobs moved for favorable action on this motion with a few minor corrections suggested tonight, seconded by Mr. Behery

The motion passed unanimously (12-0-0).

Mr. Gillenwater moved to close the public hearing, seconded by Mr. Jacobs

The motion passed unanimously (12-0-0).

Adjourn

Motion by Mr. Metcalf to adjourn, seconded by Ms. Yobaccio. The motion was approved unanimously (12-0-0). The meeting was adjourned at 9:41 p.m.

¹ The meeting materials contain a motion C which the CBRC decided not to bring forward. Hence, the motions previously lettered D and E are styled as C and D in these minutes and will be presented that way at Town Meeting.