

NATICK SELECT BOARD

AGENDA

Edward H. Dlott Meeting Room, Natick Town Hall,
13 East Central Street, Natick, MA 01760 and via
Zoom

Tuesday, January 2, 2024

7:00 PM

Host Natick is inviting you to a scheduled Zoom
meeting. Topic: SELECT BOARD MEETINGS

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

[https://zoom.us/j/91200224901?](https://zoom.us/j/91200224901?pwd=N1B1NVFjRUJxNUtuZkVyRkVJUSltZ09)

pwd=N1B1NVFjRUJxNUtuZkVyRkVJUSltZ09

Meeting ID: 912 0022 4901 Passcode: 920750

One tap mobile

+13017158592,,91200224901#,,,,,0#,,920750#

US (Washington D.C)

+13126266799,,91200224901#,,,,,0#,,920750#

US (Chicago)

Agenda Posted Thursday, December 28, 2023, at 12:55PM

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 7:00PM OPEN SESSION, Call to Order

2. 7:05PM CONSENT AGENDA

A. Approve the MassDOT's request to close the Washington Street Bridge at night for MBTA platform construction between North Avenue and South Avenue per the schedule attached

B. Approve the following 2024 license renewals:

1. Automatic Amusements.
2. Class I, II, III Auto Dealers
3. Common Victualer
4. Entertainment
5. Adult-use Marijuana
6. Psychic Reader

C. Approve Peter Cunningham as the annual designee for Animal Control Officer per M.G.L.c. 140 s. 151

3. 7:10PM PUBLIC SPEAK

Any individual may raise an issue that is not included on the agenda and it will be taken under advisement by the Board. There will be no opportunity for debate during this portion of the meeting. This section of the agenda is limited to 15 minutes, and any individual addressing the Board during this section of the agenda shall be limited to five minutes.

4. 7:25PM JOINT MEETING WITH THE CHARTER AND BYLAW
REVIEW COMMITTEE

A. Review Natick Charter Amendments

5. 9:15PM DISCUSSION AND DECISION (SELECT BOARD ONLY)

A. Special Town Meeting - scheduling, topics, logistics

6. [INSERT TIME] CORRESPONDENCE

7. [INSERT TIME] ADJOURNMENT

Agenda posted in accordance with Provisions of M.G.L. Chapter 30, Sections 18-25

Meeting recorded by Natick Pegasus

ITEM TITLE: Approve the MassDOT's request to close the Washington Street Bridge at night for MBTA platform construction between North Avenue and South Avenue per the schedule attached

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
MBTA project outline	12/26/2023	Cover Memo
Recommendation from Natick Police Department	12/28/2023	Cover Memo



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO
Phillip Eng, General Manager & CEO



December 20, 2023
MBTA-TON-A72CN01-03

William McDowell
Natick Town Engineer
Department of Public Works
75 West St.
Natick, MA 01760

Re: MBTA Contract No. A72CN01 – Natick Center Accessibility Improvements
North Avenue Street Closure and Moran Park Closure

William McDowell and Select Board Committee Members,

The MBTA Natick Center Project Team would like to request the following to progress construction on the Natick Center Station Accessibility Improvements Projects.

- 1. Closure of the Washington Street Bridge at night for MBTA Platform Construction between North Avenue and South Avenue.**

Public Relations and Contacts

City Point Partners

Community Liaison - Sofia Eva Clark – sclark@citypointpartners.com- 1- 857-437-5449

MBTA Contacts:

MBTA Sr. PM- John Doherty Sr. - 617-352-0494

MBTA Contractor: Daniel O' Connell's Son (DOC)

DOC PM- Brent Mawdsley- 617.304.5303- bmawdsley@oconnells.com

CC: B. Mawdsley, F. Astone, M. Sanchez, D. Manfredonia, A. DeDominicis, K. Zazzera



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO
Phillip Eng, General Manager & CEO



1. Closure of the Washington Street Bridge at night for MBTA Platform Erection between North Avenue and South Avenue.

For request #3, the street closure is required for the contractor to stage 1 crane on the Washington Street Bridge with several cranes within the MBTA ROW. The MBTA is utilizing FRP (Fiber Reinforced Polymer) slabs as part of the installation of the Natick Center Station high level platform installation. Due to the geography of the station, MBTA is requesting to utilize the Washington Street Bridge Area due to the advantageous crane picking location.

Scheduled Dates in 2024

Approximately 36 non-consecutive days of night work

Week 1 January 7th to January 14th

Week 2 January 14th to January 21st

Week 3 January 21st to January 28th

Week 4 January 28th to February 4th

Week 5 February 4th to February 11th

List of Activities

- A. Staging FRP on Flatbed Truck near Washington Street Bridge
- B. Crane pick from bridge to station level
- C. Assemble FRP Platforms

Hours of Operations for Bridge Closure

Week 1 January 7th to January 14th (7:00pm to 5:00am)

Week 2 January 14th to January 21st (7:00pm to 5:00am)

Week 3 January 21st to January 28th (7:00pm to 5:00am)

Week 4 January 28th to February 4th (7:00pm to 5:00am)

Week 5 February 4th to February 11th (7:00pm to 5:00am)

Shifts

DOC work shift may vary but will only occur during the evening or during off-peak hours.



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO
Phillip Eng, General Manager & CEO



Traffic Management

The MBTA Contractor will place traffic barricades at the intersection of North Avenue and Washington Street as well as the intersection of South Avenue and Washington Street. Barricades are noted on the supplemental drawings.

The supplemental drawings also include signage that will be utilized during the street closure.

Businesses in the area will be assumed to be open and pedestrian access will be maintained to the local businesses in the area during normal store business hours.

Natick Police Coverage

The MBTA team is coordinating with the Natick Police Department and will confirm shifts with Officer Lauzon after approval of the permit. It is expected 2 officers will cover the jobsite during the night shift or as needed during activities. Field Coordination will occur between MBTA Contractor (Daniel O'Connell and Sons) and Natick Police Department.

Public Relations and Communications

The MBTA team will utilize City Point Partners to provide updates to the Town of Natick Officials. Electronic notification will go out to all stakeholders.

The MBTA Contractor will work with local businesses to minimize impacts to normal daily activities throughout the duration of the work.

Additional Note:

MBTA will demobilize the crane and equipment prior to each morning at or before 5:00am and allow traffic to resume on Washington Street until the next night of work.

Workdays are not consecutive for the crane picks and the MBTA will notify the Town of Natick on the days there are no activities.

In the unlikely event that any changes to the schedule occurs, the MBTA will notify the Natick Town Engineer and Natick Town Manager or representative via email. If work is unable to be completed during the set time frame of the street closure, the MBTA will notify the town within 24 hours prior to the conclusion of construction and ensure that the street is safe for vehicular, and passenger prior to 5:00am each day of the street closure.



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO
Phillip Eng, General Manager & CEO



Thank you for your consideration.

Attachments: Traffic Management Plan for Washington Bridge Night Closures

Sincerely,

MBTA Project Team
Massachusetts Bay Transportation Authority
10 Park Plaza, Suite 5170
Boston, MA 02116



SHOP DRAWING SUBMITTAL

MBTA Natick Center Station Accessibility Project MBTA Contract Number A72CN01

Date Received: **12/12/2023**

Submittal No: **SU-01570-01**

Rev:

Title: Washington St. Bridge Overnight Closure Plan

Returned to: John Doherty

	1	NO EXCEPTION TAKEN
	2N	EXCEPTION AS NOTED Work May Proceed Subject to the Changes Indicated. Resubmittal Not Required
	2R	Work May Not Proceed on Indicated Parts(s). Resubmittal Required. Work May Proceed on Other Parts
	3	REVISE AND RESUBMIT
X	4	FOR INFORMATION ONLY

Checking is only for conformance with the design concept of the Project and compliance with the information given in the Contract Documents. Contractor is responsible for the dimensions to be confirmed and correlated at the job site for information that pertains solely to the fabrication process or to techniques of construction for coordination of the work of all trades and all other contractual requirements.

AECOM Technical Services, Inc.

Signature

Checked By: *M. Sanchez, F. Astone*

Date: *12/13/2023*

SUMMARY of REVIEW COMMENTS:

Additional specific comments may be found within the individual pages of the Shop Submittal Document

NOTES:

AECOM has no exceptions.

Traffic/Detour Plan shall receive final approval from the Town of Natick and Natick Police.

If additional space is required, please attach an additional sheet. Make sure to reference the Submittal No. / Rev and Date.



Daniel O'Connell's Sons, Inc.
28 Birch Street
Milford, Massachusetts 01757
P: +15085208900

Project: 2019-110 Natick Center Station Accessibility -
A72CN01
89D Washington Street
Natick, Massachusetts 01760

Submittal #01570-1.0 - Washington St. Bridge Overnight Closure Plan 01570 - TRAFFIC REGULATION

Revision	0	Submittal Manager	Brian Wahl (Daniel O'Connell's Sons Inc)
Status	Open	Date Created	Dec 12, 2023
		Spec Section	01570 - TRAFFIC REGULATION
Responsible Contractor		Received From	
Received Date		Submit By	
Final Due Date	Jan 23, 2024	Lead Time	
Location		Type	Document
Approvers	Brian Wahl (Daniel O'Connell's Sons Inc)		
Ball in Court	Brian Wahl (Daniel O'Connell's Sons Inc)		
Distribution	Brent Mawdsley (Daniel O'Connell's Sons Inc)		
Description	Washington St. Bridge Overnight Closure Plan - Natick PD comments addressed in this plan.		
Subject to AIS	No	Applicable Drawings/Details	
Applicable Standards			

Submittal Workflow

Name	Sent Date	Due Date	Returned Date	Response	Attachments
General Information Attachments					Washington St. Bridge Overnight Closure Rev 2.pdf
Brian Wahl		Jan 23, 2024		Pending	

Washington St. Bridge Overnight Closure



Washington St. Bridge Overnight Closure Zoom Out





Joan McNamara <jmcnamara@natickma.org>

Re: Permit for Natick Street and Bridge Closure January 2024

Brian Lauzon <lauzon@natickpolice.com>

Thu, Dec 21, 2023 at 7:19 PM

To: Joan McNamara <jmcnamara@natickma.org>, Scott Lacerra <lacerra@natickpolice.com>

Joan,

We would recommend that the Select Board approve this request with the understanding that a Natick Police Detail Officer be required to be positioned on both ends of the bridge while it is closed.

Respectfully,

Deputy Chief Brian G. Lauzon

On Thu, Dec 21, 2023 at 10:03 AM Joan McNamara <jmcnamara@natickma.org> wrote:

Hi Brian,

Attached please find an email with attached project plans from Nayan Naidoo. The project plan states that "the project team" has been in touch with the NPD to coordinate after the permit is issued.

Can you confirm if you have spoken to anyone on this yet, and if so, give me your recommendation please.

Thanks Brian.

J

JOAN M. McNAMARA

Executive Assistant to the Town Administrator

and Select Board

TOWN OF NATICK

[13 East Central St., Natick, MA](#)

(t) 508-647-6400 x 1402

(f) 508-647 6401

----- Forwarded message -----

From: **Naidoo, Nayan** <nnaidoo@mbta.com>

Date: Wed, Dec 20, 2023 at 5:15 PM

Subject: RE: Permit for Natick Street and Bridge Closure January 2024

To: Jon Marshall <jmarshall@natickma.org>, William McDowell <wmcdowell@natickma.org>

Cc: Sofia Eva Clark <sclark@citypointpartners.com>, Brian Lauzon <lauzon@natickpolice.com>, John Westerling

<jwesterling@natickma.org>, Doherty, John P. <jpdoherty@mbta.com>, DeDominicis, Anthony

<adedominicis@mbta.com>, Mawdsley, Brent <bmaudsley@doc.build>, Jackson, Richard <rjackson@oconnells.com>,

Joan McNamara <jmcnamara@natickma.org>, Boateng, Joseph <JBoateng@mbta.com>

Jon and William,

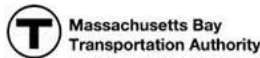
Please see attached. We are aiming to get this work started on January 7th, 2024 but I understand the select board does not meet until January 10th, 2024. If we have to wait until the board meets we will but if there is anything we can do to allow the contractor to start work on January 7th, 2024 evening, that would be great. Feel free to reach out regarding any questions.

Thank You,

Nayan J. Naidoo (he/him)

Project Manager, Capital Delivery

10 Park Plaza Suite 5170 | Boston, MA 02116 | M. 857-338-6017



From: Jon Marshall <jmarshall@natickma.org>

Sent: Monday, December 11, 2023 1:17 PM

To: Naidoo, Nayan <nnaidoo@MBTA.com>

Cc: William McDowell <wmcdowell@natickma.org>; Sofia Eva Clark <sclark@citypointpartners.com>; Brian Lauzon <lauzon@natickpolice.com>; John Westerling <jwesterling@natickma.org>; Doherty, John P. <jpdoherly@MBTA.com>; DeDominicis, Anthony <adedominicis@MBTA.com>; Mawdsley, Brent <bmawdsley@doc.build>; Jackson, Richard <rjackson@oconnells.com>; Joan McNamara <jmcnamara@natickma.org>

Subject: Re: Permit for Natick Street and Bridge Closure January 2024

Nayan,

Is there a tentative date you are targeting? It would be good to know should a meeting be scheduled between now and the 1/10.

Thank you,

Jon Marshall

Deputy Town Administrator - Operations

On Mon, Dec 11, 2023 at 1:14 PM Naidoo, Nayan <nnaidoo@mbta.com> wrote:

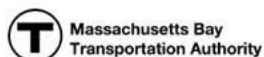
Thanks Jon, then I will aim to get you the material for next week and prepare for the 1/10/23 board meeting.

Thanks again and will have something for you shortly.

Nayan J. Naidoo (he/him)

Project Manager, Capital Delivery

10 Park Plaza Suite 5170 | Boston, MA 02116 | M. 857-338-6017



From: Jon Marshall <jmarshall@natickma.org>

Sent: Monday, December 11, 2023 1:12 PM

To: Naidoo, Nayan <nnaidoo@MBTA.com>

Cc: William McDowell <wmcdowell@natickma.org>; Sofia Eva Clark <sclark@citypointpartners.com>; Brian Lauzon <lauzon@natickpolice.com>; John Westerling <jwesterling@natickma.org>; Doherty, John P. <jpdoherty@MBTA.com>; DeDominicis, Anthony <adedominicis@MBTA.com>; Mawdsley, Brent <bmawdsley@doc.build>; Jackson, Richard <rjackson@oconnells.com>; Joan McNamara <jmcnamara@natickma.org>

Subject: Re: Permit for Natick Street and Bridge Closure January 2024

Nayan,

The Board's next scheduled meeting is this Wednesday 12/13. We request notification of items at least a week in advance so we can prepare accordingly. The board's next scheduled meeting is 1/10, however there may be an off cycle meeting between now and then. Please coordinate with Joan McNamar (copied on this email) and include me regarding this request.

Thank you,

Jon Marshall

Deputy Town Administrator - Operations

On Mon, Dec 11, 2023 at 12:46 PM Naidoo, Nayan <nnaidoo@mbta.com> wrote:

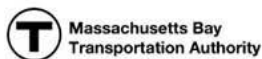
I understand Bill, that action is in my court. I will get this to you within the week. Could you let me know when is the next select board meeting or the one after so I can start get the information formatted and send for review.

Thanks,

Nayan J. Naidoo (he/him)

Project Manager, Capital Delivery

10 Park Plaza Suite 5170 | Boston, MA 02116 | M. 857-338-6017



From: William McDowell <wmcdowell@natickma.org>

Sent: Monday, December 11, 2023 12:23 PM

To: Naidoo, Nayan <nnaidoo@MBTA.com>

Cc: Jon Marshall <jmarshall@natickma.org>; Sofia Eva Clark <sclark@citypointpartners.com>; Brian Lauzon

<lauzon@natickpolice.com>; John Westerling <jwesterling@natickma.org>; Doherty, John P. <jpdoherty@MBTA.com>; DeDominicis, Anthony <adedominicis@MBTA.com>; Mawdsley, Brent <bmawdsley@doc.build>; Jackson, Richard <rjackson@oconnells.com>
Subject: Re: Permit for Natick Street and Bridge Closure January 2024

Nayan:

The email is not clear whether the work is being done on Washington Street or on North Ave. or requires closure of both. If you have a sketch or any more detailed info, it would help clarify the request.

Thanks,

Bill

William E. McDowell, PE

Town Engineer

Natick Department of Public Works

[75 West Street](#)

[Natick, MA 01760](#)

508-647-6550 x 2015

On Fri, Dec 8, 2023 at 1:30 PM Naidoo, Nayan <nnaidoo@mbta.com> wrote:

Bill and Jon,

I hope all is well. We are planning to do work at the Washington Street bridge at night for the Natick Center Station Project. We would need a permit for a street closure at the bridge during weekends starting in the New Year.

I don't have all the details yet but I am right now getting the plans together and the letter to submit to the select board for approval. Could you let me know when the next Natick Board meeting is and when you would need the documents submitted?

I was looking to get it to you the information on the closure sometime in the next few weeks or earlier. If the select board is meeting before Christmas then we can work at getting something out sooner.

Thanks,

Nayan J. Naidoo (he/him)

Project Manager, Capital Delivery

[10 Park Plaza Suite 5170 | Boston, MA 02116](#) | M. 857-338-6017



Massachusetts Bay
Transportation Authority

CAUTION: This email originated from outside of the MBTA organization. Do not click links, open attachments, or respond unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the MBTA organization. Do not click links, open attachments, or respond unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the MBTA organization. Do not click links, open attachments, or respond unless you recognize the sender and know the content is safe.

ITEM TITLE: Approve the following 2024 license renewals:

ITEM SUMMARY:

- 1. Automatic Amusements.
- 2. Class I, II, III Auto Dealers
- 3. Common Victualer
- 4. Entertainment
- 5. Adult-use Marijuana
- 6. Psychic Reader

ATTACHMENTS:

Description	Upload Date	Type
license renewals document	12/28/2023	Cover Memo

December 2022 Renewals for 2023 Licenses

A	B	C	D
Lic Type	Licensee	D/B/A	Location
ComVic	Z & M Corporation	Agostino's Restaurant	23 Washington Street
ComVic	Petroco, Inc.	A'Loto Gelato	127 West Central Street
ComVic	Anthony's Coal Fired Pizza of Natick, LLC	Anthony's Coal Fired Pizza	219 North Main Street
ComVic	B. Good LLC	B. Good LLC	1265 Worcester Street
ComVic	Fresh Food Holdings, LLC	The Bagel Table of Natick	9 South Main Street
ComVic	Baha Mexican Restaurant Corp.	Baha Mexican Restaurant	2D Mill Street
ComVic	Now Ventures, Inc.	Ben & Jerry's Ice Cream	1265 Worcester Street
ComVic	Lil' Bill's, Inc.	Bill's Pizzeria	58 East Central Street
ComVic	Sri Lakshmi Ganapathi, LLC	Biryaniz N Breadz	195 West Central Street
ComVic	S&L Grille, LLC	Burrito Spice	215 West Central Street
ComVic	Brooklyn Pizzeria, Inc.	Brooklyn New York Pizza	251 West Central Street, #12
ComVic	Eat Buttercup, LLC	Buttercup	13 West Central Street, Units 2 & 3
ComVic	Café Yafa Inc,	Café Yafe	4 Weathersfield Road #6a
ComVic	Heng Fong Investments	Cajun Café & Grill	1245 Worcester Street, #2006
ComVic	California Pizza Kitchen, Inc.	California Pizza Kitchen	1245 Worcester Street, #1092
ComVic	Casey's Diner	Casey's Diner	36 South Avenue
ComVic	Charles River Coffee House	Charles River Coffee House	57 Eliot Street
ComVic	Minyu Chen	Charley's Philly Steaks, Inc.	1245 Worcester Street, #2012
ComVic	The Cheesecake Factory Restaurants, Inc.	Cheesecake Factory	1245 Worcester Street, Suite 1098
ComVic	Cheesy Street Grill, LLC	Cheesy Street Grill, LLC	300 Off North Main Street-117 Mile
ComVic	Chipotle Mexican Grill of Colorado, LLC	Chipotle Mexican Grill #2987	219 North Main Street, Suite A-103
ComVic	Corporate Chefs, Inc.	Cognex	1 Vision Drive
ComVic	45 Comella's, LLC	Comella's	45 Main Street
ComVic	Para-Meter, LLC	Corrado's Sub Shop	7 Middlesex Ave
ComVic	Culinary Delights, Inc.	Culinary Delights	229 North Main Street
ComVic	Dah Mee Restaurant	Dah Mee Restaurant	25 Washington Street
ComVic	Natick Dairy Queen, Inc.	Dairy Queen	323 North Main Street
ComVic	Liam Foods, LLC	Dates and Olives	28 Main Street
ComVic	Dave and Buster's of Massachusetts, Inc.	Dave & Buster's Eat Drink	1235 Worcester Street, Unit 3201
ComVic	Dimas, Inc.	7 South Bottle & Kitchen	12 Washington Street
ComVic	Northern Management Group	Dunkin Donuts	54 East Central Street
ComVic	NatDun, LLC	Dunkin Donuts	1362 Worcester Street
ComVic	Pick Three Donuts, Inc	Dunkin Donuts	223 North Main Street
ComVic	Northern Management Group	Dunkin Donuts	117 West Central Street
ComVic	Eli's BBB, Inc.	Eli's	12 Washington Street
ComVic	Mass 5G LLC	Five Guys Burgers & Fries	211 North Main Street
ComVic	Frescafe II, Inc.	Frescafe	158 East Central Street
ComVic	Talos, Inc.	George's Pizza	41 South Main Street
ComVic	Cappello, LLC	Giovanni's Famous Pizza &	160 West Central Street
ComVic	Hot Doogy, Inc.	Hot Doogy	1300 Worcester Road, Unit D
ComVic	Jam Time, LLC	Jam Time	251 West Central Street
ComVic	Jordan's Furniture	Jordan's IMAX Theatre	1 Underprice Way
ComVic	Krua Thai, LLC	Krua Thai	231 North Main Street
ComVic	Open World Entertainment, LLC	Level 99	1235 Worcester Street
ComVic	Liberty's Pizza	Liberty's Pizza	2D Mill Street
ComVic	Matarazzo Family Foods	Lola's Italian Kitchen	9 Main Street
ComVic	Lookout Hard Cider, LLC	Lookout Hard Cider	89 Pleasant Street
ComVic	Mandarin Café, Inc	Mandarin Café	4B Wethersfield Road
ComVic	Natick MW, Inc.	Master Wok	1245 Worcester Street, Space 2004
ComVic	Olson Gourmet, LLC	Café at Mathworks-Apple Hill	3 Apple Hill Drive
ComVic	Olson Gourmet, LLC	Café at Mathworks-Lakeside	1 Lakeside Campus Drive
ComVic	MDC Management Co., LLC	McDonald's	1245 Worcester Street
ComVic	MDC Management Co., LLC	McDonald's	290 Worcester Street
ComVic	Maldonado Corp.	Melt Gelato & Crepe Café	1245 Worcester Street
ComVic	Morrison Management Specialists, Inc.	Metrowest Medical Center	67 Union Street
ComVic	Mole Sauce, LLC	Mexicali Grill	148 East Central Street, Units 1, 2, & 3
ComVic	Namee Enterprises, Inc.	Minado Restaurant	1282 Worcester Street
ComVic	Myan LLC	Mingaliens	319 North Main Street
ComVic	Nicholas's Restaurant Group, Inc.	Morse Tavern	85 East Central Street
ComVic	Sheldon Strasnick	Muffin House Café, Inc.	325 North Main Street
ComVic	Cosendey and Cosendey, Inc.	Nick's Pizza House	179 West Central Street
ComVic	Nordstrom, Inc.	Nordstrom Bazille	290 Speen Street
ComVic	Nordstrom, Inc.	Nordstrom E-Bar	290 Speen Street
ComVic	Minoga, Inc.	Oga's Japanese Cuisine	915 Worcester Street
ComVic	P.F. Chang's China Bistro, Inc.	P.F. Chang's China Bistro	1245 Worcester Street
ComVic	PR Restaurants, LLC	Panera Bread	841 Worcester Street
ComVic	Specialty Brands Holdings, LLC	Papa Gino's	291 Worcester Street
ComVic	Park Street Ice Cream Shoppe, Ltd.	Park Street Ice Cream	14 Park Street
ComVic	Adil Rakim	Pizza by Rocco	3 Union Street

December 2022 Renewals for 2023 Licenses

ComVic	Beleco, Inc.	Pizza Peddler	127 West Central Street
ComVic	St Takla, Inc	Pizza Plus	16 North Main Street
ComVic	The Pizza Shop at South Natick	Pizza Shop at South Natick	50 Eliot Street
ComVic	Putt Shack, LLC	Putt Shack	1245 Worcester Street
ComVic	Lucky Infinity, LLC	Rice Noodle Thai Eatery	179 West Central Street
ComVic	C & L Express, Inc.	Ruby Thai Kitchen	1245 Worcester Street, #2018
ComVic	SJ Burlington Food, Inc.	Sarku Japan	1245 Worcester Street, #2014
ComVic	Sassamon Trace Golf Course	Sassamon Trace Golf Course	233 South Main Street
ComVic	Sbarro America, Inc.	Sbarro #590	1245 Worcester Street, #2000
ComVic	BST Shaanxi Gourmet, LLC	Shaanxi Gourmet	259 Worcester Street
ComVic	Pandanus, Inc.	Shanghai Tokyo	54 East Central Street
ComVic	Smashburger Acquisition-Boston LLC	Smashburger #1707	1298 Worcester Street
ComVic	Starbucks Corporation	Starbucks	1245 Worcester Street
ComVic	Starbucks Corporation	Starbucks	1346 Worcester Street
ComVic	MCJ Corporation	Station 5 Grille	17 Watson Street
ComVic	PR Enterprises	Subway	189 Worcester Street
ComVic	Sun International Trading, LLC	Subway Restaurant	251 West Central Street
ComVic	GP Business Ventures, Inc.	Sweetwaters Café and Tea	19 South Main Street
ComVic	Sar Taco, Inc.	Taco Bell	1245 Worcester Street
ComVic	The Center for Arts in Natick	TCAN	14 Summer Street
ComVic	Tsitos Enterprises, Inc.	Theo's Pizza	231 North Main Street
ComVic	Eva Du Chang	Tous les Jours	1245 Worcester Street, #2014
ComVic	The Wendy's Company	Wendy's	303 West Central Street
ComVic	Facility Management Corporation	William L. Chase Arena	35 Windsor Avenue
ComVic	Z2 LLC	Zaftig's Delicatessen	1298 Worcester Street
ComVic	EM-JO, Inc.	Ziti's of Natick	218 Speen Street
InnHolder	DDH Hotel Natick/Worcester LLC	The Verve Crowne Plaza	1360 Worcester Street
InnHolder	DDH Hotel Natick/Speen LLC	Hampton Inn, Natick	319 Speen Street
InnHolder	GSH CY Natick, LLC	Courtyard by Marriott-Natick	342 Speen Street
InnHolder	Colwen Management, Inc.	Residence Inn by Marriott	1 Superior Drive
Daily and Sunday Entertainment	Z&M Corporation	Agostino's Restaurant	23 Washington Street
Daily Entertainment	Anthony's Coal Fired Pizza of Natick, LLC	Anthony's Coal Fired Pizza	219 North Main Street
Daily Entertainment	The Cheesecake Factory Restaurants, Inc.	Cheesecake Factory	1245 Worcester Street, Suite 1098
Daily Entertainment	Chipolte Mexican Grill of Colorado, Inc.	Chipolte Mexican Grill #2987	219 North Main Street
Daily and Sunday Entertainment	DDH Hotel Natick/Worcester LLC	The Verve Crowne Plaza	1360 Worcester Street
Daily and Sunday Entertainment	DDH Hotel Natick/Speen LLC	Hampton Inn, Natick	319 Speen Street
Daily Entertainment	Dave and Buster's of Massachusetts, Inc.	Dave & Buster's Eat Drink	1235 Worcester Street, Unit 3201
Daily Entertainment	Dimas, Inc.	7 South Bottle & Kitchen	12 Washington Street
Daily Entertainment	Open World Entertainment, LLC	Level 99	1235 Worcester Street
Daily Entertainment	Lookout Hard Cider, LLC	Lookout Farm	89 Pleasant Street
Daily Entertainment	Mole Sauce, LLC	Mexicali Grill	148 East Central Street, Units 1, 2, & 3
Daily Entertainment	Nicholas's Restaurant Group, Inc.	Morse Tavern	85 East Central Street
Daily Entertainment	Nordstrom, Inc.	Nordstrom Bazille	290 Speen Street
Daily Entertainment	P.F. Chang's China Bistro, Inc.	P.F. Chang's China Bistro	1245 Worcester Street
Daily Entertainment	Colwen Management, Inc.	Residence Inn by Marriott	1 Superior Drive
Daily and Sunday Entertainment	The Center for Arts in Natick	TCAN	14 Summer Street
Daily Entertainment	EM-JO, Inc.	Ziti's of Natick	218 Speen Street
Daily Entertainment	Eat Buttercup, LLC	Buttercup	13 West Central Street, Units 2 & 3
Daily Entertainment	Jordan's Furniture IMAX Movie Theater		1 Underprice Way
Daily Entertainment	Smashburger Acquisition-Boston LLC	Smashburger #1707	1298 Worcester Street
Class 1 Auto Dealership	Bernardi's, Inc.	Audi Natick	521 Worcester Street
Class 1 Auto Dealership	Bernardi's, Inc.	Bernardi Honda	1000 Worcester Street
Class 1 Auto Dealership	Bernardi's, Inc.	Bernardi Honda	960 Worcester Street
Class 1 Auto Dealership	Wellesley Car Company, Inc.	Bernadi Volvo Cars	910 Worcester Street
Class 1 Auto Dealership	Brigham Gill Motor Cars, Inc.	Brigham Gill	817 Worcester Street
Class 1 Auto Dealership	Herb Chambers of Natick, Inc.	Mercedes Benz of Natick	253 North Main Street
Class 1 Auto Dealership	MetroWest Subaru, LLC	MetroWest Subaru	948 Worcester Street
Class 1 Auto Dealership	Tesla, Inc.	Tesla Motors MA, Inc	1245 Worcester Street, Suite #3018
Class 1 Auto Dealership	Wellesley Car Company, Inc.	Bernardi Volvo Cars Natick	910 Worcester Street
Class 2 Auto Dealership	Robert Paul	Auto Wholesalers of Natick	135R West Central Street
Class 2 Auto Dealership	Bostonyan Auto Group, Inc.	Bostonyan Auto Group	119 Worcester Street
Class 2 Auto Dealership	Central Auto Parts of Natick, Inc.	Central Auto Parts	327 West Central Street
Class 2 Auto Dealership	Coach & Carriage Auto Body, Inc.		55 Middlesex Ave
Class 2 Auto Dealership	E and M Auto Consulting, Inc.	E and M	3 Penobscot Road
Class 2 Auto Dealership	Elbery Auto Body, Inc.		124R East Central Street
Class 2 Auto Dealership	European Performance Engineering, Inc.	Engineering	165 West Central Street
Class 2 Auto Dealership	Greg S. Malany	Greg's Repair Shop	47B Summer Street
Class 2 Auto Dealership	John J. Ingemi	J & J Auto Sales	26 Bacon Street
Class 2 Auto Dealership	International Auto Works, Inc.		9 Middlesex Avenue
Class 2 Auto Dealership	Luke's Service Station, Inc.	Natick Gas and Service	225 North Main Street
Class 2 Auto Dealership	MPL Auto Sales	MPL Auto Sales	72 Oakland Street
Class 2 Auto Dealership	Natick Auto Clinic, Inc.	Natick Auto Clinic	193 Worcester Street
Class 2 Auto Dealership	Richard C. Knights, Inc.	Riders Repair	6 Leach Lane
Class 2 Auto Dealership	South Natick Foreign Motors, Inc.	South Natick Foreign	9 Eliot Street
Class 2 Auto Dealership	United Auto Associates, Inc.	United Auto Natick	133/135 West Central Street

December 2022 Renewals for 2023 Licenses

Class 3 Auto Dealership	Central Auto Parts of Natick, Inc.	Central Auto Parts	327 West Central Street	
Class 3 Auto Dealership	International Auto Works, Inc.	Joey's Auto Body	13 Cochituate Street	
Psychic Reader	Annie Mitchell/Anna's Psychic Readings	Annie Mitchell/Anna's	546 Worcestet Street	
Automatic Amusements	Amvets Post 79	Amvets Post 79	1 Superior Drive	3 devices
Automatic Amusements	Dave & Busters of Massachusetts, Inc.	Dave & Buster's Eat Drink	1235 Worcester Street, Unit 3201	161 devices
Automatic Amusements	Skybox 109 LLC	Skybox	319 Speen Street	5 devices
Marjauna Establishments	Cypress Tree Management, Inc.	Redi	321 Speen Street, Suite J	
Marjauna Establishments	Kaycha MA, LLC	Kaycha Labs	16 Tech Circle, Suite 201	

ITEM TITLE: Approve Peter Cunningham as the annual designee for Animal Control Officer per M.G.L.c. 140 s. 151

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Memo from Chief Hicks	12/27/2023	Cover Memo


TOWN OF NATICK
NATICK, MASSACHUSETTS 01760



POLICE DEPARTMENT
James G. Hicks, Chief of Police

20 East Central Street
Natick, MA 01760
Phone: 508-647-9511
Fax: 508-647-9509

Memorandum

Date: December 27, 2023
To: Bruce Evans, Chair Natick Select Board
From: Chief James G. Hicks 
RE: Designate Animal Control Officer

Per M.G.L. Chapter 140 Sec. 151 each town shall annually designate as Animal Control Officer.

I hereby request that the Select Board for the Town of Natick designate Peter Cunningham for the position of Animal Control Officer.

ITEM TITLE: Review Natick Charter Amendments

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Town Charter redlined with Article 25 & proposed amendments	12/9/2023	Exhibit
April 2023 Town Charter - starting point for proposed charter changes	12/9/2023	Exhibit
Weithman presentation 2 Article 25 amendments high level overview .pptx	12/9/2023	Exhibit
CBRC FATM Report October 2023	12/9/2023	Backup Material
Karen Adelman Amendments J K N	1/1/2024	Exhibit
Fincom Supplement #1	12/9/2023	Backup Material
TGSC presentation to SB 062823 Final	12/9/2023	Backup Material
TGSC Final Report 062823	12/9/2023	Backup Material
OpenMeetingMinutes12.12.2,DRAFT1	12/30/2023	Cover Memo
Jacobs Comments Amendment C	12/12/2023	Cover Memo

TOWN OF NATICK HOME RULE CHARTER

Revised Edition

**April~~Novemb~~
er 16, 2023
draft**

TABLE OF CONTENTS

Article	Title	Page
1	Incorporation of Powers	1-1
2	Legislative Branch	2-1
3	Elected Officers	3-1
4	Town Administrator <u>Manager</u>	4-1
5	Fiscal Procedures	5-1
6	Administrative Organization	6-1
7	General Provisions	7-1

ARTICLE 1

INCORPORATION AND POWERS

Section 1-1 Incorporation

The inhabitants of the Town of Natick, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Natick".

Section 1-2 Short Title

This instrument shall be known and may be cited as the Natick Home Rule Charter.

Section 1-3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Select Board. The legislative powers of the town shall be exercised by a representative town meeting.

Section 1-4 Powers of the Town; Intent of Voters

It is the intent and purpose of the voters of Natick, through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

The powers of the town under the charter shall be construed liberally in favor of the town and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Section 1-4, above.

Section 1-6 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

The Select Board shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws. The boundaries of the precincts shall be reviewed and wholly or partly revised by the Select Board every ten years, in accordance with Section 6 of Chapter 54 of the General Laws.

Section 2-4 Candidates

- (a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.
- (b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for two years; and the remaining third in such order shall serve for one year from the date of the annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms any vacancies then

existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

- (a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.
- (b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.
- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis¹.
- (d) ²Filling of Vacancies - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The ~~town clerk~~Town Moderator shall make appointments in accordance with the ~~ordering descending order~~ of names votes received on the lists. If necessary to resolve ties, the ~~town clerk~~Town Moderator shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the ~~town clerk~~Town Moderator

¹ Amendment B

² Several changes from Amendment B, including "town clerk" -> "Town Moderator"

shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The ~~town clerk~~Town Moderator shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The ~~town clerk~~Town Moderator or the ~~town clerk's~~Town Moderator's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

- (a) ³~~Representatives of Town Agencies~~ —A— The Town Moderator may require and schedule designated ~~representative~~representatives of each town agency ~~shall to~~ attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such ~~agencies~~town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by

³ Amendment E

illness or other reasonable cause from attending, hesuch person or the Town Moderator shall designate a deputy to attend in histtheir place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town administrator, or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

- (b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.
- (c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to speak, but shall have no right to make motions or to vote. For the purposes of this subsection the term “taxpayers” shall mean those taxpayers owning real property interests and/or personal property which are subject to valuation and assessment by the Town Assessor and the payment of such assessed taxes to the Town Treasurer Collector.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the Select Board which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **⁴Initiation of Articles** - The Select Board shall ~~receive~~insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any eligible elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.
- (c) **Time Requirements** - The Select Board shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the

⁴ Amendment D

provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the Select Board shall decide it is necessary to call a special town meeting it shall, by publication in a local newspaper or by such other notice as is reasonably determined to reach and inform the citizens of the Town, give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the Select Board prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.

- (d) **Publication and Posting** - Within five days following the date the warrant for any town meeting shall close, the Select Board shall cause copies of the full text of the warrant articles for such meeting to be provided to the town clerk, the town moderator, the Chair of the Finance Committee, and to such other persons as may be designated by by-law. Within ten days after the Select Board has attested the warrant, the Select Board shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by by-law. Copies of the warrant articles shall be made available for general distribution in the office of the Town Clerk.
- (e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

- (a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the Select Board may, in their sole discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.
- (b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.

- (c) **Quorum**⁵ - ~~Ninety-one~~ A majority of the sum of i) the total number of representative town meeting members established in Section 2-2 less ii) any vacancies shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.
- (d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.
- (e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

- (a) **Effective Date of Final Votes** - No final vote of the representative town meeting to approve or reject an affirmative main motion under a warrant article, but not including appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting.
- (b) **Subsidiary Motions** - The affirmative main motion subject to referendum shall be the final form of the motion as modified by any amendments adopted. Whenever a subsidiary motion to lay upon the table, to refer or to postpone indefinitely is applied to the affirmative main motion and is voted by the representative town meeting, the affirmative main motion shall be deemed to have been rejected.
- (c) **Petition** - If a petition is filed with the Select Board requesting that any question as voted by the representative town meeting be referred to the voters for final determination, then the operation of such vote shall be suspended pending its determination by the voters; provided, however, that such petition must be filed within seven days after dissolution of said town meeting, and further provided that such petition must bear the signatures, as well as the names and addresses, of not less than five percent of the total number of registered voters as of the date of the most recent town election. Within ten days following the filing of such petition, the Select Board shall call a special election for submission of such question or questions to the voters for final determination. The Select Board shall fix the date of said special election not less than thirty-five days and nor more than sixty days after the date the

⁵ Amendment C

petition was filed.

- (d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.
- (e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.

ARTICLE 3

ELECTED OFFICERS

Section 3-1 In General

- (a) **Elective Offices** - The offices to be filled by the voters shall be a Select Board, a School Committee, a Board of Assessors, a Town Clerk, Constables, a Board of Health, Trustees of the Morse Institute, a Town Moderator, a Planning Board, and a Recreation and Parks Commission. In addition, members of a housing authority and representatives to such other regional authorities or districts as may be established by law or interlocal agreement may also be filled by the voters.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office, provided, however, no person shall simultaneously hold more than one elected town office as defined in this section.
- (c) **Town Election** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) **Preliminary Elections**
 - (1) **Candidates** - Any person who is qualified to vote in the town of Natick may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided that he shall file nomination papers provided by the town clerk containing twenty-five signatures certified as voters of the town.
 - (2) **Date of Preliminary Election** - The preliminary election shall be held twenty-eight days preceding every regular or special town election.
 - (3) **Elections to be Nonpartisan** - No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.
 - (4) **Filing of Nomination Papers** - Nomination papers must be filed with the town clerk not later than five o'clock in the afternoon of the thirty-fifth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed with the clerk.
 - (5) **Determination of the Candidates for Election** - The election officers shall immediately upon the closing of the polls at the preliminary election count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof, and post the same in five conspicuous places in the town.

- (6) **Number of Candidates to be Chosen** - The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

- (7) **Conditions Making Preliminary Election Unnecessary** - If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

- (8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick. The foregoing procedures on preliminary elections shall not apply whenever the laws of the commonwealth regarding ranked choice voting in local elections shall be effective in the town.⁶

- (e) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.
- (f) ⁷**Coordination** - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator, named in this section shall be subject to the call of the Select Board or the town administrator or manager, at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices or ii) joint or overlapping areas of administrative

⁶ Amendment F

⁷ Amendment G

activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town administrator. Notwithstanding this provision, the Select Board or town administrator may request consultation, conference or discussion with any multiple member body or town agency on any matter concerning the administration referenced in this sub section.

(g) **Filling of Vacancies**

- (1) **Town Officer** - If there is a failure to elect, or if a vacancy occurs in any town office, the Select Board members shall, in writing, appoint a person to fill such vacancy until the next town election. If there is a failure to elect or if a vacancy occurs in the office of town moderator, the representative town meeting members, at the next session of any town meeting following such vacancy, by a majority vote of those present and voting on a motion to elect a particular person as town moderator, shall fill such vacancy until the next town election. Until town meeting fills such vacancy the town clerk shall serve as temporary presiding officer of such body.
- (2) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the Select Board and unless under the terms of a will or other trust some other provision is made, the remaining members shall give written notice of the existence of any such vacancy to the Select Board, who, with the remaining members or member of such board shall, after one week's notice, fill such vacancy by ballot.
- (3) **Select Board** - If there is a failure to elect or if a vacancy occurs in the office of Select Board, the remaining Select Board members may call a special election to fill the vacancy and shall call such special election upon the request, in writing, of two hundred registered voters of the town.

(h) **Recall**

- (1) **Application** - With the exception of town meeting members and trustees of the Morse Institute, any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from office by the voters, in the manner provided in this section.
- (2) **Recall Petitions** - One hundred and fifty or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on such petitions shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town meeting members.

If the said petition is found to be valid, the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Select Board; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following

the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote as of the date of the most recent town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall, within five days thereafter, certify thereon the number of signatures which are the names of voters.

- (3) **Recall Elections** - If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the Select Board. Upon its receipt of the certified petition, the Select Board shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the Select Board shall order a special election to be held not less than thirty-five nor more than sixty days after the date of certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.
- (4) **Nomination of Candidates** - An officer whose recall is sought may not be a candidate to succeed himself in the event the vote on the question of recall is in the affirmative. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be not less than fifty; no preliminary election shall be held. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the general laws regulating elections.
- (5) **Propositions on the Ballot** - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of
(Name of officer)
Against the recall of
(Name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall, and provided at least twenty per cent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

- (6) **Officeholder** - The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as provided in section (7) below.
- (7) **Repeat of Recall Petition** - No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the

voters.

Section 3-2 Select Board

- (a) **Composition, Term of Office** - There shall be a Select Board consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **⁸ Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief ~~policy making town agency of the town. It responsible for making policies for the administration of the fiscal, prudential and municipal affairs~~ policy making agency of the executive branch of town. The Select Board shall be responsible for (i) the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, (ii) ~~in conjunction with other elected town officers~~ consultation, conference, and discussion with other town officers, to develop and to promulgate policy guidelines designed to bring all ~~agencies of the town into harmony. town agencies of the executive branch of the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions..~~ Nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in either the day-to-day administration of any town agency. It is the intention ~~executive branch of this provision that the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall act only through the adoption of broad policy guidelines which are to include, but not be implemented by officers~~ limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions..

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town ~~administrator~~ manager as provided in Article 4.

- (c) **¹⁰ Appointment Powers** - ~~Subject to the provisions of Article 6, the~~ Subject to the provisions of Article 6, the Select Board shall appoint, by majority vote of the Select Board then elected and serving, a town administrator ~~manager to serve for a term of not less than three nor more than three years and may, by two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years; a town comptroller for a term of three years;~~ three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of

⁸ Amendment J

⁹ Josh Amendment J

¹⁰ Amendment P

¹¹ Josh Amendment P

such terms as is possible shall expire each year; ~~a town counsel for a term of one year; a director of veterans' services; a police chief; and a fire chief.~~

The Select Board shall either appoint or, by affirmative vote, approve the appointment of such other town agencies or officers as provided and specified in Article 6. The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

- (c) **Licensing Authority** - The Select Board shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all such businesses for which it issues any licenses.
- (d) **Renamed Executive Board** - The Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duty and responsibilities vested in a Select Board by any votes of the Town and the laws of the Commonwealth, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Natick.

Section 3-3 School Committee

- (a) **Composition, Term of Office** - There shall be a school committee consisting of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties which are given to school committees by general laws and it shall have such additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:

 - (i) to appoint a superintendent of the schools and all other personnel permitted by law connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.
 - (ii) to make all reasonable rules and regulations consistent with law for the administration and management of the public school system and for the conduct of its own business and affairs.

Section 3-4 Board of Assessors

- (a) **Composition, Term of Office** - There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of assessors shall annually make a fair valuation of all property, both real and personal, within the town. It shall determine, based on such valuation and such sums as may be authorized to be expended by vote of the town meeting, and consideration of other income and

expenses of the town, annually the rate of taxation to apply to property within the town. The board of assessors shall have all of the powers and duties which are given to boards of assessors by general laws and it shall have such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-5 deleted (ATE March 2023)

Section 3-6 Constables

- (a) **Number, Term of Office** - There shall be six constables elected for terms of three years each.
- (b) **Powers and Duties** - Constables may serve such civil writs and processes as are authorized by law. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting profane swearing and gaming. They shall serve all warrants and other processes directed to them by the Select Board of the town for notifying town meetings, or for other purposes.

Section 3-7 Board of Health

- (a) **Composition, Term of Office** - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health and for the enforcement of state laws and the state sanitary code in matters affecting the public health. The board of health shall have all of the powers and duties which are given to boards of health by general laws, and such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-8 is deleted.

Section 3-9 Trustees, Morse Institute

- (a) **Composition, Term of Office** - There shall be a board of trustees of the Morse Institute consisting of five members elected for terms of five years each, so arranged that all of the terms of office of members shall expire at the same time.
- (b) **Vacancies** - In case a vacancy shall happen in said board by reason of the resignation or death of any of its members, or of their removal from the town, it shall be filled at the next annual town election, and until such vacancy is filled, the remaining members shall have and exercise all the powers of the full board.
- (c) **Powers and Duties** - The board of trustees of the Morse Institute shall have exclusive control of the said Institute. The trustees shall have all of the other powers and duties as are provided to them under the will of Mary Ann Morse, who died July 1, 1862.

Section 3-10 Town Moderator

- (a) **Term of Office** - There shall be a town moderator elected for a term of three years.
- (b) **Powers and Duties** - The town moderator shall be the presiding officer of the representative town meeting, as provided in Section 2-8, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.
- (c) ¹²**Appointment Powers**

The town moderator shall appoint a deputy moderator, to preside over representative town meeting in the absence of the moderator. The moderator may also direct the deputy moderator to assist the moderator in performance of the moderator's duties and responsibilities. The deputy moderator shall be appointed for a term not to exceed the remaining term of the moderator. The town moderator shall have such other appointment power as provided in statute, charter or the bylaws or other vote of town meeting.

Section 3-11 Planning Board

- (a) **Composition, Term of Office** - There shall be a planning board consisting of five members elected for terms of five years each, so arranged that the term of one member shall expire each year. There shall be one associate member of the planning board elected for a term of five years and having such duties and powers as permitted by general laws, special laws, the charter or the by-laws.
- (b) **Powers and Duties** - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The planning board shall have all of the other powers and duties planning boards are given by general laws, special laws, the charter or the zoning by-laws.

The planning board shall make recommendations to the representative town meeting on all matters affecting land use and development and estimates of their costs. The planning board shall have all of the other powers and duties planning boards are given by general laws.

Section 3-12 Recreation and Parks Commission

- (a) **Composition, Term of Office** - There shall be a recreation and parks commission consisting of nine members: 5 members, elected at large and 4 members appointed by the Select Board. Elected members shall serve a three-year term so arranged so that over a three-year period the terms of two members shall expire in the first year, the terms of two other members shall expire in the second year and the term of the fifth member shall expire in the third year. Appointed members shall serve a two-year term so arranged so that an equal number of terms shall expire each year.

¹² Amendment I

- (b) ¹³**Powers and Duties** - The recreation and parks commission shall advise the town ~~administrator~~manager and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. The recreation and parks commission shall also advise the Select Board on policies and practices for parks and recreation in the town. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town ~~administrator~~manager from whom the appointment shall be made.

Section 3-13 deleted.

Section 3-14 Natick Housing Authority

- (a) **Composition, Term of Office** - There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. These members shall be elected or appointed in accordance with the provisions of M.G.L.c.121B and the regulations promulgated thereunder.
- (b) **Powers and Duties** - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

Sections 3-15 and 3-16 deleted.

ARTICLE 4

TOWN ~~ADMINISTRATOR~~MANAGER

Section 4-1 ¹⁴Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall, by a majority vote of the Select Board then elected and serving appoint a town ~~administrator~~manager to serve for a term of ~~not less than three nor~~ more than three years, provided, and may, by by two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town ~~administrator~~manager from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town ~~administrator~~manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall and be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town ~~administrator~~manager.

- (a) ¹⁵~~Review of Performance~~ **Review** - The Select Board shall annually provide for a review of the job performance of the town ~~administrator~~manager which shall, at least in summary form, be a public record. The performance review to be conducted by the Select Board shall be i) on its own behalf and ii) on behalf of the town overall including other town agencies and representative town meeting in consideration of the important role the town manager has dealing with others. The review shall be the sole and exclusive power of the Select Board which shall be under no obligation hereunder to solicit or to consider input from others.

- (b) **Restriction on Other Activities** - The town ~~administrator~~manager shall devote ~~his~~ full time to the duties of ~~his~~the office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during ~~his~~their term unless such action is approved, in advance, in writing, by the Select Board.

Section 4-2 ¹⁶Powers and Duties

The town ~~administrator~~manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under ~~his~~the town manager's charge by or under the charter and by-laws. The powers and duties of the town ~~administrator~~manager shall include, but are not intended to be limited to, ~~the following~~those listed below in this section. Accordingly the town manager:

¹⁴ Amendment L

¹⁵ Josh Amendment L

¹⁶ Amendment M replaces gender-specific references for the Town Manager

- 1) ~~He shall~~ Shall supervise, direct and be responsible for the efficient administration of all functions placed under ~~his~~ the town manager's control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by ~~him~~ the town manager and their respective department.
- 2) ~~He shall~~ Shall coordinate the activities of all town agencies under ~~his~~ the town manager's control with those under — the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) ~~He shall~~ Shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town ~~administrator~~ manager shall be posted forthwith on the town bulletin board. ~~Appointments~~ Except as provided elsewhere in charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board, appointments made by the town ~~administrator~~ manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.
- 4) ~~He shall, in conjunction with a personnel board established by by-law, be~~ Shall be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. He shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee. The town manager may be advised in connection with the administration of the town personnel system by a personnel board established by bylaw.
- 5) ~~He shall~~ Shall attend all regular and special meetings of the Select Board, unless excused at ~~his~~ the town manager's own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) ~~He shall~~ Shall attend all sessions of the representative town meeting and shall answer all questions addressed to ~~him~~ the Town Manager related to warrant articles and which are related to matters under ~~his~~ the town manager's general supervision.
- 7) ~~He shall~~ Shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement either by ~~him~~ the Town Manager or by officers or employees subject to ~~his~~ the town manager general supervision and direction, are

faithfully carried out, performed and enforced.

- 8) ~~He~~ shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
 - 9) ~~He shall~~ Shall keep the Select Board fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the Select Board and to other elected and appointive officers as ~~he~~ the Town Manager may deem to be necessary or desirable.
 - 10) ~~He shall~~ Shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.
 - 11) ~~He shall~~ Shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. ~~He~~ The town manager shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
 - 12) ~~He may~~ May at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under ~~his~~ the town manager's general supervision.
- ~~He shall~~
- 13) Shall assure that a full and complete inventory of all town-owned property, both real and personal, ~~is kept consistent with Generally Accepted Accounting Principles~~, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies. However, immaterial or de-minimis items shall not be subject to this inventory requirement.
 - 14) ~~He shall~~ Shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
 - 15) ~~He shall~~ Shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. ~~He~~ The town manager shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.
 - 16) ~~He may~~ May in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under ~~his~~ the town manager's general supervision in whole or in part,

provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.

- 17) ~~He shall~~ Shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) ~~He may~~ May authorize any subordinate officer or employee to exercise any power or duty which he is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be ~~his~~ the town manager's acts.
- 19) ~~He shall~~ Shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Section 4-3 Acting Town ~~Administrator~~ Manager

- (a) **Temporary Absence** - The town ~~administrator~~ manager shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of ~~his~~ the office during his temporary absence. During the temporary absence of the town ~~administrator~~ manager, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town ~~administrator~~ manager until the town ~~administrator~~ manager shall return and assume ~~his~~ the town manager's duties.
- (b) **Vacancy** - Any vacancy in the office of town ~~administrator~~ manager shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town ~~administrator~~ manager on an acting basis. The appointment of an acting town ~~administrator~~ manager shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.
- (c) **Powers and Duties** - The powers of a temporary or acting town ~~administrator~~ manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town ~~administrator~~ manager, only an acting appointment or designation may be made.

Section 4-4 ~~17 18~~ Removal and Suspension

The Select Board, by a ~~two-thirds~~ two-thirds vote ~~of a majority of the select board then elected~~

¹⁷ Amendment K

¹⁸ Josh Amendment K

~~and serving~~ taken with the ~~full board prior notice to all Select board members such that all Select Board members have a reasonable opportunity to be present~~ full board present, may terminate the town ~~administrator~~ manager from ~~his~~ such office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town ~~administrator~~ manager shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which ~~his~~ such dismissal is proposed; nor unless, if ~~he~~ the town manager so requests in writing, ~~he~~ the town manager has been given a hearing before the Select Board which may be either public or private at the option of the town ~~administrator~~ manager, and at which ~~he~~ the town manager may be represented by counsel, present evidence, and call witnesses to testify in ~~his~~ the town manager's behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town ~~administrator~~ manager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town ~~administrator~~ manager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town ~~administrator~~ manager shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

~~Notwithstanding any provision of the charter to the contrary, no performance review of the town manager by a Select Board and no defect or omission by a Select Board in the performance review of the town manager shall constitute an impediment or barrier to removal or suspension under this section.~~

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 ¹⁹School Department Budget

- (a) **Submission to Town Administrator** - The superintendent of schools' proposed budget shall be submitted to the town ~~administrator~~manager in sufficient time to enable him to consider its effect on the total town budget ~~he~~which the town manager is required to submit under this article.
- (b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of the proposed budget. This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 ²⁰Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town ~~administrator~~manager shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. ~~He~~The town manager shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town ~~administrator~~manager shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes
- Identify changed priorities and the reasons for such changes

¹⁹ Amendment M

²⁰ Amendment M

- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town ~~administrator~~manager deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 ²¹**The Preliminary Budget**

The preliminary budget, in conjunction with the town ~~administrator's~~manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town ~~administrator's~~manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town ~~administrator~~manager deems desirable, or as the Select Board may require. In his presentation of the preliminary budget, the town ~~administrator~~manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 ²²**Action on the Town ~~Administrator's~~Manager's Preliminary Budget**

- Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance

²¹ Amendment M

²² Amendment M

committee on the preliminary budget.

- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town ~~administrator~~manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.
- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Budgets for the Current Fiscal Year

The representative Town Meeting may, by By-Law, require an updated budget message and certain information to be provided in connection with annual operating and/or capital expenditures budgets for a current fiscal year at Spring Annual Town Meeting, Fall Annual Town Meeting and for any special town meeting which deals with fiscal or budgetary matters.

Section 5-8 ²³Capital Improvement Program

The town ~~administrator~~manager shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

ARTICLE 6 ADMINISTRATIVE

ORGANIZATION

Section 6-1 ²⁴Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either one of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and the bylaws shall take precedence over any other organization, reorganization or modification under this Section 6-1.
- (b) **Administrative Code** - The town ~~administrator~~ manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town ~~administrator~~ manager prepares such a plan, the town manager ~~he~~ shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town ~~administrator~~ manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

- (c) ²⁵**Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board which shall not occur until after fourteen days public notice of the proposed change have occurred, make modifications to the town's organization involving the creation of new or abolishing of existing town agencies or modifications of existing town agencies or their reporting relationships that serve under

²⁴ Amendment N

²⁵ Josh Amendment N

~~the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting relationships are within an existing department of the town. Modifications under this sub section i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, any of the foregoing changes under this subsection must be incorporated in a bylaw within two years of the effective date of the change under this subsection. The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.~~

Section 6-2 Table of Organization

The town ~~administrator~~manager shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the school committee.

~~Section 6-3 Office of the Comptroller~~

- ~~(a) **Appointment; Qualifications; Term of Office**—There shall be a comptroller, appointed by the Select Board. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by-law, from time to time, establish such additional qualifications for the office as seem necessary or desirable; provided, however, no change in such by-law shall apply to the incumbent of the office at the time such by-law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the Select Board for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.~~
- ~~(b) **Powers and Duties**—The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:~~
- ~~(1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, Select Board and the town agencies affected.~~
 - ~~(2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that,~~

~~when approved by the Select Board, shall be binding upon all town agencies and employees.~~

~~(3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.~~

~~(4) Prior to submitting any warrant to the Select Board he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Select Board and town treasurer a written report of the reasons for his findings.~~

~~(5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.~~

~~(c) **Vacancy**—If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the Select Board may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the Select Board and filed in the office of the town clerk.~~

~~(d) **Assistant Comptroller**—The comptroller with the approval of a majority of the Select Board, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.~~

Section 6-4 — Town Treasurer – Collector

~~(a) **Appointment; Qualifications; Term of Office**—There shall be a town treasurer collector appointed by the Town Administrator subject to confirmation of the Select Board for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.~~

~~(b) **Powers and Duties**~~

Treasurer:

~~(1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.~~

~~(2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.~~

~~(3) The treasurer is responsible to make provisions for adequate funds to cover current~~

obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.

- ~~(4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.~~
- ~~(5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.~~
- ~~(6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Select Board.~~
- ~~(7) The treasurer must give a bond annually for the faithful performance of required duties.~~
- ~~(8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.~~

Collector:

- ~~(1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A, and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.~~
- ~~(2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.~~
- ~~(3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.~~
- ~~(4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.~~
- ~~(e) **Vacancy**—If the treasurer collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer collector to hold such office and exercise the powers and perform the duties of the treasurer collector until the treasurer collector who is disabled or absent resumes his duties, or until another treasurer collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Select Board and the office of the Town Clerk.~~
- ~~(d) **Assistant Treasurer Collector**—The treasurer collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer collector is~~

~~appointed, the assistant may, in the absence of the treasurer collector, perform the duties of the treasurer collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer collector.~~

²⁶Transition Provisions for Office of the Comptroller, Assistant Comptroller, Treasurer-Collector,

Treasurer, Collector and Assistant Treasurer Collector

The pre-existing provisions of Section 6-3, pertaining to the qualifications, powers and duties of the Office of the Comptroller and the Assistant Comptroller, and the pre-existing provisions of Section 6-4, pertaining to the Treasurer-Collector, Treasurer, Collector, and the Assistant Treasurer Collector shall remain in effect in the Town of Natick until a bylaw addressing said matters in said sections shall take effect in the Town.

²⁷Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of up to five years, a director of veterans' services for a term of up to five years, a police chief for a term of up to five years, a fire chief for a term of up to five years and town counsel as provided in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall, notwithstanding any law to the contrary, a treasurer-collector for a term of up to five years and an assistant treasurer-collector for a term of up to five years. ²⁸~~The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions.~~ **The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions.** Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

²⁶ Amendment O deletes sections 6-3 and 6-4 and inserts the transition provision

²⁷ Amendment P inserts new sections 6-3 and 6-4

²⁸ Josh Amendment P

The provisions of this subsection shall apply to reappointments.

29Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town ~~Administrator~~Manager for a term of three years, subject to ~~confirmation~~affirmative vote of approval by the Select Board- as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to ~~him~~the town clerk for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and ~~he~~the town clerk shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town ~~Administrator~~Manager.
- (c) Vacancy - If the town clerk is unable to perform ~~his~~duties of town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town ~~Administrator~~Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes ~~his~~the duties of town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town ~~Administrator~~Manager and filed with the Select Board and the office of the Town Clerk.

ARTICLE 7

GENERAL PROVISIONS

Section 7-1 Charter Changes

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statute enacted in accordance with the state constitution.

Section 7-2 Severability

The provisions of the charter are severable. If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-3 Specific Provisions to Prevail

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 7-4 Rules and Regulations

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and made available for review by any person who shall request such information.

Section 7-5 ³⁰Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words if any, importing the masculinea particular gender shall include the feminine genderall genders.

Section 7-6 Periodic Review, Charter and By-Laws

- (a) **Establishment of Committee** - The town meeting shall provide for the establishment of a special committee to be appointed by the Moderator, unless otherwise directed by vote of town meeting. Said committee shall review the provisions of the charter and the by-laws and shall make a report, with recommendations, to the town meeting, concerning any proposed amendments or revisions, which said committee may deem to be necessary or desirable.

The town meeting shall establish the committee at least within five years of the time the previous committee was dissolved and, at any time, may vote to extend the term of the committee or the time by which the committee is required to submit a report.

- (b) **Review Procedures** - The committee shall conduct its review with the assistance of town counsel or, if the town meeting so directs, special counsel retained for that purpose. A report,

³⁰ Amendment R

with recommendations, shall be submitted to the town meeting not more than ten months following the date such committee is appointed or as otherwise provided by town meeting vote.

- (c) **Copies of Charter and By-Laws** - Copies of the charter and by-laws of the town, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the town clerk. A charge, not to exceed the actual cost of reproduction of said material, may be charged. In an interval between publication of the charter or by-laws, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or by-laws since last published in consolidated form.

Section 7-7 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) **Days** - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) **General Laws** - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently enacted.
- (e) ³¹**Local Newspaper** ~~The~~ ~~Unless otherwise required by the general laws, the~~ words "local newspaper" shall mean a newspaper of general circulation in the town of Natick, the town's website, police and public works temporary signage, social media and/or other communication means that alone or in any combination are reasonably capable of reaching and informing the citizens of the town.
- (f) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules.
- (g) ³²**Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of

³¹ Amendment S

³² Amendment D

[town meeting.](#)

- (h) **Town** - The word "town" shall mean the town of Natick.
- (i) **Town Agency** - The words "town agency" shall mean any board, commission, committee or other multiple member body, department, division, or office of the town of Natick.
- (j) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which official notices are posted, and those at such other locations within the town which may, from time to time, be established by the Select Board.
- (k) **Voters** - The word "voters" shall mean persons who are registered to vote in the town of Natick

Section 7-8 Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or one half, or more of all meetings held during one calendar year, the remaining members of the multiple member body may by vote petition the appointing authority to remove such person in accordance with the procedures established in Section 7-11.

Section 7-9 Procedure Governing Multiple Member Bodies

- (a) **Meetings** - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly. All meeting of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.

³³Meetings, other than emergency meetings under the Massachusetts Open Meeting Law, shall be called either by the chair of the multiple member body, or, in the absence or failure of the chair, either by persons so authorized by the multiple member body to call such meetings or by one- third of the members of the multiple member body. At least 48 hours advance notice to all members of the multiple member body shall be required for any non-emergency meetings called.

- ~~(a)~~(b) **Rules and Minutes** - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of

its meetings for members of the public who are present to ask questions, state opinions and exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes shall be a public record.

~~(b)~~(c) **Voting** - If requested by any member, any vote of a multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.

~~(e)~~(d) **Quorum** - A majority of the full membership of a multiple member body shall constitute a quorum. A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.

~~(d)~~(e) **Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of ninety days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

Section 7-10 ³⁴**Notice of Vacancies**

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. Except as provided below, the requirement for public notice for appointed positions under this subsection shall apply to the expiration of appointed terms whether or not a vacancy has occurred or is anticipated. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

Except as provided below, the requirement for public notice for appointed positions under this subsection shall apply to the expiration of appointed terms whether or not a vacancy has occurred or is anticipated.

Section 7-11 **Removals and Suspensions**

³⁴ Amendment U

Any appointed officer or employee of the town, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority in accordance with the procedure set forth below. Provided, however, that said procedure shall not apply to those officers and employees for whom general law or the terms of a collective bargaining agreement supersede these provisions, and further provided that this section shall not apply to employees on probationary status.

The appointing authority when acting to remove or to suspend any appointed officer or town employee, shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefor, shall be delivered in hand to the officer or employee, or mailed by registered or certified mail to his last known address.
- (b) Within five days following delivery of the said notice, the officer or employee may request a public hearing by submitting, in writing, a request therefor to the appointing authority, and by filing a copy of said request in the office of the town clerk.
- (c) The appointing authority shall hold a public hearing not less than seven nor more than fourteen days following the date of receipt of a request therefore, and shall give not less than five days written notice of such public hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the public hearing.
- (d) Not more than fourteen days following the public hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

Article 25 Amendments – FATM 2023

Amendment	Description
A	Change title of “town administrator” to “town manager” wherever used in the Charter.
B	Amends Charter Sections 2-6(c) & 2-6(d) → Vacancies
C	Changes Charter Section 2-12 → Proceedings of Town Meetings
D	Changes Charter Section 2-11 → Town Meeting Warrants
E	Changes Charter Section 2-10 → Representatives of Town Agencies
F	Changes Charter Section 3-1(d)(8) → Application of State Laws
G	Changes Charter Section 3-1(f) → Coordination
H	Changes Charter Section 3-12(b) → Recreation and Parks Commission
I	Changes Charter Section 3-10(c) → Town Moderator Appointment Powers
J	Changes Charter Section 3-2(b) → Select Board Powers and Duties
K	Changes Charter Section 4-4 → Removal and Suspension
L	Changes Charter Sections 4-1(a), (b), (c) → Town Manager Appointment (term of office) Performance Review and Restriction on Other Activities
M	Changes Charter 4-2, Section 4-3(a), (b) and (c), and Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6, and Section 5-8. → Town Manager powers and duties, Acting Town Manager, (5) mostly changes from administrator to manager title.
N	Changes Charter Section 6-1(a)(b) → Organization of Town Agencies, adds “Other Reorganizations”
O	Changes Charter Section 6-3 & 6-4 → Removes Comptroller, Treasurer/Collector, Assistant Treasurer Collector from charter (will be inserted into bylaws)
P	Changes Charter Section 3-2(c) & Sections 6-5(a), (b), & (c) are deleted and replaced. New Charter Section 6-3 & 6-4 inserted. → Select Board Appointment powers; additional appointments by the Select Board, Approval of Appointments made by the town manager, additional appointments by the Town Manager, Town Clerk
R	Changes Charter Section 7-5 → Number and Gender
S	Changes Charter Section 7-7(c) Definitions → local newspaper
T	Changes Charter Section 7-9(a) → Procedure Governing Multiple Bodies
U	Changes Charter Section 7-10 → Notice of Vacancies

**TOWN OF NATICK
HOME RULE
CHARTER**

Revised Edition

April 2023

TABLE OF CONTENTS

Article	Title	Page
1	Incorporation of Powers	1-1
2	Legislative Branch	2-1
3	Elected Officers	3-1
4	Town Administrator	4-1
5	Fiscal Procedures	5-1
6	Administrative Organization	6-1
7	General Provisions	7-1

ARTICLE 1

INCORPORATION AND POWERS

Section 1-1 Incorporation

The inhabitants of the Town of Natick, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Natick".

Section 1-2 Short Title

This instrument shall be known and may be cited as the Natick Home Rule Charter.

Section 1-3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Select Board. The legislative powers of the town shall be exercised by a representative town meeting.

Section 1-4 Powers of the Town; Intent of Voters

It is the intent and purpose of the voters of Natick, through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

The powers of the town under the charter shall be construed liberally in favor of the town and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Section 1-4, above.

Section 1-6 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

The Select Board shall divide the town into convenient voting precincts in accordance with, but not limited to, Sections 6, 7, and 8 of Chapter 54 of the General Laws. The boundaries of the precincts shall be reviewed and wholly or partly revised by the Select Board every ten years, in accordance with Section 6 of Chapter 54 of the General Laws.

Section 2-4 Candidates

- (a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.
- (b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the town clerk at least thirty-five days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for two years; and the remaining third in such order shall serve for one year from the date of the annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms

any vacancies then existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

- (a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.
- (b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.
- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The town clerk shall make appointments in accordance with the ordering of names on the lists. If necessary to resolve ties, the town clerk shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the town clerk shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The town clerk shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The town clerk or the town clerk's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** - A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending, he shall designate a deputy to attend in his place. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote.
- (b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.
- (c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have

a right to speak, but shall have no right to make motions or to vote. For the purposes of this subsection the term “taxpayers” shall mean those taxpayers owning real property interests and/or personal property which are subject to valuation and assessment by the Town Assessor and the payment of such assessed taxes to the Town Treasurer Collector.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the Select Board which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **Initiation of Articles** - The Select Board shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.
- (c) **Time Requirements** - The Select Board shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the Select Board shall decide it is necessary to call a special town meeting it shall, by publication in a local newspaper or by such other notice as is reasonably determined to reach and inform the citizens of the Town, give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the Select Board prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.
- (d) **Publication and Posting** - Within five days following the date the warrant for any town meeting shall close, the Select Board shall cause copies of the full text of the warrant articles for such meeting to be provided to the town clerk, the town moderator, the Chair of the Finance Committee, and to such other persons as may be designated by by-law. Within ten days after the Select Board has attested the warrant, the Select Board shall cause copies of said attested warrant to be posted on the town bulletin board and as designated by by-law. Copies of the warrant articles shall be made available for general distribution in the office of the Town Clerk.
- (e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of

warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

- (a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the Select Board may, in their sole discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.
- (b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.
- (c) **Quorum** - Ninety-one town meeting members shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.
- (d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.
- (e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

- (a) **Effective Date of Final Votes** - No final vote of the representative town meeting to approve or reject an affirmative main motion under a warrant article, but not including appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by

preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting.

- (b) **Subsidiary Motions** - The affirmative main motion subject to referendum shall be the final form of the motion as modified by any amendments adopted. Whenever a subsidiary motion to lay upon the table, to refer or to postpone indefinitely is applied to the affirmative main motion and is voted by the representative town meeting, the affirmative main motion shall be deemed to have been rejected.
- (c) **Petition** - If a petition is filed with the Select Board requesting that any question as voted by the representative town meeting be referred to the voters for final determination, then the operation of such vote shall be suspended pending its determination by the voters; provided, however, that such petition must be filed within seven days after dissolution of said town meeting, and further provided that such petition must bear the signatures, as well as the names and addresses, of not less than five percent of the total number of registered voters as of the date of the most recent town election. Within ten days following the filing of such petition, the Select Board shall call a special election for submission of such question or questions to the voters for final determination. The Select Board shall fix the date of said special election not less than thirty-five days and nor more than sixty days after the date the petition was filed.
- (d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.
- (e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.

ARTICLE 3

ELECTED OFFICERS

Section 3-1 In General

- (a) **Elective Offices** - The offices to be filled by the voters shall be a Select Board, a School Committee, a Board of Assessors, a Town Clerk, Constables, a Board of Health, Trustees of the Morse Institute, a Town Moderator, a Planning Board, and a Recreation and Parks Commission. In addition, members of a housing authority and representatives to such other regional authorities or districts as may be established by law or interlocal agreement may also be filled by the voters.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office, provided, however, no person shall simultaneously hold more than one elected town office as defined in this section.
- (c) **Town Election** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) **Preliminary Elections**
 - (1) **Candidates** - Any person who is qualified to vote in the town of Natick may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided that he shall file nomination papers provided by the town clerk containing twenty-five signatures certified as voters of the town.
 - (2) **Date of Preliminary Election** - The preliminary election shall be held twenty-eight days preceding every regular or special town election.
 - (3) **Elections to be Nonpartisan** - No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.
 - (4) **Filing of Nomination Papers** - Nomination papers must be filed with the town clerk not later than five o'clock in the afternoon of the thirty-fifth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed with the clerk.
 - (5) **Determination of the Candidates for Election** - The election officers shall immediately upon the closing of the polls at the preliminary election count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof, and post the same in five conspicuous places in the town.

- (6) **Number of Candidates to be Chosen** - The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

- (7) **Conditions Making Preliminary Election Unnecessary** - If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

- (8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick.

- (e) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.

- (f) **Coordination** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the Select Board or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

- (g) **Filling of Vacancies**

- (1) **Town Officer** - If there is a failure to elect, or if a vacancy occurs in any town office, the Select Board members shall, in writing, appoint a person to fill such vacancy until the next town election.

If there is a failure to elect or if a vacancy occurs in the office of town moderator, the representative town meeting members, at the next session of any town meeting following such vacancy, by a majority vote of those present and voting on a motion to elect a particular person as town moderator, shall fill such vacancy until the next town election. Until town meeting fills such vacancy the town clerk shall serve as temporary presiding officer of such body.

- (2) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the Select Board and unless under the terms of a will or other trust some other provision is made, the remaining members shall give written notice of the existence of any such vacancy to the Select Board, who, with the remaining members or member of such board shall, after one week's notice, fill such vacancy by ballot.
- (3) **Select Board** - If there is a failure to elect or if a vacancy occurs in the office of Select Board, the remaining Select Board members may call a special election to fill the vacancy and shall call such special election upon the request, in writing, of two hundred registered voters of the town.

(h) **Recall**

- (1) **Application** - With the exception of town meeting members and trustees of the Morse Institute, any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from office by the voters, in the manner provided in this section.
- (2) **Recall Petitions** - One hundred and fifty or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on such petitions shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town meeting members.

If the said petition is found to be valid, the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Select Board; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote as of the date of the most recent town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall, within five days thereafter, certify thereon the number of signatures which are the names of voters.

- (3) **Recall Elections** - If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the Select Board. Upon its receipt of the certified petition, the Select Board shall forthwith give notice, in writing, of said

petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the Select Board shall order a special election to be held not less than thirty-five nor more than sixty days after the date of certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

- (4) **Nomination of Candidates** - An officer whose recall is sought may not be a candidate to succeed himself in the event the vote on the question of recall is in the affirmative. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be not less than fifty; no preliminary election shall be held. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the general laws regulating elections.
- (5) **Propositions on the Ballot** - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of
(Name of officer)
Against the recall of
(Name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall, and provided at least twenty per cent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

- (6) **Officeholder** - The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as provided in section (7) below.
- (7) **Repeat of Recall Petition** - No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 3-2 Select Board

- (a) **Composition, Term of Office** - There shall be a Select Board consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall

serve as the chief policy making agency of the town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the town into harmony. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town administrator as provided in Article 4.

- (c) **Appointment Powers** - Subject to the provisions of Article 6, the Select Board shall appoint a town administrator for a term of not less than three nor more than five years; a town comptroller for a term of three years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; a town counsel for a term of one year; a director of veterans' services; a police chief; and a fire chief.

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

- (d) **Licensing Authority** - The Select Board shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all such businesses for which it issues any licenses.
- (e) **Renamed Executive Board** - The Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duty and responsibilities vested in a Select Board by any votes of the Town and the laws of the Commonwealth, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Natick.

Section 3-3 School Committee

- (a) **Composition, Term of Office** - There shall be a school committee consisting of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties which are given to school committees by general laws and it shall have such additional powers and duties as

may be authorized by the charter, by by-law, or by other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:

- (i) to appoint a superintendent of the schools and all other personnel permitted by law connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.
- (ii) to make all reasonable rules and regulations consistent with law for the administration and management of the public school system and for the conduct of its own business and affairs.

Section 3-4 Board of Assessors

- (a) **Composition, Term of Office** - There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of assessors shall annually make a fair valuation of all property, both real and personal, within the town. It shall determine, based on such valuation and such sums as may be authorized to be expended by vote of the town meeting, and consideration of other income and expenses of the town, annually the rate of taxation to apply to property within the town. The board of assessors shall have all of the powers and duties which are given to boards of assessors by general laws and it shall have such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-5 deleted (ATE March 2023)

Section 3-6 Constables

- (a) **Number, Term of Office** - There shall be six constables elected for terms of three years each.
- (b) **Powers and Duties** - Constables may serve such civil writs and processes as are authorized by law. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting profane swearing and gaming. They shall serve all warrants and other processes directed to them by the Select Board of the town for notifying town meetings, or for other purposes.

Section 3-7 Board of Health

- (a) **Composition, Term of Office** - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** - The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health and for the enforcement of state laws and the state sanitary code in matters affecting the public health. The board of health shall have all of the powers and duties which are given to boards of health by general laws, and such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-8 is deleted.

Section 3-9 Trustees, Morse Institute

- (a) **Composition, Term of Office** - There shall be a board of trustees of the Morse Institute consisting of five members elected for terms of five years each, so arranged that all of the terms of office of members shall expire at the same time.
- (b) **Vacancies** - In case a vacancy shall happen in said board by reason of the resignation or death of any of its members, or of their removal from the town, it shall be filled at the next annual town election, and until such vacancy is filled, the remaining members shall have and exercise all the powers of the full board.
- (c) **Powers and Duties** - The board of trustees of the Morse Institute shall have exclusive control of the said Institute. The trustees shall have all of the other powers and duties as are provided to them under the will of Mary Ann Morse, who died July 1, 1862.

Section 3-10 Town Moderator

- (a) **Term of Office** - There shall be a town moderator elected for a term of three years.
- (b) **Powers and Duties** - The town moderator shall be the presiding officer of the representative town meeting, as provided in Section 2-8, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

Section 3-11 Planning Board

- (a) **Composition, Term of Office** - There shall be a planning board consisting of five members elected for terms of five years each, so arranged that the term of one member shall expire each year. There shall be one associate member of the planning board elected for a term of five years and having such duties and powers as permitted by general laws, special laws, the charter or the by-laws.

- (b) **Powers and Duties** - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The planning board shall have all of the other powers and duties planning boards are given by general laws, special laws, the charter or the zoning by-laws.

The planning board shall make recommendations to the representative town meeting on all matters affecting land use and development and estimates of their costs. The planning board shall have all of the other powers and duties planning boards are given by general laws.

Section 3-12 Recreation and Parks Commission

- (a) **Composition, Term of Office** - There shall be a recreation and parks commission consisting of nine members: 5 members, elected at large and 4 members appointed by the Select Board. Elected members shall serve a three-year term so arranged so that over a three-year period the terms of two members shall expire in the first year, the terms of two other members shall expire in the second year and the term of the fifth member shall expire in the third year. Appointed members shall serve a two-year term so arranged so that an equal number of terms shall expire each year.
- (b) **Powers and Duties** - The recreation and parks commission shall advise the town administrator and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

Section 3-13 deleted.

Section 3-14 Natick Housing Authority

- (a) **Composition, Term of Office** - There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. These members shall be elected or appointed in accordance with the provisions of M.G.L.c.121B and the regulations promulgated thereunder.
- (b) **Powers and Duties** - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

Sections 3-15 and 3-16 deleted.

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall appoint a town administrator to serve for a term of not less than three nor more than five years, provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town administrator from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town administrator shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town administrator.
- (b) **Review of Performance** - The Select Board shall annually provide for a review of the job performance of the town administrator which shall, at least in summary form, be a public record.
- (c) **Restriction on Other Activities** - The town administrator shall devote his full time to the duties of his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, in writing, by the Select Board.

Section 4-2 Powers and Duties

The town administrator shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under his charge by or under the charter and by-laws. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- 1) He shall supervise, direct and be responsible for the efficient administration of all functions placed under his control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by him and their respective department.
- 2) He shall coordinate the activities of all town agencies under his control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) He shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies

directly elected by the voters of Natick. Copies of all proposed appointments of the town administrator shall be posted forthwith on the town bulletin board. Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) He shall, in conjunction with a personnel board established by by-law, be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. He shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.
- 5) He shall attend all regular and special meetings of the Select Board, unless excused at his own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) He shall attend all sessions of the representative town meeting and shall answer all questions addressed to him related to warrant articles and which are related to matters under his general supervision.
- 7) He shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement by him or by officers or employees subject to his general supervision and direction, are faithfully carried out, performed and enforced.
- 8) He shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
- 9) He shall keep the Select Board fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the Select Board and to other elected and appointive officers as he may deem to be necessary or desirable.
- 10) He shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) He shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. He shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) He may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under his general supervision.

- 13) He shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept consistent with Generally Accepted Accounting Principles, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies.
- 14) He shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. He shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department. He shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.
- 16) He may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under his general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) He shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) He may authorize any subordinate officer or employee to exercise any power or duty which he is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be his acts.
- 19) He shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Section 4-3 Acting Town Administrator

- (a) **Temporary Absence** - The town administrator shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of his office during his temporary absence. During the temporary absence of the town administrator, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town administrator until the town administrator shall return and assume his duties.

- (b) **Vacancy** - Any vacancy in the office of town administrator shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.
- (c) **Powers and Duties** - The powers of a temporary or acting town administrator, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town administrator, only an acting appointment or designation may be made.

Section 4-4 Removal and Suspension

The Select Board, by a two-thirds vote taken with the full board present, may terminate the town administrator from his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town administrator shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests in writing, he shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which his dismissal is proposed; nor unless, if he so requests in writing, he has been given a hearing before the Select Board which may be either public or private at the option of the town administrator, and at which he may be represented by counsel, present evidence, and call witnesses to testify in his behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town administrator shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town administrator may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town administrator shall continue to receive his full salary until thirty days following the date a final vote of removal has become effective.

ARTICLE 5

FISCAL PROCEDURES

Section 5-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5-2 School Department Budget

- (a) **Submission to Town Administrator** - The superintendent of schools' proposed budget shall be submitted to the town administrator in sufficient time to enable him to consider its effect on the total town budget he is required to submit under this article.
- (b) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of the proposed budget. This notice shall also indicate the times and places at which copies of the proposed budget are available for public examination, and the date, time and place, not less than seven days following such publication, when a public hearing will be held by the school committee on the proposed budget.

Section 5-3 Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town administrator shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. He shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town administrator shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto

- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town administrator deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town administrator's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town administrator's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town administrator deems desirable, or as the Select Board may require. In his presentation of the preliminary budget, the town administrator shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town Administrator's Preliminary Budget

- (a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.
- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town administrator, or any other town agency, to furnish it with such

additional information as it may deem necessary to assist it in its review of any submitted budget.

- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-7 Budgets for the Current Fiscal Year

The representative Town Meeting may, by By-Law, require an updated budget message and certain information to be provided in connection with annual operating and/or capital expenditures budgets for a current fiscal year at Spring Annual Town Meeting, Fall Annual Town Meeting and for any special town meeting which deals with fiscal or budgetary matters.

Section 5-8 Capital Improvement Program

The town administrator shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6-1 **Organization of Town Agencies**

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency.
- (b) **Administrative Code** - The town administrator, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town administrator prepares such a plan he shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town administrator shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan.

Section 6-2 **Table of Organization**

The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the school committee.

Section 6-3 **Office of the Comptroller**

- (a) **Appointment; Qualifications; Term of Office** - There shall be a comptroller, appointed by the Select Board. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by-law, from time to time, establish such additional qualifications for the office as seem necessary or desirable; provided, however, no

change in such by-law shall apply to the incumbent of the office at the time such by-law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three-year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the Select Board for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.

(b) **Powers and Duties** - The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:

- (1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, Select Board and the town agencies affected.
- (2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that, when approved by the Select Board, shall be binding upon all town agencies and employees.
- (3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.
- (4) Prior to submitting any warrant to the Select Board he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Select Board and town treasurer a written report of the reasons for his findings.
- (5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(c) **Vacancy** - If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the Select Board may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the Select Board and filed in the office of the town clerk.

- (d) **Assistant Comptroller** - The comptroller with the approval of a majority of the Select Board, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.

Section 6-4 Town Treasurer - Collector

- (a) **Appointment; Qualifications; Term of Office** - There shall be a town treasurer-collector appointed by the Town Administrator subject to confirmation of the Select Board for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.

(b) Powers and Duties

Treasurer:

- (1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.
- (2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.
- (3) The treasurer is responsible to make provisions for adequate funds to cover current obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.
- (4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.
- (5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.
- (6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Select Board.
- (7) The treasurer must give a bond annually for the faithful performance of required duties.
- (8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.

Collector:

- (1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A, and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal

means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.

- (2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.
- (3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.
- (4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.
- (c) **Vacancy** - If the treasurer-collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer-collector to hold such office and exercise the powers and perform the duties of the treasurer-collector until the treasurer-collector who is disabled or absent resumes his duties, or until another treasurer-collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Select Board and the office of the Town Clerk.
- (d) **Assistant Treasurer-Collector** - The treasurer-collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer-collector is appointed, the assistant may, in the absence of the treasurer-collector, perform the duties of the treasurer-collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer-collector.

Section 6-5 Town Clerk

- (a) **Appointment and Qualifications** - There shall be a town clerk appointed by the Town Administrator for a term of three years, subject to confirmation by the Select Board. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) **Powers and Duties** - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to him for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and he shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town Administrator.
- (c) **Vacancy** - If the town clerk is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town

Administrator may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes his duties, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Select Board and the office of the Town Clerk.

ARTICLE 7

GENERAL PROVISIONS

Section 7-1 Charter Changes

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statute enacted in accordance with the state constitution.

Section 7-2 Severability

The provisions of the charter are severable. If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-3 Specific Provisions to Prevail

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 7-4 Rules and Regulations

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and made available for review by any person who shall request such information.

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender shall include the feminine gender.

Section 7-6 Periodic Review, Charter and By-Laws

- (a) **Establishment of Committee** - The town meeting shall provide for the establishment of a special committee to be appointed by the Moderator, unless otherwise directed by vote of town meeting. Said committee shall review the provisions of the charter and the by-laws and shall make a report, with recommendations, to the town meeting, concerning any proposed amendments or revisions, which said committee may deem to be necessary or desirable.

The town meeting shall establish the committee at least within five years of the time the previous committee was dissolved and, at any time, may vote to extend the term of the committee or the time by which the committee is required to submit a report.

- (b) **Review Procedures** - The committee shall conduct its review with the assistance of town counsel or, if the town meeting so directs, special counsel retained for that purpose. A report, with recommendations, shall be submitted to the town meeting not more than ten months following the date such committee is appointed or as otherwise provided by town meeting vote.

- (c) **Copies of Charter and By-Laws** - Copies of the charter and by-laws of the town, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the town clerk. A charge, not to exceed the actual cost of reproduction of said material, may be charged. In an interval between publication of the charter or by-laws, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or by-laws since last published in consolidated form.

Section 7-7 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) **Days** - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) **General Laws** - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently enacted.
- (e) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation in the town of Natick.
- (f) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules.
- (g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting.
- (h) **Town** - The word "town" shall mean the town of Natick.
- (i) **Town Agency** - The words "town agency" shall mean any board, commission, committee or other multiple member body, department, division, or office of the town of Natick.
- (j) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which official notices are posted, and those at such other locations within the town which may, from time to time, be established by the Select Board.
- (k) **Voters** - The word "voters" shall mean persons who are registered to vote in the town of Natick.

Section 7-8 Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or one half, or more of all meetings held during one calendar year, the remaining members of the multiple member body may by vote petition the appointing authority to remove such person in accordance with the procedures established in Section 7-11.

Section 7-9 Procedure Governing Multiple Member Bodies

- (a) **Meetings** - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly. All meeting of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.
- (b) **Rules and Minutes** - Each multiple member body shall determine its own rules and order of business, unless otherwise provided by the charter or by law, provided, however, that each multiple member body shall provide some period of time at each of its meetings for members of the public who are present to ask questions, state opinions and exchange information with the members of the multiple member body. Each multiple member body shall also provide for the keeping of minutes of its proceedings. These rules and the minutes shall be a public record.
- (c) **Voting** - If requested by any member, any vote of a multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.
- (d) **Quorum** - A majority of the full membership of a multiple member body shall constitute a quorum. A quorum is required for a meeting to be held. If a quorum is not present at a scheduled meeting, the meeting may only be adjourned. While a quorum is present, unless another provision is made by law or by its own rules, all business shall be determined by a majority of those present and voting.
- (e) **Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of ninety days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

Section 7-10 Notice of Vacancies

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such

posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

Section 7-11 Removals and Suspensions

Any appointed officer or employee of the town, whether appointed for a fixed or an indefinite term, may be suspended or removed from his duties by the appointing authority in accordance with the procedure set forth below. Provided, however, that said procedure shall not apply to those officers and employees for whom general law or the terms of a collective bargaining agreement supersede these provisions, and further provided that this section shall not apply to employees on probationary status.

The appointing authority when acting to remove or to suspend any appointed officer or town employee, shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove or to suspend and a statement of the cause or causes therefor, shall be delivered in hand to the officer or employee, or mailed by registered or certified mail to his last known address.
- (b) Within five days following delivery of the said notice, the officer or employee may request a public hearing by submitting, in writing, a request therefor to the appointing authority, and by filing a copy of said request in the office of the town clerk.
- (c) The appointing authority shall hold a public hearing not less than seven nor more than fourteen days following the date of receipt of a request therefore, and shall give not less than five days written notice of such public hearing to the officer or employee affected. The officer or employee shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the public hearing.
- (d) Not more than fourteen days following the public hearing, or not more than fourteen days following the delivery of the original notice of intent if no public hearing has been requested, the appointing authority shall take final action on the removal or suspension and shall, forthwith, notify the officer or employee of the removal or suspension, or that the notice of intent has been rescinded.

TOWN OF NATICK

HOME RULE CHARTER

APPENDICES

Appendix	Title*	Page
A	List of Charter Amendments by Number	A-1
B	List of Charter Amendments by Section	B-1

* Explanation of abbreviations is as follows:

Art., s. = Charter article and section

ATM, Art. = Annual Town Meeting date and warrant article

STM, Art. = Special Town Meeting date and warrant article

APPENDIX A: LIST OF CHARTER AMENDMENTS BY NUMBER

No.	Charter Reference	Town Meeting Approval	Voter Acceptance
1	Art. 2, s. 2-1; s. 2-3; s. 2-4; s. 2-5; s. 2-6; s. 2-11; Art. 3, s. 3-1; s. 3-15	ATM 4/12/88, Art. 37	3/27/89
2	Art. 3, s. 3-12	STM 4/5/90, Art. 12	3/25/91
3	Art. 2, s. 2-11; Art. 3, s. 3-1; s. 3-8; s. 3-12; s. 3-15; s. 3-16	ATM 10/8/92, Art. 25	3/29/93
4	Art. 7, s. 7-9	ATM 10/8/92, Art. 26	3/29/93
5	Art. 2, s. 2-11	ATM 10/12/95, Art. 28	3/26/96
6	Art. 3, s. 3-2	ATM 10/12/95, Art. 29	3/26/96
7	Art. 3, s. 3-3	ATM 10/12/95, Art. 30	3/26/96
8	Art. 3, s. 3-11	ATM 10/12/95, Art. 31	3/26/96
9	Art. 4, s. 4-1; s. 4-2	ATM 10/12/95, Art. 32	3/26/96
10	Art. 7, s. 7-9	ATM 10/12/95, Art. 33	3/26/96
11	Art. 7, s. 7-12	ATM 10/12/95, Art. 35	3/26/96
12	Art. 8	ATM 10/12/95, Art. 34	3/26/96
13	Art. 3, s. 3-2	ATM 10/12/95, Art. 36	3/26/96
14	Art. 2, s. 2-6	ATM 10/14/99, Art. 33	3/28/00
15	Art. 7, s. 7-6	ATM 10/14/99, Art. 34	3/28/00
16	Art. 3, s. 3-1; s. 3-13; Art. 6, s. 6-4	STM 4/25/00, Art.1	3/27/01
17	Art. 2, s. 2-5	ATM 10/2/01, Art. 19	3/26/02
18	Art. 2, s. 2-6	ATM 10/4/01, Art. 20	3/26/02
19	Art. 7, s. 7-6	ATM 10/4/01, Art. 21	3/26/02
20	Art. 2, s. 2-3; s. 2-4; Art. 3, s. 3-1	ATM 10/15/02, Art. 24	3/25/03
21	Art. 4, s. 4-1; s. 4-2; Art. 7, s. 7-12	ATM 10/17/02, Art. 33	3/25/03

APPENDIX A: LIST OF CHARTER AMENDMENTS BY NUMBER

No.	Charter Reference	Town Meeting Approval	Voter Acceptance
22	Art. 3, s. 3-2; s. 3-6; s. 3-9; Art. 6, s. 6-4	ATM 10/17/02, Art. 34	3/25/03
23	Art. 4, s. 4-3	ATM 10/17/02, Art. 35	3/25/03
24	Art. 3, s. 3-1; s. 3-12	ATM 10/22/02, Art. 39	3/25/03
25	Art. 2, s.2-13	ATM 10/21/04, Art. 23	3/29/05
26	Art 3, s.3-1-g	ATM 10/23/07, Art. 20	3/25/08
27	Art 2, s. 2-3; 2-6 (d); 2-13 (c)	ATM 10/27/09, Art. 24, Motions A and C	3/30/10
28	Art 4, s. 4-2 and s. 4-2 13), 15), 17), 18), and 19); s. 4-3 (b)	ATM 10/29/09, Art. 26	3/30/10
29	Art 5, s. 5-2 and s. 5-2 (a) and (b); s. 5-3, s. 5-4, s. 5-5; s. 5-6 and s. 5-6 (a) and (b)	ATM 10/29/09, Art. 27	3/30/10
30	Art 6, s. 6-3 (b) (5); s. 6-4 (1), (2) and (4)	ATM 11/3/09, Art. 28	3/30/10
31	Art. 2, s. 2-11(d)	ATM 4/27/10, Art. 26	3/29/11
32	Art. 4, s. 4-2(8)	ATM 4/27/10, Art. 27	3/29/11
33	Art. 5, s. 5-2(b); s. 5-5; s. 5-6(b)	ATM 4/27/10, Art. 28	3/29/11
34	Art. 2, s. 2-6 (c, d)	ATM 10/25/11, Art. 20	3/27/12
35	Art. 2, s. 2-3	ATM 10/25/11, Art. 21	3/27/12
36	Art. 5, s 5-6(a)	ATM 10/25/11, Art. 22	3/27/12
37	Art. 3, s 3-2 (c)	ATM 4/26/12, Art. 31	4/9/13
38	Art. 3, s 3-2 (c)	ATM 4/26/12, Art. 32	4/9/13
39	Art. 2, s 3, s 11 (c) and (d), s 13 (c)	ATM, 11/2/17, Art. 32	3/27/18
40	Art. 3, s 2 (c), s 12 (b)	ATM, 11/7/17, Art. 33	3/27/18
41	Art. 4, s 2 (4), (14)	ATM, 11/7/17, Art. 34	3/27/18
42	Art. 7 s 9 (a), (b), (c), (d), (e); s 10, and s 11	ATM 11/7/17, Art. 35	3/27/18
43	Art. 2, s 11(b)	ATM, 10/30/18, Art. 29	3/26/19
44	Art. 2, s. 10-c	ATM, 11/14/19, Art 36	6/30/20

APPENDIX A: LIST OF CHARTER AMENDMENTS BY NUMBER

No.	Charter Reference	Town Meeting Approval	Voter Acceptance
45	All Charter articles: Change Board of Selectmen to Select Board and change Selectman/Selectmen to Select Board member(s). Additionally, Art. 2, s. 2-11(d) and Art. 3, s.3-2(e).	ATM, 11/14/19, Art 40	6/30/20
46	Art. 5, s. 5-4, 5-7, 5-8	ATM, 11/1/20, Art. 24	3/30/21
47	Art. 3, s. 3-14 (a)	FATM 11/2/21, Art. 34	3/29/22
48	Art. 3, s. 3-1 (a); 3-5 and Art.6, s. 6-5	FATM 10/25/22, Art. 16	3/28/23

APPENDIX B: LIST OF CHARTER AMENDMENTS BY SECTION

Charter Reference		Action	No.	Town Meeting Approval	Voter Acceptance
All Articles	All sections	Text amended. Board of Selectmen amended to Select Board, Selectman/Selectmen amended to Select Board member(s).	45	ATM, 11/14/19, Art 40	6/30/20
Art. 2	s. 2-1	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
Art. 2	s. 2-3	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Text amended	20	ATM 10/15/02, Art. 24	3/25/03
		Text amended	27	ATM 10/27/09, Art. 24	3/30/10
		Text amended	35	ATM 10/25/11, Art. 21	3/27/12
		Text amended	39	ATM, 11/2/17, Art. 32	3/27/18
Art. 2	s. 2-4	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Text amended	20	ATM 10/15/02, Art. 24	3/25/03
Art. 2	s. 2-5	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Text amended	17	ATM 10/2/01, Art. 19	3/26/02
Art. 2	s. 2-6	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Paragraph replaced	14	ATM 10/14/99, Art. 33	3/28/00
		Text amended	18	ATM 10/4/01, Art. 20	3/26/02
		Text amended	27	ATM 10/27/09, Art. 24	3/30/10
		Text amended, paragraph added	34	ATM 10/25/11, Art. 20	3/27/12
Art. 2	s. 10-c	Text amended, sentence added	44	ATM, 11/14/19, Art 36	6/30/20
Art. 2	s. 2-11	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Sentence deleted	3	ATM 10/8/92, Art. 25	3/29/93
		Sentence added	5	ATM 10/12/95, Art. 28	3/26/96
		Text amended	31	ATM 4/27/10, Art. 26	3/29/11
		Text amended	39	ATM, 11/2/17, Art. 32	3/27/18
		Text amended	40	ATM, 10/30/18. Art.29	3/26/19
Art. 2	s. 2-13	Text amended	27	ATM 10/27/09, Art. 24	3/30/10
		Text amended	39	ATM, 11/2/17, Art. 32	3/27/18
Art. 2	s. 2-11	Text amended	45	ATM, 11/14/19, Art 40	6/30/20
Art. 3	s. 3-1	Text amended	1	ATM 4/12/88, Art. 37	3/27/89
		Text amended	3	ATM 10/8/92, Art. 25	3/29/93
		Text amended	16	STM 4/25/00, Art. 1	3/27/01
		Text amended	20	ATM 10/15/02, Art. 24	3/25/03
		Text amended	24	ATM 10/22/02, Art. 39	3/25/03
		Text amended	26	ATM 10/23/07, Art. 20	3/25/08
		Text amended	45	ATM, 11/14/19, Art 40	6/30/20

APPENDIX B: LIST OF CHARTER AMENDMENTS BY SECTION

Charter Reference		Action	No.	Town Meeting Approval	Voter Acceptance
Art. 3	s. 3-1	Text amended	6	ATM 10/12/95, Art. 29	3/26/96
		Text amended	13	ATM 10/12/95, Art. 36	3/26/96
		Text amended	22	ATM 10/17/02, Art. 34	3/25/03
		Text amended	37	ATM 4/26/12, Art. 31	4/9/13
		Text amended	38	ATM 4/26/12, Art. 32	4/9/13
		Text amended	40	ATM 11/7/17, Art. 33	3/27/18
		Section added	45	ATM 11/14/19, Art. 40	6/30/20
		Text amended	48	ATM 10/25/22, Art. 16	3/28/23
Art. 3	s. 3-3	Text amended	7	ATM 10/12/95, Art. 30	3/26/96
Art. 3	s. 3-5	Text deleted	48	ATM 10/25/22	3/28/23
Art. 3	s. 3-6	Text amended	22	ATM 10/17/02, Art. 34	3/25/03
Art. 3	s. 3-8	Section deleted	3	ATM 10/8/92, Art. 25	3/29/93
Art. 3	s. 3-9	Text amended	22	ATM 10/17/02, Art. 34	3/25/03
Art. 3	s. 3-11	Sentence added; text amended	8	ATM 10/12/95, Art. 31	3/26/96
Art. 3	s. 3-12	Text amended	2	STM 4/5/90, Art. 12	3/25/91
		Text amended	3	ATM 10/8/92, Art. 25	3/29/93
		Text amended	24	ATM 10/22/02, Art. 39	3/25/03
		Text amended	40	ATM, 11/7/17, Art. 40	3/27/18
Art. 3	s. 3-13	Section deleted	16	STM 4/25/00, Art. 1	3/27/01
Art. 3	s. 3-14 (a)	Text amended	47	FATM 11/2/21, Art. 34	3/29/22
Art. 3	s. 3-15	Paragraphs deleted	1	ATM 4/12/88, Art. 37	3/27/89
		Section deleted	3	ATM 10/8/92, Art. 25	3/29/93
Art. 3	s. 3-16	Section deleted	3	ATM 10/8/92, Art. 25	3/29/93
Art. 4	s. 4-1	Section replaced	9	ATM 10/12/95, Art. 32	3/26/96
		Text amended	21	ATM 10/17/02, Art. 33	3/25/03
Art. 4	s. 4-2	Paragraph replaced	9	ATM 10/12/95, Art. 32	3/26/96
		Text amended	21	ATM 10/17/02, Art. 33	3/25/03
		Text amended, section added	28	ATM 10/29/09, Art. 26	3/30/10
		Text amended	32	ATM 4/27/10, Art. 27	3/29/11
		Text amended	41	ATM 11/7/17, Art. 34	3/27/18
Art. 4	s. 4-3	Text amended	23	ATM 10/17/02, Art. 35	3/25/03
		Text amended	28	ATM 10/29/09, Art. 26	3/30/10

APPENDIX B: LIST OF CHARTER AMENDMENTS BY SECTION

Charter Reference		Action	No.	Town Meeting Approval	Voter Acceptance
Art. 5	s. 5-2	Text amended	29	ATM 10/29/09, Art. 27	3/30/10
		Text amended	33	ATM 4/27/10, Art. 28	3/29/11
Art. 5	s. 5-3	Text amended	29	ATM 10/29/09, Art. 27	3/30/10
Art. 5	s. 5-4	Text deleted and added	29	ATM 10/29/09, Art. 27	3/30/10
		Text amended	46	ATM, 11/1/20, Art. 24	3/30/21
Art. 5	s. 5-5	Text amended	29	ATM 10/29/09, Art. 27	3/30/10
		Text amended	33	ATM 4/27/10, Art. 28	3/29/11
Art. 5	s. 5-6	Text amended	29	ATM 10/29/09, Art. 27	3/30/10
		Text amended	33	ATM 4/27/10, Art. 28	3/29/11
		Text amended	36	ATM 10/25/11, Art. 22	3/27/12
Art. 5	s. 5-7	Section added	46	ATM, 11/1/20, Art. 24	3/30/21
Art. 5	s. 5-8	Section renumbered	46	ATM, 11/1/20, Art. 24	3/30/21
Art. 6	s. 6-3	Text deleted	30	ATM 11/03/09, Art. 28	3/30/10
Art. 6	s. 6-4	Section added	16	STM 4/25/00, Art. 1	3/27/01
		Sentence deleted	22	ATM 10/17/02, Art. 34	3/25/03
		Text deleted and added	30	ATM 11/03/09, Art. 28	3/30/10
Art. 6	s. 6-5	Section added	48	ATM 10/25/22, Art. 16	3/28/23
Art. 7	s. 7-6	Paragraphs replaced	15	ATM 10/14/99, Art. 34	3/28/00
		Text amended	19	ATM 10/4/01, Art. 21	3/26/02
Art. 7	s. 7-9	Text amended	4	ATM 10/8/92, Art. 26	3/29/93
		Text amended	10	ATM 10/12/95, Art. 33	3/26/96
		Text amended	42	ATM 11/7/17, Art. 35	3/27/18
Art. 7	s. 7-10	Text amended	42	ATM 11/7/17, Art. 35	3/27/18
Art. 7	s. 7-11	Paragraph replaced	42	ATM 11/7/17, Art. 35	3/27/18
Art. 7	s. 7-12	Section added	11	ATM 10/12/95, Art. 35	3/26/96
		Section deleted	21	ATM 10/17/02, Art. 33	3/25/03
Art. 8		Article deleted	12	ATM 10/12/95, Art. 34	3/26/96

Article 25: Proposed Amendments A to U for the main motion

Amendment A – Global change of title of Town Administrator to Town Manager – all sections of the charter

Amendment B – Fill town meeting vacancies using an elected official [the moderator] instead of an appointed position, Town Clerk [requires the special act process]

Amendment C – adjust the town meeting quorum based on filled seats

Amendment D – Codify the practice of the Select Board to insert received articles into the Town Meeting Warrant and define multi member bodies who can submit warrant articles

Amendment E - Clarify the role of town department heads for participating in town meeting but not necessarily at every session

Amendment F - Add a clause within the preliminary elections section in the event rank choice voting is available in the future

Amendment G – clarify the Select Board role to call town agencies within the executive branch but exempt the Moderator & committees appointed by the Moderator

Amendment H – Clarify the advisory role of the Recreation and Parks Commission to advise both the Select Board and Town Manager

Amendment I – Provide for the Town Moderator to appoint a deputy moderator to preside over Town Meeting in the absence of the Moderator

Amendment J – Codifies the executive powers of the Select board as the policy making body of the town with decision making over parks, roads, water, sewer police, fire, finance

Amendment K – Change the procedure to remove or suspend a Town Manager [requires the special act process]

Amendment L – Provide flexibility to the Select Board in appointing the term of the Town Manager, outline areas to be considered in the review of the Town Manager [requires the special act process]

Amendment M – Update sections of the Charter dedicated to the powers and duties of the Town Manager; changes the term 'Town Administrator' to 'Town Manager'; removes gender references; Identifies appointments to be approved by the by the Select Board, updates inventor practices, updates the role of personnel board to advisory [some sections requires the special act process]

Amendment N – Allows the Town Manager to have more flexibility in creating, combining or abolishing town agencies with greater ease

Amendment O – Deletes the language in the Charter outlining the roles and responsibilities of town finance staff. Creates a transition provision until a bylaw is created to outline qualifications and job responsibilities.

Amendment P – Cleans up the Charter moving sections of Select Board appointments from one Charter Article to another and transfers some responsibilities of the Select Board to the Town Manager

Amendment R – Updates the Charter to be gender neutral

Amendment S – Update the definition of a local newspaper

Amendment T – Expand the opportunity for committees to function in the absence of the Chair

Amendment U – Expand the transparency of committee volunteer opportunities; when a committee term is expiring or vacant the opportunity is posted

Fall Annual Town Meeting 2023 Charter and Bylaw Review Committee Report

Submitted by:

Member Paul Griesmer, Chair

Member Saul Beaumont, Vice-Chair

Member Bill Proia, Secretary

Member Bob Awkward

Member Paul Connolly

Member Harriet Merkowitz

Member Chris Weithman

Associate Member Donna McKenzie

Table of Contents

Executive Summary	P3
Background	P3
Goals of the Committee work since Spring Annual Town Meeting [SATM].....	P4
Explanation of methods to amend a Charter	P4
Potential Charter changes requiring special act or charter commission.....	P5
Why the committee chose the Special Act process.....	P5
CBRC Learnings from Special Counsel.....	P5-6
Process and Activity Since SATM 2023.....	P7
High level summary of activities.....	P7-8
Open Meetings and Public Participation	P8
Actions Sought with FATM warrant articles	P8-11
Proposed Changes impacting town meeting categories Articles 25-26.....	P11-12
Changes impacting the Select Board and Town Manager – Article 25.....	P12
Miscellaneous Charter Changes to improve government efficiency	P12
Article 24 Committee report and request for extension of term	P12-13
Article 25 Main Motion and Amendments with supportive rationale	P13-20
Warrant Article 26 Bylaws with reasoning	P20
Post FATM process	P21
Text of the Final Main Motion and Special Act if all amendments pass	P22-36
Appendix I Resources	P37
Appendix II Analysis of Town Meeting Member Attendance.....	P38-39

Executive Summary

Article 7 of the Natick Home Rule Charter provides for the establishment of a Charter and Bylaw Review Committee [CBRC] every five years. The current committee, established in January 2023, began work in the spring with a deep dive into sections of the Charter that might need updates. The report to SATM outlined those areas.

Following spring town meeting, the committee outlined a process to hire a special counsel to advise their work and hired the firm of Brooks & DeRensis. During the process to evaluate legal firms, the committee learned that some portions of the proposed Charter changes must be completed by a Charter commission or by a special legislative act. Principal counsel, Paul DeRensis, has vast experience with a method to update the Charter called a special legislative act. He also has a history of working with the legislature to see these acts carried through and become law. The guidance received from special counsel led to article 25, one of the most comprehensive updates to the town Charter since it was first accepted by the voters in the late 1980's.

All the CBRC meetings were duly posted and open to the public. Meetings in September and October were recorded on Pegasus. The committee met with members of the public, the Town Moderator, the Select Board, and the finance committee.

In this report are high level summaries of our goals, process, and summary of the updates to the Charter and bylaws to strengthen our current form of government, improve the efficiency of town meeting, clarify the roles of the executive and legislative functions of town government and enhance the role of the town administrator, soon to be called the town manager. Charter updates impacting the Select Board and the town administration were written with their input.

In addition to this written report, the committee seeks to provide a verbal report at the town meeting and requests an extension until the Fall 2024 town meeting. This extension will allow the CBRC to complete work on the review and update of the town's bylaws.

This written report provides our reasoning for each motion to update the Charter and Bylaws. The final pages of the report outline what the main motion will look like if all amendments are adopted by the town meeting.

The Finance committee has provided strong support in favor of all the amendments [11-0 or 12-0] and gave the main motion a majority vote of support [8-3-1]. All motions have been vetted by both special counsel and town counsel. We respectfully request you vote affirmatively on Article 24, Article 26, and Article 25 with the twenty amendments that would create the legislation for the special act to amend the current Charter.

Background:

The Charter and Bylaw Review Committee [CBRC] has filed three warrant articles; Articles 24, 25 and 26 for Fall Annual Town Meeting [FATM]. The subject of the articles is to provide a report with recommendations to the Town Meeting, request an extension of the committee in until Fall Annual Town Meeting 2024 in Article 24; request changes to modernize the Current Charter under Article 25 and request changes to select Bylaws in Article 26. The CBRC's recommendation is to request the Town Meeting vote affirmatively on all matters in all three warrant articles.

Below are some of the major Town of Natick Charter changes over the past 20 years totaling forty-seven changes to update the Charter from 1989 to 2022.

- Use of the procedure of warrant article then presentation to the voters to change the Recreation and Parks Commission from an elected body to a combination of elected and appointed members.
- Use of a special act to move the Treasurer Collector position from elected to an appointed position.
- Use of a special act to increase the size of the Board of Selectmen from 3 to 5 members.
- Use of the procedure of warrant article then presentation to the voters for language edits in the Charter, to change the name of the Board of Selectmen to the Select Board.
- Using the procedure of warrant article then presentation to the voters to move the Town Clerk to an appointed position from an elected position.

Goal of the committee's work since Spring Annual Town Meeting: The CBRC looks to modernize the Charter, preserve, and improve the efficiency of Natick's current town government; clarify inconsistencies in the current Charter, improve the efficiency of Town Meeting and strengthen the role of the Town Administrator [TA]/Town Manager [TM]. Moving forward, this report will refer to the TA as TM as this executive position effectively has the title of TM. By Massachusetts statute, a town manager has the power to prepare the town budget and the power to appoint individuals to positions. In changing the language of this title in the Charter, the revised name describes the current position more accurately as well as making it more appealing to future candidates.

Explanation of the three ways to impact/amend/change or create a Charter:

- 1) One procedure is the standard method the Town of Natick has used to amend the Charter. Pass a warrant article at Town Meeting by two-thirds vote of Town Meeting representatives and then present to the voters in the following town spring election for adoption.
- 2) Special legislative Act warrant article approved by a majority vote of Town Meeting representatives. [Previously this procedure was referred to as a Home-Rule Petition]. Approval of the various amendments to the main motion turns the warrant article into the language of the legislation. Following the dissolution of the Town Meeting, when the Article has passed, the language of the act will be sent to the legislature before the end of calendar year. For Article 25 that is 2023. This timing places the proposed act on the Massachusetts general court docket for the following legislative session [2024]. Once approved by the house and senate and signed by the governor it becomes law. The legislation is written in such a way that Natick would then send the Charter changes for approval to the voters as a ballot question on the next local or special election. [The timing could be as early as the state Primary, September 2024 the federal election November 2024 or more likely spring 2025].
- 3) Charter Commission process: Signatures collected between now and December 2023. Fifteen [15] percent of Natick's registered voters [3,674 out of 24,497 active and inactive voters (as of October 17, 2023)] must sign a voter's petition and be qualified voters. Once signatures thresholds are met and signatures are approved, the question of forming the Charter Commission is placed on the next local ballot along with the opportunity to elect nine Charter Commissioners. If the Charter Commission is approved by the voters, and Commissioners are elected, the approximate timeline would be 16 months before an amended or new charter is submitted to the voters.

What potential Charter changes considered by the CBRC must acted upon by Special Act Legislation or Charter Commission? [These matters correspond to Article 25 amendments B, K, L, M and P.]

- Changing the size of Town Meeting – there is no motion to do this.
- Any procedures that impact the size method of election of the legislative body or the Select Board, including filling Town Meeting member vacancies.
- Term of Select Board or the composition of Select Board
- Method of appointment of Town Manager or term of Town Manager

Why did the committee choose a Special Act process?

The committee learned from the groups of attorneys seeking to become our Special Counsel of the potential benefit of a Special Legislative Act. Select portions of the changes the CBRC sought must be completed by a Charter Commission or Special Act as listed above. The CBRC subsequently learned that the use of the Special Act then becomes a comprehensive method to make the remaining Charter changes. Any future Charter changes, which would typically be submitted with use of warrant article and presentation to the votes, can continue to be used in the future, if additional changes in these sections of the Charter are sought in future years. Utilizing the special act process of changing the Charter allows for coordinated actions for all the Charter changes. The committee was advised that the process can be completed faster than a Charter Commission process. The final language will then be presented to the voters in an all or nothing vote so voters are not cherry picking the changes to the Charter. If this method were not utilized, Natick would present each warrant article change to the voters. This method, given the extensive changes proposed, could lead to certain Charter questions being rejected by the voters. This could also create unintended consequences within the Charter document.

This method also allows time for bringing forward future Bylaw changes, associated with the proposed Charter changes, to a future Town Meeting. This would allow updated Bylaws to be completed by the time and if the voters approve the Special Act.

Charter Commission	Special Act
Requires Extensive Voter Signatures	Requires a Town Meeting Warrant Article
9 Elected Commissioners Rewrite Proposed Charter	Warrant Article Sponsored for Town Meeting
Representative Town Meeting not involved	Representative Town Meeting Central to Process
No Finance Committee Review	Detailed Finance Committee Review required
Optional Fin Com Review on overall Yes/No	Detailed Fin Com Review of Everything
No Opportunity to Amend before Vote	Amendments possible [Fin Com or Town Meeting]
Changes not separately Considered	Town Meeting Considers Every change separately
Legislature not Involved	Legislature must approve and pass
Up or Down Vote by the Voters	Up or Down Vote by the Voters

What are some of the lessons learned during deliberations and in collaborating with Special Counsel?

- Natick was told by all firms seeking to be the Special Council that we have a strong Charter.
- Special act language creates a Charter that becomes gender neutral. This is a preference of the Massachusetts legislature.

- The current Town Administrator has the powers, as defined by statute, and is essentially a Town Manager.
- The state legislature can make editorial changes to the terms of the special act legislation.
- Some members of the Massachusetts legislature have strong opinions of matters such as local elections and rank choice voting. Avoiding controversial matters in the special act enhances the chances of the legislation passing and signed into law.
- City Council with a mayor, or Town Councils with a Town Manager, forms of government are not necessarily more efficient than Natick's current form of government.
- Town meeting efficiency can be ***significantly*** improved with the use of consent agendas and with revisions to the bylaws, practices, and rules for town meetings.
- Special counsel gave several substantive suggestions for reducing the number of financial motions from over 24 to 30 separate motions to a handful of 5 or 6 motions for financial articles.
- This advice is consistent with the recommendation of the Town Meeting Practices and Rules Committee in Fall 2020 where town meeting voted 115-1-0 to request that a comprehensive financial article be used instead of multiple financial articles so that far fewer financial motions would be necessary.
- The new administration finally began implanting pieces of this recommendation in Spring 2023. There is more to go to meet the request of Fall 2020 town meeting.
- Special counsel noted that Natick's practice of extended 10–20-minute presentations by various departments on their operating budgets and 45-to-60-minute presentations on capital ***is rare, if not unique.***
- Special counsel suggested reserving such extended presentations for times of necessity when departments are seeking to change the funding recommended by Fin Com.
- Special counsel observed that Natick's historic practices of voting financial articles unduly extends the number of nights of town meeting compared to other communities.
- Special Counsel advised that other communities use five or six financial motions as follows:
 - Local public-school budget
 - Regional school budget
 - All other town departments including libraries
 - All capital paid for by free cash or stabilization
 - All capital paid by borrowing
 - Appropriations for other purposes (stabilization, revolving funds, OPEB)
- Appropriations for town departments can have multiple line items with an overall bottom-line number.
- The motion can be written to allow the town administrator to reallocate money during the year as needed to operate the government and require any such reallocations to be reported to Fin Com and at the next town meeting for the following budget season.
- Capital expenditure motions can have multiple line items, including an unallocated contingency for cost increases, with an overall bottom-line number.
- The motion can allow the town administrator or Select Board to allocate the contingency or reallocate line items as needed.
- The Town Administration already has the tools to put these types of consent agendas together.

Process and Activity of the CBRC since Fall Annual Town Meeting 2022; a total of 41 meetings from January through October 2023

12 Meetings January to March 2023

The CBRC report to Spring Annual Town Meeting [SATM] is an adjunctive report to this report.

29 Committee meetings held from SATM through October 18, 2023

- Five meetings with fin com [two were duly posted CBRC/Fin Com meetings 9/12, 9/26], 10/3, 10/4 and 10/10
- Three meetings in October - 10/3, 10/11 [meeting and public forum], 10/18
- Nine meetings in Sept – 9/28, 9/26, 9/21, 9/19, 9/15 [sub-committee of CBRC and Select Board], 9/14, 9/12, 9/7, 9/5. Most September meetings can be seen on the Pegasus government website. http://71.162.115.60/external_schedule/simple_day_schedule/3
- Six meetings in August - 8/31, 8/29, 8/23, 8/22, 8/12, 8/8
- One meeting in July – 7/ 10 joint meeting with the Select Board to discuss the changes they want to see in the Charter.
- Five meetings in June- 6/28, 6/26, 6/21, 6/20, 6/13
- Two meetings in May - 5/23, 5/16
- Includes joint meetings held with the Board of Selectmen and finance committee.
- Efforts to communicate to the public about the proposed changes included participation in the Town Moderator's Primer on Town Meeting, participation in "Coffee with a Purpose" to explain the proposed Charter and Bylaw proposed changes and the Public Forum on October 11th.

High level summary of Critical activities

- Reconvene after SATM to develop the process to seek and select special Counsel.
- Development of the Request for Information/Response [RFI/R] with input from town procurement officer
- Provision of RFR to six firms with three responding [Miyares and Harrington LLP, Brooks & DeRensis, KP Law]
- Planning and scheduling Interviews and conducting interviews.
- Review of requested follow-up information, where provided, from the law firms.
- Selection of Special Counsel - committee deliberated and unanimously selected Brooks & DeRensis; lead counsel is Attn Paul DeRensis with support from Attn John Richard {Rich} Hucksam.
- Member outreach to town bodies
 - The Town Moderator suggestions
 - Improve the process of 'Calling the question '
 - Clarify the quantum of votes in the Bylaws.
 - Possibly changing the size of the body of town meeting members
 - Advocating for town employees by changing the Charter such that town department staff would not need to attend every session of town meetings.
- Committee members received assignments to reach out to various town agencies and staff.
- August submission of three warrant articles to Select Board for Charter and Bylaw changes for Fall Annual Town Meeting [FATM].
- September meetings were spent writing and refining the language of the revised Charter, with multiple meetings for review, discussion and voting to approve the proposed language. Further edits were made after input from special counsel.

- Input from special counsel on appropriate language and information regarding Mass General Laws [MGL] and the impact on the Natick Charter.
- Input on suggested Charter language from the Select Board and Town Manager.
- Overview presentation to Fin Com – high level overview of the intentions of the Charter changes.
- Overview presentation to Fin Com sharing proposed Charter language changes.
- Public hearing with Fin Com to review motions and hear recommendations.
- Multiple discussions with Select Board, including attendance at Select Board meetings in August and September to seek agreement on Charter language changes impacting the Town Manager and Select Board practices.
- CBRC Sub-Committee meeting with Sub-Committee of Select Board to further refine Charter language.
- Individual meeting with Select Board members, CBRC members and the current Town Administrator on further refinements to Charter language.
- Public forum for an explanation on proposed Charter and Bylaw changes.
- Presentation with the Town Moderator on Pegasus to overview CBRC warrant articles.
- Ongoing work to finalize language changes and then to write motions, with extensive consultation with special counsel and approval of the language by town counsel.
- October Committee meeting to finalize the report.
- September-October - Finance Committee meetings:
 - a. Public hearing on background 9/12/23
 - b. Public hearing with proposed text changes for the Charter 9/26/23
 - c. Public Hearing on CBRC Warrant Article motions 10/3/23, 10/4/23, 10/10/23.

Open Meetings and Public Participation

Every meeting of the CBRC was properly posted and open to the public. A non-town meeting member attended our first meeting in May and requested we consider the topic of rank choice voting for the Town of Natick. The Town Moderator consistently attended meetings and suggested the committee focus on selecting aspects of our spring report to act on for FATM. A member of the public who lives in precinct three frequently attended meetings and commented during public speak and on agenda items. Public sessions on redline changes to the Charter began in late August. Meetings held in September and October were recorded and broadcast on Pegasus. Late in September, when the Select Board and the CBRC were fine-tuning Charter language that would lead to motions, one or both members of a sub-committee of the Select Board [Rich Sidney and Kathryn Coughlin] attended meetings. The committee was before the fin com five times with only one public question. In summary, other than those individuals and boards already mentioned, the CBRC did not receive any feedback from town meeting members, members of town agencies or other members of the public on issues raised in our Spring report.

Actions sought with FATM warrant articles.

1. Strengthening Representative Town Meeting /Select Board/ Town Manager Form of Government

The CBRC evaluated changing the form of government and concluded that the existing form of government should be retained, made more efficient and reformed at several levels. During committee deliberations the CBRC evaluated the Town Governance Study Committee (the TGSC) report recommendations. The TGSC reported that the town meeting needed to be reformed or replaced and concluded that only a charter commission could make the reforms or the elimination. (The TGSC report included no specific recommendations for reform.) The CBRC observed that reforming or making town

meeting more efficient cannot really be done by a charter commission because a commission only focuses on a charter. Town meeting operates as a result of the bylaws, rules, and practices of town meeting in addition to the charter.

The CBRC considered the data that compared the number of nights of Natick's representative town meeting in a year to the number of nights of town meeting in other communities with representative town meeting. The form of government in Natick is the same as those other communities. The CBRC observes that the number of nights of Natick's town meeting is not a function of the form of government but rather a function of the typical and some would consider peculiarly burdensome way in which we provide information and motions to it and the way we operate it. The CBRC notes that it took a charter and bylaw change in 2019 and 2020 to require that basic recurring financial information be given to town meeting.

The committee agreed that retaining the current form of government for the Town of Natick provides the greatest opportunity for citizen input and transparency. Further, based on seeking a response to the request for information from various legal firms, the committee heard that Natick has an excellent robust Charter. The CBRC felt that resumption of the Citizens Leadership Academy (that was abandoned by the town administrator in 2018-2019) can not only educate town meeting members to be more effective but also invite citizens to run and participate in town meeting and town government. The future potential of hybrid town meetings could significantly increase citizen participation and attendance. The CBRC notes that town meeting attendance and participation levels were higher during the pandemic when town meetings were 100% online. [See appendix II report].

The CBRC identified all the substantive changes to the charter that it felt were prudent to make. The CBRC believes that the exiting form of government can and should be improved and made more efficient before proceeding to changes that can have unforeseen consequences. The CBRC took into consideration the recommendations from Special Counsel on the ability of a Special Legislative Act to accommodate all the recommended changes to the current Charter.

Use of the special act can improve efficiency in the executive/administrative branch of the government and strengthen the role of the TA/TM by expanding authority and reorganization powers. The special act can leverage the role of the Select Board to provide authority by outlining affirmative approval of select TA/TM appointments.

2. Decision Not to Include a Change to City Council and Town Council forms of Government

The CBRC was initially open to all the various forms of government and asked special counsel about these forms of government. Given the special counsel feedback, the CBRC decided not to propose these other forms of government. The committee does not recommend Natick undertake a city council or town council form of government. The CBRC noted that the Massachusetts Municipal Association (MMA) groups both town council and city council forms of government as cities. Although there are several forms of city government, the council forms of government fall into three categories: i) city council with elected mayor, ii) city council with an appointed mayor or iii) town council with an appointed manager. In these forms of government, town meeting and the Select Board cease to exist. Frequently, finance committees cease to exist. Town counsel is replaced by a city solicitor who may be supported by outside legal counsel. The city or town council is generally from 9 to 13 members and completely replaces the town meeting as the legislative body. The mayor or manager completely replaces the Select Board. Mayors and managers typically serve four-year terms and councilors serve two-year terms.

Special Counsel has direct experience with town meeting, town council and city council forms of government. Special counsel provided access to the city and town council charters of other communities

for CBRC members to read. Special counsel advised that council forms of government are not necessarily more efficient than a town meeting and, in some respects, can be less efficient. Special counsel provided other observations that are summarized below.

Council forms of government concentrate power on a few people. Power is moved away from the people. All of the executive branch is run by one person (mayor or manager) who prepares all budgets and makes all appointments both compensated and volunteer. Appointments can become politicized by those who support the chief executive officer's agenda. The council reviews and approves all appropriations, bylaws and municipal code, zoning, and charter changes. In cities, the mayor can veto actions of the council. Councils get to approve or to disapprove of certain executive appointments but often within a narrow time window. Zoning changes must still be heard by a planning board which can be elected or appointed by the mayor/manager. By charter, councils run their business using subcommittees and Roberts Rules of Order. Robert's Rules of order is a far larger and more complicated set of parliamentary procedures than town meeting time. Councils do not vote on a matter at the first meeting where it is on the agenda. Councils are required to have a first and second reading and a third reading before a matter can be voted upon. When subcommittees are established, the council does not act on matters until the subcommittee has its own hearings and reports back.

Councilors often work full time or close to full time. Compensation can be limited to \$5,000 per year with \$7,500 for the council chairs. (In contrast, there is no limit on elected official's salaries in a town form of government and nothing that prevents town meeting from compensating hard working Select Board members as an example.) The time commitment required of councilors tends to result in councilors who are wealthy, retired, own their own businesses or are unemployed. Citizens who work traditional jobs and might volunteer 6-8 nights a year at town meeting cannot easily commit the time to being councilors. Councilors tend to be familiar faces from previous town wide elections before the conversion to city or town council. Recruiting new volunteers can be more challenging. Instead of being more inclusive, councils tend to be less inclusive. In a council form of government, only the majority candidate gets elected from a district, precinct, or ward. This is in contrast to town meeting where there are multiple seats per precinct. This allows for minority candidates who often share important perspectives.

The workload of a councilor is not distributed evenly throughout the year. Some high peak demand periods occur. In Framingham, for example, a subcommittee of the city council has 21 days to review the entire budget after which the rest of the council gets 21 days. The subcommittee must do in 3 weeks what our Finance Committee does over 8 -10 weeks.

Citizen participation can tend to drop in council forms of government. Representative town meetings are often the starting point for many citizens to get involved in local government. In a certain sense, town meeting serves as the "farm system" or development system for people who go on to seek higher town wide office. One can look at any number of current or previous members of the Select Board, Planning Board or School Committee and identify people who started as town meeting members. The elimination of town meeting eliminates this farm system. Eliminating town meeting also tends to reduce citizen input and grass roots citizen involvement. In Framingham, for example, public input on any matter at a council meeting is limited to a total of 15 minutes with no person allowed to speak for more than three minutes.

Based on the input from special counsel and from a review of sample city and town council governments, the CBRC decided not to include changing the government to a city or town council form. The CBRC also did not hear a request from anyone in any of our meetings to turn Natick into a city. Conversion to a city was the only substantive potential change that the CBRC did not include in the warrant article for a special act. The CBRC also notes that a charter commission is not necessary to change Natick into a city council or town council type of city. Any ten citizens can sponsor a warrant article for a special act that would

eliminate town meeting, eliminate the Select Board, eliminate the Finance Committee, and create a mayor or manager and council form of government.

3. Preservation of Existing Elected Offices

The Town Governance Study Committee [TGSC] Report recommended elimination of the elected positions of the Board of Assessors and Board of Health. The TCSC report did not provide an explanation for this suggestion. These elected boards oversee departments with subject matter experts in the departments they oversee. Natick therefore already has qualified individuals managing these departments. With respect to the Board of Health, this town agency has wide authority and sweeping powers to impact the citizens. The CBRC did not receive any input from these boards or the public on the need to eliminate these elected positions. The CBRC determined it is best to have elected citizens be in an oversight role for a board with this level of sweeping powers.

The Board of Assessors, whether before or after election, must take a 10-part state course and pass a qualifying exam to be able to serve on this board. (This course is available to any volunteer municipal employee.) This additional step ensures that the oversight of this town department has qualified board members who understand assessing issues. Further this department also has subject matter experts in the issues associated with assessments and tax abatements.

The CBRC notes that the town's department of health and assessing departments are already overwhelmingly comprised of appointed officials and that the elected board members provide a level of oversight. The Boards of Health and Board of Assessing are not responsible for most of the work. That work is done by appointed compensated full-time staff.

Some have criticized various elected offices as being popularity contests and commented that offices should be appointed to ensure "quality." Getting quality appointments requires several things including an appointing authority that understands the job to be filled, can source, screen and interview candidates and discern which applicants are qualified and then maintain appropriate oversight. Appointed vs. elected positions are also not guarantees of problem free operations. In 2000, the town changed from an elected treasure collector to an appointed treasurer collector because of multiple problems in that department. The position has been appointed ever since. In spring 2023, a detailed report by the state Department of Revenue found numerous problem areas in that department.

4. Maintain Preliminary Elections, but Provide an option for Ranked Choice Voting Once the Legislature Authorizes such an Option

A citizen approached the CBRC in May requesting we adopt Rank choice voting.

The TGSC advised the Select Board to consider eliminating preliminary elections [which would need to be changed by the Special Act legislative process]. There are challenges with this plan. The CBRC agrees in principle with this concept. A possible outcome of eliminating preliminary elections is the election of minority candidates serving in an elected position for the full three-year term. Any language added to the special act on this matter would be subject to the various opinions of the Massachusetts State Legislature. The committee elected to leave out any potential controversial subjects that might delay the passage of the Special Act. Elimination of the Town's preliminary elections is such a concept. The alternative is to provide language that negates the need for future preliminary elections if the issue of preliminary elections and rank choice voting is available to Natick voters in the future, when the Massachusetts legislature passes such a law, subject to local adoption.

The list below Identifies the subject of proposed changes which impact TOWN MEETING – in both Articles 25 and 26

The CBRC considered actions to improve the efficiency of Town Meeting. The reason for each of these actions will be explained further with the associated letter of the motion.

The topics the CBRC considered were:

- The size of the body of the Town Meeting – considerable debate within the CBRC on this matter took place. Eventually the committee voted to leave the size of Town Meeting at 180 elected representatives. There are no motions to change the size of the Town Meeting.
- Changes to the provisions for filling Town Meeting vacancies
- Change to the method of computing the quorum for Town Meeting
- A manner to support lead department employees such that attendance at every session of the Town Meeting may not be necessary yet allowing town employee to participate in town meeting discussions.
- Clarifying the provisions for who can submit Town Meeting Warrant Articles
- Creating a Deputy Moderator to preside over Town Meeting in the absence of the Town Moderator
- Changes to the procedure to call a 'Special Town Meeting.'
- Reform of Town meeting procedures
 - "Move the question"
 - Updating the quantum of votes in the table of precedence

Changes that impact the SELECT BOARD and TOWN MANAGER – Article 25

Charter language changes propose:

- Strengthening the role of the Town Manager and formally changing the title.
- Clarifying the areas of responsibility of the role of the Select Board
- Transferring certain appointments from the Select Board to the Town Manager and making some of these appointments subject to affirmative approval of the Select Board.
- Updating the review process for the Town Manager
- Updating and clarifying the removal and suspension process in the event the Town Manager is to be removed.
- Allowing for greater flexibility in making changes to or combining town agencies (administrative organization)

MISCELLANEOUS Charter Changes to improve government efficiency – Article 25

- The option to adopt rank choice voting if MA legislature allows for a local option, thereby negating the need for preliminary elections with this method of voting.
- Clarifying the role of the Parks Commissioners
- Changing the definition of local newspaper to allow more flexible means to notify the public.
- Clarifying the expiration of appointments to volunteer committees when terms are ending to promote increased opportunities for citizen participation.
- Removing all gender specific language.
- Updating how committees or multi-member agencies can call meetings in the absence of the chair.

- Simplifying the Charter by removing the job description and details of the positions of Town comptroller, Treasurer Collector and Assistant Treasurer Collector from the Charter. In the future, Bylaws will be updated to detail position qualifications and procedures.

EXPLANATION OF MOTIONS AND AMENDMENTS IN THE THREE WARRANT ARTICLES.

ARTICLE 24 CBRC COMMITTEE REPORT AND REQUEST FOR EXTENSION

Motion A is for the CBRC to provide a report to the Town Meeting. Motion B is a request to extend the committee through Fall 2024 to allow further work on the Bylaws and follow the progress of the Special Act Legislation if the Town Meeting adopts Article 25.

Reason: The Charter creates the expectation that the CBRC will report to the Town Meeting on the work conducted since the SATM and make recommendations. The CBRC respectfully recommends that the Town Meeting affirmatively vote for the Charter and Bylaw changes in Articles 25 and 26. The committee requests an extension until FATM 2024 to address needed Bylaw changes associated with the Charter changes sought in the Special Act. The CBRC will also work with Town agencies and staff to update Bylaws associated with their work, as needed.

THE MAIN MOTION AND AMENDMENTS IN THE ORDER THEY WILL APPEAR FOR ARTICLE 25

The process to create the Special Act will be the Main Motion of Article 25. The Main Motion is then amended by a series of amendment motions A to U. Each of these separate motions are a series of building blocks that when added into the Main Motion, complete the Special Act. As each subsequent amendment is adopted, by a majority vote of the Town Meeting, the amendments will be slotted into the proper section of the Main Motion. The final text of the Main Motion will be the language that creates the language of the Special Act.

Only the text of the Main Motion is outlined here, as it is language not typically seen in Town Meeting motions. All other motions and Charter text changes are not repeated in this report and can be seen in the FATM supplement book #1 provided to town meeting members at FATM in person and via electronic communications. Once the Main Motion is fully amended, the Town Meeting will be asked to vote on the Main Motion, as amended. The CBRC recommends that all amendments be adopted and that the main motion pass the town meeting.

The Finance committee gave favorable votes for all amendments and voted 8-1-3 to support the main motion.

ARTICLE 25 – Main MOTION

Main Motion: “Move that the Town of Natick acting through the elected representatives of the Town in the General Court, file a home rule petition with the General Court to obtain special act legislation to establish certain amendments for the present Town of Natick Home Rule Charter in substantially the form presented below, provided that the General Court may

make clerical or editorial changes of form only to the proposed legislation, with the approval of the Town Moderator or, in the unavailability of the Town Moderator, the Town Clerk before enactment by the General Court, which changes shall be within the scope of the general public objectives of this petition, as follows:

AN ACT TO AMEND THE TOWN OF NATICK HOME RULE CHARTER

Section 1. After enactment of this Act, the Town of Natick shall place a ballot question on the ballot at the next regular municipal or state election, or earlier special election, if so called, which ballot question shall read:

“Shall the Town of Natick adopt the Charter amendments voted by Natick Town Meeting under Article 25 at the 2023 Fall Annual Town Meeting, and as enacted by the General Court in a Special Act, the text of which amendments are on file with the Office of the Town Clerk of Natick.” Yes _____ No _____

If the number of “Yes” votes exceed the number of “No” votes at such election, these amendments shall take immediate effect, otherwise these amendments shall not take effect.

Section 2: Amendments applicable to all sections of the Charter

Section 3. Charter Article 2 amendments:

Section 4: Charter Article 3 amendments:

Section 5: Charter Article 4 amendments:

Section 6: Charter Article 5 amendments:

Section 7: Charter Article 6 amendments:

Section 8: Charter Article 7 amendments:

Section 9: Transition Provisions:”

REASON: Procedurally the Main Motion is needed to create a robust set of Charter changes to create the special Act. The Main Motion also identifies the exact question posed to the voters and outlines how those votes will be tallied by the Town Clerk in a subsequent election. As each amendment is affirmatively voted by the Town Meeting, they will be added into one of the nine sections above. Sections three through eight correspond to Charter Articles to be amended with new final text. Section two is provided to allow for global changes and Section nine allows for transition provisions. The Main Motion, when fully amended, creates the proposed Charter changes within the special act legislation. Once all amendments to the Main Motion are complete, the fully amended Main Motion will be taken up as the last vote for Article 25. See pages 17-31 of this report, for a view of the fully amended main motion if all amendments are passed.

AMENDMENT A: Amendments Applicable to All Charter Sections.

REASON: Here the global change to move the title of “town administrator” to “town manager.” Noted here is that when the title is in lower case in the Charter, it will remain in lower case for town manager. When the title is in upper case, the Town Administrator term will be replaced with Town Manager. A global change in the language ensures all sections of the Charter we are not amending will reference this executive position correctly.

AMENDMENT B: Town Meeting Vacancies Amend Charter Section 2-6 (b) and 2-6(d) Vacancies [NOTE THIS AMENDMENT ACTION MUST BE COMPLETED BY A SPECIAL ACT]

REASON: The previous change in the Charter from an elected to appointed Town Clerk position, leaves filling Town Meeting vacancies with the executive branch of the Town, given that Natick’s Town Clerk is now appointed by the Town Manager. The proposed change moves the primary method of filling vacancies to an elected Town official, the Town Moderator. This allows for separation of powers between the executive and legislative bodies of the Town.

AMENDMENT C: Town Meeting Quorum – Amend Charter Section 2-12 Proceedings of Town Meeting

REASON: The current quorum of Town Meeting is a fixed number, based on an assumption that all 180 seats are filled 100% of the time. It is well established that Town Meeting frequently has fewer than 180 seats filled. This revision allows the quorum of Town Meeting to float based on the total number of filled seats. The number of filled seats, divided by two and then rounded up to the next whole number [if the number of filled seats is an uneven number. For example, if 170 of the 180 available seats are filled at the start of a session of Town Meeting, the quorum for that session would be eighty-six members. If future sessions of Town Meeting had vacancies filled and the new number of filled seats increased to 173 members, the quorum for that meeting session would increase to eighty-eight seated members.

AMENDMENT D: Amend Charter Section 2-11 Town Meeting Warrants and Multiple Member Body definitions.

REASON: Section 2-11 Town Meeting Warrants The CBRC learned from special counsel that the current language only requires the Select Board to receive a warrant. The revised language in section (b) codifies

the current practice of the Select Board to insert into the warrant all articles received by a newly defined eligible multiple member body.

Section 7 Definitions

Section (g) Multiple Member Bodies

REASON: This amendment expands the definition of a multiple member body. The amendment limits town boards and committees who can sponsor articles to multi-member bodies created by the Town Meeting, statute, bylaw, or Charter.

AMENDMENT E: Amend Charter Section 2-10 Participation by Non-Town Meeting Members – section (a) Representatives of Town Agencies

REASON: The current interpretation of our Town Charter is such that all Town department heads must attend every session of the Town Meeting. The changes proposed are to support Town employees and provide a mechanism for when their attendance at a session of the Town Meeting is required. The language gives the Town Moderator flexibility to arrange for the proper information to be made available to Town Meeting representatives when questions arise, and the requirement that an agency lead attend every session of Town Meeting is lifted. Town employees will appreciate this Charter language change.

AMENDMENT F: Amend Charter Article 3 section (d) Preliminary Elections section (8)

REASON: The CBRC would like to eliminate preliminary elections. However, the CBRC does not want to create the possibility of a minority candidate serving a full 3-year term. The added language in section (8) allows for a future possibility of adopting Rank Choice voting, if this method of voting were approved by the legislature. If adopted in Natick, the new language would eliminate the need for preliminary elections.

AMENDMENT G: Amend Charter Article 3 section (f) Coordination.

REASON: The revised language of this section affirms the executive power of the Select Board to set policy for the Town and call town agencies to be available for consultation or discussion. The revised language exempts The Town Moderator and multiple member bodies appointed by The Town Moderator from being subject to the call of the Select Board. This is another example of further clarifying the separation of the executive and legislative bodies of the Town.

AMENDMENT H: Amend Charter Article 3 Section 3-12 Recreation and Parks

REASON: MGL identifies that the Select Board are the Parks Commissioners. The amended language in this section clarifies the role of the elected and appointed Recreation and Parks Commissioners to say they are an advisory board to both the Select Board and the Town Manager.

AMENDMENT I: Amend Charter Article 3 Section 10 – Town Moderator – addition of a new section (c).

REASON: Now that the Town Clerck is an appointed position, if the Town Moderator were unavailable to manage the Town Meeting proceedings, a non-elected individual, appointed by the executive branch of Town government, would be moderating the legislative branch. This new section provides for the appointment of a Deputy Moderator who would preside over representative Town Meeting in the Moderator's absence.

NOTE: The Charter language within Amendments J through P is written in agreement with Town Administration and the Select Board

AMENDMENT J: Select Board Amend Section 3-2 Charter section on Select Board

Reason: This section further codifies the executive powers of the Select Board as the Town agency solely responsible for making policies for the Town and clarifies that they are the decision-making authority for parks, public works, public roads, public water and sewer facilities, police, fire, and finance and accounting functions. It further clarifies that they are not to be involved in the day-to-day operations of the Town. Further, when MGL stipulates others may have authority such as the School Committee or the Conservation Commission, that they are separate and autonomous.

AMENDMENT K: Amend Charter Article 4 Section 4-4 Removal and Suspension

[NOTE THIS AMENDMENT ACTION MUST BE COMPLETED BY A SPECIAL ACT]

REASON: Natick's original Charter had a 3-member Board of Selectmen. The quantum of votes to remove a Town Administrator was a two-thirds vote, which was two of the three members. When Natick expanded the board to five members, this language was not modified and now a two-thirds vote of a five-member board is four votes. It should be noted that the language in the current Charter also requires all board members to be in attendance when this vote takes place. This technically then allows one member of the board to have veto power over a vote for removal or suspension by just not attending the meeting. The revised language, worked out with the Select Board, creates a majority vote for these actions and is the same quantum of votes to hire the Town Manager. The language is written to take into account when potential vacancies are present such that the quantum of votes is a majority of the elected and seated board.

The language in section (b) on the criteria for dismissal is identical to the language used to remove a tenured teacher, replicated from MGL Chapter 71 Section 42: Dismissal or demotion of teachers or other employees of school or school district, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section42>. These are strict criteria. The goal of these changes is not to make it easier to remove the Town Administrator after a probationary period, but to change the quantum of votes to a majority and not allow one member to have a super veto power over even allowing a vote to take place.

Additional language was added in a new section (f) after receiving guidance from special counsel. Often, when towns are at odds with their administration and the decision to terminate is not taken well by the employee, the result is litigation to overturn the vote for removal. This new section (f) protects the Town in the event the board was reluctant to conduct a public review of the Town Manager. Given that the review of the Town Manager is a very public process, it is often the behind-the-scenes actions and communications to encourage an official to resign rather, than have a negative public review process, which might damage the reputation of the individual and prevent them from obtaining a new job.

AMENDMENT L: Amend Charter Article 4 Town Administrator Manager

[NOTE THIS AMENDMENT ACTION MUST BE COMPLETED BY A SPECIAL ACT]

Section 1 Town ~~Administrator~~ Manager

Section 4-1 (a) appointment of term

Section 4-1 (b) Review of Performance

Section 4-1 (c) Restriction on Other Activities (merely language changes)

REASON: In section (a) The changes outline that a town manager can be appointed by the Select Board by a majority of the Board. This section identifies the qualifications for a town manager. The Select Board would like the option to be able to sign 5-year agreements with the Town Manager. Having agreement language, allowing a term of up to five years, allows for recruitment and retention of strong candidates

who understand that the Town will engage in longer agreements. It also allows for shorter periods of time for agreements if the Town needs an interim manager.

(b) Performance review - The modified language regarding the annual review of the Town Manager allows the Select Board to take the performance of the Town Manager working with many Town agencies into consideration. The Select Board has the sole responsibility for conducting the review and is under no obligation to seek input from others.

(c) the only changes in this section are to change town administrator to town manager. The remainder of this section has not changed. As previously stated, by statute our current Town Administrator is a Town Manager. Changing the language in the Charter to reflect the proper naming of the position helps with recruitment efforts for future Town Managers. A Town Manager position has more powers and duties than a Town Administrator.

AMENDMENT M: This amendment touches on multiple parts of the Charter as the duties of the Town Manager are in multiple articles in the Charter.

[NOTE PORTIONS OF AMENDMENT M ACTIONS MUST BE COMPLETED BY A SPECIAL ACT]

Amend Charter Article 4 Sections 2 and 3 related to the Town Administrator Manager Section 4-2 Powers and Duties [note that many of the edits in this long section of the charter are to change the word administrator to manager and to remove references to he or his and create a gender-neutral section.

REASON: 4-2 Powers and Duties

REASON: The nineteen subsections identify all the current duties of the executive position of town manager.

This section further identifies the appointment power of the Town Manager. The Town Manager needs to notify the Select Board of other appointments within thirty days.

(4) By removing language in this section, the role of the personnel board is changed to an advisory role. At the time this language was added to the Charter, the Town did not have a Personnel office and Director of Personnel. This action was also sought by the TGSC.

(13) decreases the threshold of inventory management away from Generally Accepted Accounting Practices. It is inappropriate to ask a non-accounting position to maintain this level of practice. The Town Manager shall be responsible for keeping a full inventory of Town properties less non-essential items identified as de-minimus or immaterial. These terms are well understood by auditors and standard business practices.

Section 4-3 Acting Town Manager continues the edits to remove the word administrator and replace with manager and remove references to the male gender. It also outlines the appointment power of the Town Manager where the position requires an affirmative vote of the Select Board

Sections 5-2 to 5-6, 5-8 again removes the word administrator and changes to manager. Additional references to the male gender are removed.

**AMENDMENT N: Amend Charter Article 6 Administrative Organization
Section 6-1 Organization of Town Agencies**

REASON: The insertion of the new language allows the Town Manager to reorganize Town agencies to create, combine or abolish Town agencies with more ease than the current Charter allows. The modifications cannot modify or contradict other provisions of the Charter or existing Bylaws. This provision allows for experimentation of combining agencies and if effective requires a Bylaw be written

with in two years of the change. The new language identifies the notifications to the Select Board, the Finance Committee and Town Meeting of these administrative changes.

AMENDMENT O: Deletion of Comptroller and Treasurer Collector Job responsibilities from the Charter Section 6-3NOTE – SINCE THIS AMENDMENT DELETES AN ENTIRE SECTION OF THE CHARTER, the new language in Amendment O is the transition provision to keep these sections of the Charter intact until the appropriate Bylaws are passed related to these positions.

REASON: When these positions were elected positions, the job description was appropriate to have in the Charter. Now that these positions have been appointed, the responsibility for these Town positions belongs in the Town Bylaws. This can be accomplished in subsequent committee work if extended. A transition provision is provided such that these sections remain in effect until a Bylaw has been established to outline the job responsibilities.

AMENDMENT P: Amend Charter Article 3, Section 2 Select Board Appointments moving these responsibilities out of Article 3 and moving into Article 6 transferring some responsibility to the Town Manager under Article 6 plus changes to Article 3 Section 2 [c]
[NOTE PORTIONS OF AMENDMENT P MUST BE COMPLETED BY A SPECIAL ACT]

REASON: There are a series of changes in Amendment P that impact different Articles of the Charter restructuring the appointment powers and streamlining the charter to clarify the appointment process.

Appointment Powers clarify that the Select Board can appoint a town manager for up to three years or up to five years if two-thirds of the board supports the longer term. This allows the Select Board to enter into agreements with someone who might be an interim Town Manager. The Town Meeting, by bylaw, could also identify other potential positions to be appointed by the Select Board. Other appointments by the Select Board include registrar of voters, a board of appeals, the conservation commission, and other agencies listed in Article 6 or bylaws.

Approval of Appointments made by the Town Manager clarifies that some appointments of the Town Manager require affirmative approval by the Select Board.

Section 6-3 **Additional Appointments** of the Town Manager include the treasurer-collector, assistant-treasurer-collector with provisions on qualifications of these positions by bylaw.

Subsection (b) **Approval of Appointments Made by the Town Manager** reason – allows for positions to be confirmed by an affirmative support of the Select Board for the Treasurer-Collector, Assistant Treasurer,

Section 6-4 Additional Appointments section (a)

Section 6-5 Town Clerk – this appointed position is subject to an affirmative approval vote by the Select Board.

THERE IS NO MOTION Q

AMENDMENT R: Amend sections of Charter Article 7 Regarding Number and Gender

REASON: clarifying that some words in the charter that may be singular can also represent several people or things. All gender references will be removed and any word implying gender implies all genders. Note that the Massachusetts legislature could edit any Special Act Natick sent to the legislature to ensure that the Charter is gender neutral.

AMENDMENT S: Redefining the definition of Local Newspaper

REASON: The definition of local newspaper is expanded to allow for additional means of communication with the public.

AMENDMENT T: Amend Charter Article 7 GENERAL PROVISIONS – Section 7-9 Procedure Governing Multiple Member Bodies

REASON: These Charter changes allow a vice chair of a committee to call a meeting in the absence of the Chair [or the failure of the Chair to call a meeting]. This language also allows one-third of a multiple member body to vote to call a meeting, which would allow discussion of an issue that a Chair might not want to entertain. Except for emergency meetings, forty-eight business hours' advance notice is required to call a meeting.

AMENDMENT U: Amend Charter Article 7 section 7-10 Notice of Vacancies

REASON: This language change requires a vacancy to be posted for volunteer appointments, (such as a School Committee member for Keefe Technical High School) when any term is ending. This allows the public to consider applying for any of the open appointments and removes the practice of what is often an automatic renewal of select community volunteer appointments. Language also clarifies that compensated positions who have expiring contracts are not subject to this provision, thereby clarifying that when the select positions such as fire chief or Town Clerk are approaching the end of their contract term, the position does not need to be posted until a known vacancy can be anticipated or exists.

WARRANT ARTICLE 26 BYLAW MOTIONS

Motion A: Section 2 Special Town Meetings

REASON: MGL allows a special Town Meeting to be called by the minimum required by state law. This provision allows for a faster opportunity to have a special Town Meeting if all parties can be prepared with as little as 14 days' preparation. Certainly, the notice can be longer than 14 days, but this Bylaw allows for the meeting to be called in less time than is currently available [28 days]. Further local newspaper definition is expanded to take advantage of the multiple communication vehicles the Town now uses to notify the citizens of important notices.

Motion B:

Section 11 Motion for the Previous Question

REASON: The CBRC had extensive discussions of how to improve the procedures to 'move the question.' After consultation with Special Counsel, we now recommend a simple procedure to be managed by the Moderator and follow the practice of Town Meeting Time. With this practice, a Town Meeting member may make a motion to "move the Question," once recognized by the Town Moderator. If seconded, no debate or discussion is allowed. The quantum of votes to succeed is to pass by two-thirds. If the body feels more debate is required, the motion must be defeated. If the body feels the debate is completed, then the motion has the potential to pass.

Motion C: Section Article 3 PROCEDURE AT TOWN MEETING

REASON: The CBRC, at the request of The Town Moderator, suggests adjusting the vote required for motions to Lay on the table, motion for the previous question, for a secret ballot, waive mandatory

conditions, reconsideration, taking an article out of order to be simply a 2/3 vote and not a 2/3 majority. The quantum of vote for a roll call vote would change to one-third of the votes. Differing opinions exist on what the language of a two-thirds majority or one-third majority means. Modifying the table simplifies the math. In addition, a motion to take no action would become a neutral or non-negative motion allowing the meeting to proceed and move on if no positive main motion were made.

Motion D: Clarification of Section 1 of Article 10 of the Natick Bylaws

Scope of Powers and Duties

REASON: This bylaw change confirms the Select Board as the Executive branch of the government but further clarifies the separation of legislative and executive branches and will be consistent with the proposed new Charter changes.

Post FATM Actions of Warrant Article process:

Assuming portions of or all the Town Meeting Article 25 Main Motion pass, and the committee timeframe is extended, the CBRC will collaborate with Special Counsel to draft the legislation of a special act and submit to the legislature before the end of 2023. Legislation would then be taken up in the legislative sessions for 2024. If passed into law and pending Town Meeting vote, it would be sent to the voters in the next local election [State Primary in September 2023, or Nov 2024 or Spring 2025]. The CBRC will then proceed to collaborate with staff and town agencies on appropriate bylaw changes for Spring and Fall Annual Town Meetings.

Here is what the final Main Motion, once completed, looks like if all amendments pass FATM:

AN ACT TO AMEND THE TOWN OF NATICK HOME RULE CHARTER

Section 1. After enactment of this Act, the Town of Natick shall place a ballot question on the ballot at the next regular municipal or state election, or earlier special election, if so called, which ballot question shall read:

“Shall the Town of Natick adopt the Charter amendments voted by Natick Town Meeting under Article 25 at the 2023 Fall Annual Town Meeting, and as enacted by the General Court in a Special Act, the text of which amendments are on file with the Office of the Town Clerk of Natick.” Yes _____ No _____

If the number of “Yes” votes exceed the number of “No” votes at such election, these amendments shall take immediate effect, otherwise these amendments shall not take effect.

This section comes from Amendment A

Section 2: Amendments applicable to all sections of the Charter

“(a) the title of the Town of Natick position of “town administrator” is hereby changed to “town manager” and that all references to “town administrator” in the pre-existing Town of Natick Home Rule Charter are hereby deleted and said title is herewith replaced with the term “town manager,” preserving the existing case formatting of the Town of Natick Home Rule Charter such that where the term “town administrator” appears in lower case it shall be replaced with the lower case phrase “town manager” and where term “Town Administrator” appears in upper case it shall be replaced with the upper case phrase “Town Manager” ”

Section 3. Charter Article 2 amendments:

This section comes from Amendment B

Section 2-6 Vacancies

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator’s designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.

- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The Town Moderator shall make appointments in accordance with the descending order of votes received on the lists. If necessary to resolve ties, the Town Moderator shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the Town Moderator shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The Town Moderator shall provide written notice of the date, time, and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The Town Moderator or the Town Moderator's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

This section comes from Amendment E

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** – The Town Moderator may require and schedule designated representatives of each town agency to attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator shall designate a deputy to attend in their place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town manager, or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

This section comes from Amendment D

Section 2-11 Town Meeting Warrants

- (b) **Initiation of Articles** - The Select Board shall insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

This section comes from Amendment C

Section 2-12 Proceedings of Town Meetings

- (c) **Quorum** – A majority of the sum of i) the total number of representative town meeting members established in Section 2-2, less ii) any vacancies shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members

Section 4. Charter Article 3 amendments:

This section comes from Amendment F

Section 3-1 In General

(d) Preliminary Elections

- (8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick. The foregoing procedures on preliminary elections shall not apply whenever the laws of the commonwealth regarding ranked choice voting in local elections shall be effective in the town.
- (f) **Coordination** - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator, named in this section shall be subject to the call of the Select Board or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices and ii) joint or overlapping areas of administrative activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town administrator. Notwithstanding this provision, the Select Board or town administrator may request consultation, conference or discussion with any multiple

member body or town agency on any matter concerning the administration referenced in this sub section.

This section comes from Amendment G

Section 3-1 in General

- (f) **Coordination** - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator, named in this section shall be subject to the call of the Select Board or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices and ii) joint or overlapping areas of administrative activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town administrator. Notwithstanding this provision, the Select Board or town administrator may request consultation, conference or discussion with any multiple member body or town agency on any matter concerning the administration referenced in this sub section.

This section comes from Amendment J

Section 3-2 Select Board

- (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief town agency responsible for making policies for the administration of the fiscal, prudential, and municipal affairs of the executive branch of town. The Select Board shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all town agencies of the executive branch of the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved either in the day-to-day administration of any town agency or in the policy direction of other elected boards or committees, the school department, or facilities under the control of the School Committee, of the conservation commission or of the zoning board of appeals. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town manager as provided in Article 4.

This section comes from Amendment P

- (c) **Appointment Powers** - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager for a term of not more than three years, and may by a two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven

members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; and shall either appoint or, by affirmative vote, approve the appointment of such other town agencies or officers as provided and specified in Article 6.

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

This section comes from Amendment I

Section 3-10 Town Moderator

(c) Appointment Powers

The town moderator shall appoint a deputy moderator, to preside over representative town meeting in the absence of the moderator. The moderator may also direct the deputy moderator to assist the moderator in performance of the moderator's duties and responsibilities. The deputy moderator shall be appointed for a term not to exceed the remaining term of the moderator. The town moderator shall have such other appointment power as provided in statute, charter or the bylaws or other vote of town meeting.

This section comes from Amendment H

Section 3-12 Recreation and Parks Commission

- (b) **Powers and Duties** - The recreation and parks commission shall advise the town manager and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. The recreation and parks commission shall also advise the Select Board on policies and practices for parks and recreation in the town. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

Section 5: Charter Article 4 amendments:

This section comes from Amendment L

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager, to serve for a term of not more than three years, and may by a two-thirds vote of the Select Board then elected and serving appoint a town manager for a longer term not to exceed five years provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town manager from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town manager shall be appointed solely on the basis of executive and administrative qualifications and shall be a person especially fitted by education, training, and previous experience in business or public administration to perform the duties of the office of town manager.

- (b) **Performance Review** - The Select Board shall annually provide for a review of the job performance of the town manager which shall, at least in summary form, be a public record. The performance review to be conducted by the Select Board shall be i) on its own behalf and ii) on behalf of the town overall including other town agencies and representative town meeting in consideration of the important role the town manager has dealing with others. The review shall be the sole and exclusive power of the Select Board which shall be under no obligation hereunder to solicit or to consider input from others.
- (c) **Restriction on Other Activities** - The town manager shall devote full time to the duties of the office and shall not hold any other public office, elective or appointive, nor shall the town manager engage in any other business, occupation or profession during their term unless such action is approved, in advance, in writing, by the Select Board.

This section comes from Amendment M

Section 4-2 Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under the town manager's charge by or under the charter and by-laws. The powers and duties of the town manager shall include, but are not intended to be limited to, those listed below in this section. Accordingly, the town manager:

- 1) Shall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by the town manager and their respective department.
- 2) Shall coordinate the activities of all town agencies under the town manager's control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) Shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates, and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in the charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.
- 4) Shall be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules, and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. The town manager shall prepare, maintain, and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee. The town manager may be advised in connection with the administration of the town personnel system by a personnel board established by bylaw.
- 5) Shall attend all regular and special meetings of the Select Board, unless

excused at the town manager's own request, and shall have a voice, but no vote, in all of its proceedings.

- 6) Shall attend all sessions of the representative town meeting and shall answer all questions addressed to the town manager related to warrant articles and which are related to matters under the town manager's general supervision.
- 7) Shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement either by the town manager or by officers or employees subject to the town manager's general supervision and direction, are faithfully carried out, performed, and enforced.
- 8) Shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
- 9) Shall keep the Select Board fully informed as to the fiscal condition and needs of the town and shall make such recommendations to the Select Board and to other elected and appointive officers as the town manager may deem to be necessary or desirable.
- 10) Shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) Shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. The town manager shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) May at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under ~~their~~ the town manager's general supervision.
- 13) Shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies. However, immaterial or de-minimis items shall not be subject to this inventory requirement.
- 14) Shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) Shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. The town manager shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department and shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.

- 16) May in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under the town manager's general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) Shall be in charge of all machines and software other than machines and software used for educational or classroom purposes and shall allocate the use thereof among the several town agencies.
- 18) May authorize any subordinate officer or employee to exercise any power or duty which the town manager is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be the town manager's acts.
- 19) Shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

This section is also from Amendment M

Section 4-3 Acting Town Manager

- (a) **Temporary Absence** - The town manager shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of the office of town manager during such temporary absence. During the temporary absence of the town manager, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town manager until the town manager shall return and assume town manager's duties.
- (b) **Vacancy** - Any vacancy in the office of town manager shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town manager on an acting basis. The appointment of an acting town manager shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.
- (c) **Powers and Duties** - The powers of a temporary or acting town manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town manager, only an acting appointment or designation may be made.

This section comes from Amendment K

Section 4-4 Removal and Suspension

The Select Board, by a vote of the majority of the Select Board then elected and serving, taken with the prior notice to all Select Board members such that all Select Board members have a reasonable opportunity to be present, may terminate the town manager from such office in accordance with the following procedure:

- (b) After probationary period: The town manager shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least

thirty days prior to the meeting at which the vote is to be taken, the town manager shall have been notified of such intended vote; nor unless, if town manager so requests in writing, the town manager shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which such dismissal is proposed; nor unless, if the town manager so requests in writing, the town manager has been given a hearing before the Select Board which may be either public or private at the option of the town manager, and at which the town manager may be represented by counsel, present evidence, and call witnesses to testify in the town manager's behalf and examine them.

- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town manager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town manager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town manager shall continue to receive full salary until thirty days following the date a final vote of removal has become effective.
- (f) Notwithstanding any provision of the charter to the contrary, no performance review of the town manager by a Select Board and no defect or omission by a Select Board in the performance review of the town manager shall constitute an impediment or barrier to removal or suspension under this section.

Section 6: Charter Article 5 amendments:

These sections [5-2-5-6, 5-8] come from Amendment M

Section 5-2 School Department Budget

- (a) **Submission to Town Manager** - The superintendent of schools' proposed budget shall be submitted to the town manager in sufficient time to enable the town manager to consider its effect on the total town budget which the town manager is required to submit under this article.

Section 5-3 Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town manager shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. The town manager shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town manager shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes

- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town manager deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town manager deems desirable, or as the Select Board may require. In the presentation of the preliminary budget, the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town Manager's Preliminary Budget

- (a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.
- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town

manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.

- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-8 Capital Improvement Program

The town manager shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

Section 7: Charter Article 6 amendments:

This section comes from Amendment N

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through one of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and bylaws shall take precedence over any other organization, reorganization or modification under this Section 6-1.
- (b) **Administrative Code** - The town manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town manager prepares such a plan, the town manager shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

- (c) **Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board which approval shall not occur until after fourteen days public notice of the proposed change have occurred, make modifications to the town's organization involving the creation of new or abolishing of existing or modifications of existing town agencies or their reporting relationships that serve under the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting relationships are within an existing department of the town. Modifications under this sub section i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, any of the foregoing changes under this subsection must be incorporated in a bylaw, including personnel pay plan as applicable, within two years of the effective date of the change under this subsection. The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.

These three sections [6-3, 6-4, and 6-5] are from Amendment P

Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of up to five years, a director of veterans' services for a term of up to five years, a police chief for a term of up to five years, a fire chief for a term of up to five years and town counsel as provided in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager

The appointments made by the Town Manager for treasurer-collector, assistant treasurer collector, and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within thirty days of notice to each member of the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. Any person, other than town clerk, subject to affirmative approval under this

subsection may be removed or suspended by the Select Board in accordance with Article 7 Section 7-11.

In the event of any failure of the town manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board following the same requirements referenced in the following section.

The provisions of this subsection shall apply to reappointments.

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall, notwithstanding any law to the contrary, a treasurer-collector for a term of up to five years and an assistant treasurer-collector for a term of up to five years. The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

The provisions of this subsection shall apply to reappointments.

Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town Manager for a term of three years, subject to affirmative vote of approval by the Select Board as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to the town clerk for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and the town clerk shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town Manager.
- (c) Vacancy - If the town clerk is unable to perform duties of the town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes the duties of the town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town Manager and filed with the Select Board and the office of the Town Clerk.

Section 8: Charter Article 7 amendments:

This section comes from Amendment S

Section 7 Definitions

(e) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation in the town of Natick, the town's website, police and public works temporary signage, social media and/or other communication means that alone or in any combination are reasonably capable of reaching and informing the citizens of the town, unless otherwise required by the general laws.

This section comes from Amendment T

(g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of town meeting.

This section comes from Amendment R

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words, if any, importing a particular gender shall include all genders.

This section comes from Amendment T

Section 7-9 Procedure Governing Multiple Member Bodies

ADD TO SUBSECTION (a)

Meetings, other than emergency meetings under the Massachusetts Open Meeting Law, shall be called either by the chair of the multiple member body, or, in the absence or failure of the chair, either by persons so authorized by the multiple member body to call such meetings or by one-third of the members of the multiple member body. At least 48 hours advance notice to all members of the multiple member body shall be required for any non-emergency meetings called.

This section comes from Amendment U

Section 7-10 Notice of Vacancies

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. The requirement for public notice for appointed positions under this subsection applies to the expiration of appointed terms whether or not a vacancy has occurred or is anticipated. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

Section 9: Transition Provisions:

This section comes from Amendment O

Transition Provisions for Office of the Comptroller, Assistant Comptroller, Treasurer-Collector, Treasurer, Collector and Assistant Treasurer Collector

The pre- existing provisions of Section 6-3, pertaining to the qualifications, powers and duties of the Office of the Comptroller and the Assistant Comptroller, and the pre-existing provisions of Section 6-4, pertaining to the Treasurer-Collector, Treasurer, Collector, and the Assistant Treasurer Collector shall remain in effect in the Town of Natick until a bylaw addressing said matters in said sections shall take effect in the Town.”

END OF SPECIAL ACT LEGISLATION FINAL TEXT

END OF CBRC REPORT

APPENDIX I - RESOURCES

Link to Town of Natick Charter <https://www.natickma.gov/1059/Town-Charter>

Link to Town of Natick Bylaws <https://www.natickma.gov/1017/Natick-Town-By-laws>

below is link to Home Rule Procedures Act {MGL Ch.43B} *

<https://www.mass.gov/doc/chartadoptreviseamendpdf/download>

Specific constitutional law [Amendment Article 89, section 7] reserves the authority of only the legislature to regulate elections. This same document also outlines when the attorney general must review a Charter change [by warrant article or by Charter Commission only]. The brief below also explains how special act legislation part of the Home Rule Petition Process is. When a Special Act is passed it becomes state law.

<https://www.mass.gov/doc/home-rule-0/download>

Charter and Bylaw Review Committee meeting minutes: <https://www.natickma.gov/AgendaCenter>

APPENDIX II - Analysis of Natick Town Meeting Member Attendance from 2013 Through 2022

The intent of the analysis was to evaluate detailed attendance records for each Town Meeting Member [TMM] for each session of each meeting. Unfortunately, the record keeping has not been consistent over this period which deprived the analysis of certain detail data in 2013, 2014, 2020, and 2021. Specifically, the data collected in those years was in a form for which it was too time consuming to process as follows. In 2013 and 2014, attendance was presented for each TMM in alphabetical order of 172 and 176 TMM. In 2020 and 2021, attendance was not recorded because of remote attendance for Covid resulting in attendance records only able to be derived from the voting records. In both cases, the derivation of the detail data was just too time consuming to be worthwhile since it appears that the detail data available for the other six years appears to have resulted in a reasonable representation of the attendance for 2013 – 2022 in that there is a reasonable consistency among the data in those six years.

The following table is a summary of the attendance between 2013 and 2022. It includes data from 114 sessions comprised of 21383 available seats of which 14500 were used resulting in a ten-year average attendance of 68%.

SUMMARY - ATTENDANCE											
Seats available derived from annual attendance sheets											
TOTAL ATTENDANCE BY YEAR											
YEAR:	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TEN YEAR TOTALS
number of sessions	8	14	13	12	16	12	14	7	11	7	114 sessions
seats available	1376	2464	2408	2052	2752	2960	2436	1881	1892	1162	21383 seats available
seats used	990	1502	1617	1462	1886	1840	1587	1380	1411	825	14500 seats used
% USED	72%	61%	67%	71%	69%	62%	65%	73%	75%	71%	68% ATTENDANCE
Note: 41 TMM who are ten year vets have 85% attendance											
29 TMM who are five year vets have 79% attendance											

I thought that it might be interesting to see how the attendance of folks who are serious about being a TMM, i.e., they were TMM for all ten years, compared with the average.

There were forty-one ten-year veterans who had an attendance of 85%.

In addition, the attendance of veterans of the last five years was evaluated and there were twenty-nine five-year veterans who had an attendance of 79%.

The conclusion is that folks who are very engaged in Town Meeting have much better attendance than the average.

In addition, the detailed data showed that there is an average turnover of about 32 TMM per year or about 18%.

The following table presents the summary detailed attendance records for the ten-year period. It shows each year how many TMM attended each session of the Town Meeting. The year is noted on the left side and the

number of sessions is presented horizontally across the top. This table allows you to see how many sessions were attended for each TMM for each year. As an example, look at the first column with a zero at the top. This indicates that the TMM attended no meeting that year, in other words, a “no show.” The table shows that in the six years where this data was available, the total of the zero column indicates that there were sixty-five no shows. For another example, we can see that in 2018 where there were sixteen sessions, nineteen TMM attended all sixteen sessions.

Detail Attendance: No. of sessions attended by TMM by year																	
sessions attended:	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
YEAR	seats																
2013	172																
2014	176																
2015s	172	15	5	9	9	18	21	31	65								
2015f	172	13	5	6	17	27	45	58									
2016	172	5	2	2	6	5	6	13	16	8	31	22	25	30			
2017	172	4	2	3	4	5	5	6	7	7	10	11	9	20	20	21	18
2018	185	9	12	6	3	6	3	10	6	14	9	4	10	17	19	17	19
2019	174	8	6	6	3	8	7	5	13	9	5	18	14	23	28	21	
2020																	
2021																	
2022	166	11	5	10	15	15	22	31	57								

The following table, using data from the previous table shows that all TMM do not attend sessions the same. This table shows that on average, 63% of TMM account for about 80% of seats used and 37% of TMM account for about 20% of seats used.

year	seats avail	seats used	seats %	High Attendance				Low Attendance			
				seats	TMM	TMM%	seat%	seats	TMM	TMM%	seat%
2015s	1211	868	72%	5to7	117	68%	86%	0to4	56	33%	14%
2015f	1032	749	73%	4to6	128	74%	91%	0to3	41	24%	9%
2016	2052	1462	71%	9to12	108	63%	78%	0to8	63	37%	22%
2017	2752	1886	69%	12to16	99	58%	73%	0to11	73	42%	27%
2018	2960	1840	62%	12to16	94	50%	72%	0to11	92	50%	28%
2019	2436	1587	65%	10to14	104	60%	80%	0to9	70	40%	21%
2022	1162	825	71%	5to7	110	34%	84%	0to4	56	34%	16%
six year total:					760				451		
					63%				37%		

Please feel free to review the data and see what other conclusions might be made. Detailed data for each year can be shared if you would like.

Please note that in the ten-year records there were some minor anomalies in the raw data as to the total TM, but it was only 1 or 2 TMM and not worth correcting because of the negligent impact on results.



Bruce Evans <bevans@natickma.org>

Fwd: Comments on CBRC Amendments J, K, and N

1 message

Karen Adelman <kadelman0@gmail.com>

Mon, Jan 1, 2024 at 5:32 PM

To: Bruce Evans <bevans@natickma.org>, Kathryn Coughlin <kcoughlin@natickma.org>, Richard Sidney <rsidney@natickma.org>, Kristen Pope <kpope@natickma.org>, Paul Joseph <pjoseph@natickma.org>

Resending to correct address.

Karen Adelman
Sent from a mobile device.

Begin forwarded message:

From: Karen Adelman <kadelman0@gmail.com>
Date: January 1, 2024 at 4:55:37 PM EST
To: cbrcgriesmer@gmail.com
Cc: selectboard@natick.org
Subject: Comments on CBRC Amendments J, K, and N

Dear Charter and Bylaw Review Committee Chair Griesmer and committee members,

I was unable to attend the December 20, 2023 meeting of the Charter and Bylaw Review Committee (CBRC), but am here submitting my thoughts about the amendments discussed that night. I do so in my capacity as a private citizen, and represent no one but myself.

As a general note, the Chair several times during the meeting commented that the overriding nature of a Special Act drove at least some of the CBRC's proposals. I suspect I'm not alone in wondering how that works. For example, how does one know what language in the Charter, because it was passed via Special Act, trumps MGL? A written explanation from Special Counsel or Town Counsel regarding the quality of charter language passed by special act would be of enormous value to residents and Town Meeting members, alike.

Again, thank you for all the time you've poured into this project. Having been on a CBRC myself, I know the work is painstaking. Below, please find my comments on what I think deserves more attention in what Town Meeting has not yet debated.

Thank you,
Karen Adelman-Foster
4 Longfellow Road

Comments on Amendment J

1) Section 3-2 (b) Sentence 3

In the below, the CBRC's explanation of the proposal defining the Select Board as a "town agency" rather than a "policy making agency" makes sense, as does the insertion of "the fiscal, prudential and municipal affairs."

[CBRC redline] (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief town policy making-agency responsible for making policies for the administration of the fiscal, prudential and municipal affairs of the executive branch of town.

The limiting of the Select Board's policy-making power to the executive branch is what I'd like you to take another look at.

The point of "fiscal, prudential, and municipal policy" in the first place is to administer the affairs of the *town* – of the community – not of a particular branch of government. The CBRC's proposed language limits the SB's powers in just this manner.

Removing "executive branch of" would fix this problem.

2) Section 3-2 (b) Sentence 4

[CBRC redline] The Select Board# shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all town agencies of the executive branch of the town into harmony.

The only governmental body that is not an "agency," as the CBRC well knows, is Town Meeting. Therefore "all agencies of the town," the original, means precisely the same thing as "all town agencies of the executive branch of the town [...]"

To a casual reader, however, specifying that the SB is meant to try to bring only the "executive branch" into harmony with itself implies an unfortunate exclusion of Town Meeting. Should the SB not be seeking consistency and harmony with Town Meeting? I don't think this is a legal problem, but the proposal seems unnecessarily divisive.

3) Section 3-2 (b) Sentence 5

[CBRC redline] The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions.

The CBRC explained that its intent here was to clarify that the SB acts as public works, roads, and parks commissioners. I wasn't aware this was in question, but if it is, I certainly appreciate making it explicit. However, I agree with the speakers at the 12/20 meeting that enumerating duties carries with it an implication of limitation, regardless of the "include but not limited to." The reality of the job is that it's not a conglomeration of defined duties: it's leadership. And the proposed language doesn't capture that.

Since the CBRC's other intent was highlight the breadth of the role. One alternative would be to make the section more direct, not attempt to list everything or go into un-charter-like detail. Perhaps, "Select Board shall have policy authority of the town agencies serving under it." This, by the way, automatically excludes the School Committee, Planning Board, and other independent entities.

4) Section 3-2 (b) Sentence 6

[CBRC redline] Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved either in the day-to-day administration of any town agency or in the policy direction of other elected boards or committees, the school department or facilities under the control of the School Committee, of the conservation commission or of the zoning board of appeals. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein.

As others pointed out at the 12/20 meeting, this language is damagingly limiting of communication and collaboration. The CBRC explained its intent: to keep the SB from interfering with other bodies. This was especially important, explained the Chair, given the super-potency of Special Acts.

The same ends can be achieved without curtailing collaboration with short, clear disclaimer the CBRC has already proposed: "No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein."

[CBRC redline] Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in the day-to-day administration of any

town agency. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein.

5) Section 3-2 (b) Sentence 7

[CBRC redline] ~~It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.~~

I've actually found this clause to be useful, and have invoked it and heard it invoked at SB meetings. Members tend use it to remind each other not to get it the weeds.

6) Section 3.2 (b) overall

Many of the problems the CBRC is trying to solve in this section stem from the overriding nature of changes made by the Special Act. The simplest solution would be as the Chair suggested: to do nothing. There are then no potentially-supercarged unintended consequences to be checked.

Amendment K

Section 4-4 overall

In my professional life, I talk to many in town administration, and I was the Select Board chair during the last Town Administrator hiring and negotiation process. It is extremely difficult for municipalities all over the Commonwealth to attract, hire, and retain highly-qualified Town Administrator and Town Manager candidates. If Natick appears to take dismissals more lightly than other municipalities, hiring and retention will be even more difficult.

I would request that if the CBRC hasn't surveyed like towns for their quantum of vote for dismissal and found that this is the norm, that this change not be proposed. It's critical that Natick stay competitive in a very tight market.

Amendment N

Section 6-1 (c)

Although I think it's solving a problem that doesn't exist, I have no substantive objection to this insertion. The first half of the proposed text, however, I found difficult to read. I would suggest the something more like the following:

To the extent authorized by bylaw and with the approval of the Select Board, the town manager may change reporting relationships of, create, or abolish town agencies that serve under the town manager. These modifications may be made only within an existing department of the town, or in the case of similar or overlapping disciplines or

responsibilities. The Select Board may only approve such modifications fourteen days or more after public notice of the proposed change has been made.

Modifications under this sub section [...]

TOWN OF NATICK

2023 Fall Annual Town Meeting

**Finance Committee
Supplement #1**



October 17, 2023

Finance Committee 2023 Fall Annual Town Meeting Supplement #1

Table of Contents

Finance Committee Letter	3
FY24 New Growth (not certified)	5
Article 7—Capital Equipment and Improvement – Motion B	7
Article 16—Amend Zoning Bylaw: Use Regulation (Zoning Districts).....	8
Article 25—Charter Change.....	42
Main motion	48
Amendment A	51
Amendment B.....	52
Amendment C.....	56
Amendment D	58
Amendment E	61
Amendment F	63
Amendment G	65
Amendment H	67
Amendment I.....	69
Amendment J	71
Amendment K.....	73
Amendment L	77
Amendment M	80
Amendment N	92
Amendment O	96
Amendment P.....	100
Amendment R.....	107
Amendment S	108
Amendment T	110
Amendment U	112
Article 26—Bylaw Changes	114
Article 31—Safe & Fair Reproductive & Gender Affirming Care Access By-Law – Sponsor Motion.....	125
Article 32— Paid Family Medical Leave for Town of Natick Employees – Contribution Rates Chart	128

TOWN OF NATICK

Finance Committee

Natick, Massachusetts

October 17, 2023

2023 Fall Annual Town Meeting Supplement #1

Greetings to all Town Meeting Members and Residents of Natick,

This supplement provides a summary of the following Warrant Articles considered by the Finance Committee on October 10, 2023:

- Article 16: Amend Zoning Bylaw: Use Regulation (Zoning Districts)
- Article 25: Charter Change
- Article 26: Bylaw Changes

Also included:

- FY24 New Growth (*not yet certified*)
- Corrected Article 7: Capital Equipment and Improvement, Motion B. *The version in the Recommendation book is missing a table.*
- Revised sponsor motion for Article 31: Safe & Fair Reproductive & Gender Affirming Care Access By-Law
- Contribution Rate information for Article 32: Paid Family Medical Leave for Town of Natick Employees

As a reminder, please check the Finance Committee's website for the latest Town Meeting information: <https://sites.google.com/natickma.org/fincom>

Respectfully submitted,

Natick Finance Committee

Linda Wollschlager, Chair
Hossam Behery
Larry Forshner
Toby Metcalf
Philip Rooney

Todd Gillenwater, Vice Chair
Leona Bessonova
Garth Gayle
Kat Monahan
Patti Sciarra

Cody Jacobs, Secretary
Dirk Coburn
Grace Keeney
Richard Pope
Betty Yobaccio

Summary of Finance Committee Recommendations on Articles 16, 25 and 26

Article	Title	Vote date	Recommendation	Quantum of Vote
16A	Use Regulation (Zoning Districts)	10/10	Favorable Action	12-0-0
16B	Use Regulation (Zoning Districts)	10/10	Favorable Action	12-0-0
25	Charter Change			
25	- Main motion	10/10	Favorable Action	8-1-3
25	- Amendment A	10/3	Favorable Action	11-0-0
25	- Amendment B	10/3	Favorable Action	11-0-0
25	- Amendment C	10/3	Favorable Action	11-0-0
25	- Amendment D	10/3	Favorable Action	11-0-0
25	- Amendment E	10/10	Favorable Action	11-1-0
25	- Amendment F	10/3	Favorable Action	11-0-0
25	- Amendment G	10/3	Favorable Action	11-0-0
25	- Amendment H	10/3	Favorable Action	11-0-0
25	- Amendment I	10/3	Favorable Action	11-0-0
25	- Amendment J	10/3	Favorable Action	11-0-0
25	- Amendment K	10/10	Favorable Action	12-0-0
25	- Amendment L	10/10	Favorable Action	12-0-0
25	- Amendment M	10/3	Favorable Action	11-0-0
25	- Amendment N	10/10	Favorable Action	12-0-0
25	- Amendment O	10/3	Favorable Action	11-0-0
25	- Amendment P	10/10	Favorable Action	11-1-0
25	- Amendment Q (not used)			
25	- Amendment R	10/4	Favorable Action	12-0-0
25	- Amendment S	10/4	Favorable Action	12-0-0
25	- Amendment T	10/10	Favorable Action	11-0-1
25	- Amendment U	10/4	Favorable Action	12-0-0
26A	Bylaw Changes	10/4	Favorable Action	11-0-1
26B	Bylaw Changes	10/10	Favorable Action	11-1-0
26C	Bylaw Changes	10/10	Favorable Action	12-0-0
26D	Bylaw Changes	10/4	Favorable Action	12-0-0

LA13 Tax Base Levy Growth
Retain documentation for 5 years in case of DOR audit - Fiscal Year 2024

Property Class	(A) All Prior Year Abatement No.	(B) All Prior Year Abatement Values	(C) New Growth Valuation	(D) PY Tax Rate	(E) Tax Levy Growth
RESIDENTIAL					
SINGLE FAMILY (101)	0	0	77,344,824		
CONDOMINIUM (102)	0	0	10,801,830		
TWO & THREE FAMILY (104 & 105)	0	0	1,028,910		
MULTI - FAMILY (111-125)	0	0	19,712,692		
VACANT LAND (130-132 & 106)	0	0	1,416,402		
ALL OTHERS (103, 109, 012-018)	0	0	892,860		
TOTAL RESIDENTIAL	0	0	111,197,518	12.64	1,405,537
OPEN SPACE	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL OPEN SPACE	0	0	0	0.00	0
COMMERCIAL	0	0	14,795,220		
COMMERCIAL - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL COMMERCIAL	0	0	14,795,220	12.64	187,012
INDUSTRIAL	0	0	2,558,236	12.64	32,336
PERSONAL PROPERTY	0	0	39,286,970	12.64	496,587
TOTAL REAL & PERSONAL	0	0	167,837,944		2,121,472

Community Comments:

Signatures
No signatures to display.

LA13 Tax Base Levy Growth

Retain documentation for 5 years in case of DOR audit - Fiscal Year 2024

Documents	
No documents have been uploaded.	

ARTICLE 7
Capital Equipment and Improvement
(Town Administrator)

FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-0-0
	DATE VOTED:	October 3, 2023

MOTION B (Requires a 2/3 Vote)

Move that the Town vote to appropriate the sum of \$781,000 to be expended as follows:

- **Under the direction of the Police Department for the purpose of:**
 - **Defibrillators Replacement**
- **Under the direction of the Public Schools Department for the purpose of:**
 - **Firewall Replacement Project – NHS Data Center**
 - **School Switch Replacement Project – District Wide**
- **Under the direction of the Public Works Department for the purpose of:**
 - **Install Pedestrian Warning Beacons**
 - **Street Acceptance Plan Preparation**
 - **Vehicle and Equipment Replacement Program**
 - **Sustainability – Efficiency Upgrades**
- **Under the direction of the Town Clerk for the purpose of:**
 - **Historic Document Preservations**

all individually shown as items 1 through 8 in Table B below, and that to meet this appropriation the sum of \$781,000 be raised from the Capital Stabilization Fund.

Motion B (Table B)

Item #	Department	Request Title	Amount	Funding Source
1	Police Department	Defibrillators Replacement	\$40,000	Capital Stabilization
2	Public Schools	Firewall Replacement Project - NHS Data Center	\$100,000	Capital Stabilization
3	Public Schools	School Switch Replacement Project - District Wide	\$100,000	Capital Stabilization
4	Public Works	Install Pedestrian Warning Beacons	\$51,000	Capital Stabilization
5	Public Works	Street Acceptance Plan Preparation	\$50,000	Capital Stabilization
6	Public Works	Vehicle and Equipment Replacement Program	\$240,000	Capital Stabilization
7	Public Works	Sustainability - Efficiency Upgrades	\$100,000	Capital Stabilization
8	Town Clerk	Historic Document Preservations	\$100,000	Capital Stabilization
			\$781,000	Capital Stabilization

ARTICLE 16
Amend Zoning Bylaw: Use Regulation (Zoning Districts)
(Planning Board)

ARTICLE LANGUAGE

To see if the Town will vote to amend the Natick Zoning Bylaw by relocating and amending use- related language from individual zoning district sections of the Zoning Bylaw to § III.A.2 (Use Regulation Schedule) with affected sections including but not limited to § III-B Highway Mixed Use-I (HM-I) Districts Use Regulations; § III-C Highway Mixed Use-II (HM-II) Districts Use Regulations; § III.D Use Regulations for LC Districts; § III.E Downtown Mixed Use District (DM); § III.EE Center Gateway District; or act in any other manner in relation thereto

PURPOSE OF THE ARTICLE

To relocate and amend use- related language from individual zoning district sections of the Zoning Bylaw to Section III.A.2 (Use Regulation Schedule).

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – ALL MOTIONS

The Finance Committee discussed Article 16 on September 28, October 4, and October 10, 2023.

Amanda Loomis, Community & Economic Development Director, presented. Article 16 builds upon the changes to the Use Regulation Schedule proposed in Article 15 and aims to enhance user-friendliness and reduce the need to flip between different sections of the bylaws. This article reorganizes various zoning district use regulations, moving them into the Use Regulation Schedule for greater clarity and accessibility.

Here are the key changes proposed in Article 16:

- Downtown Mixed-Use (DM) District: The use regulations are moved to the Use Regulation Schedule and asterisks indicating references to other sections of the bylaw are removed. Some new uses are added to match the language in the Use Regulation Schedule.
- HM-I (Highway Mixed-Use) District: Similar to DM, the use regulations for the HM-I district are transferred to the Use Regulation Schedule, and asterisks indicating references are removed. Special attention is given to small and large corporate campus parcels, and endnotes are added to distinguish between them.
- LC (Limited Commercial) District: The LC district undergoes the same reorganization process as DM and HM-I, with the removal of asterisks and the inclusion of relevant endnotes.

- Center Gateway District: The Center Gateway district's use regulations are adjusted to align with the Use Regulation Schedule. Two uses, residential mixed-use development and mixed-use development, are pulled from the bylaw into the schedule.

Ms. Loomis said each zoning district column was examined one by one to make sure that the Use Regulation Schedule matches what is in the bylaws. By doing this, they were able to reduce the number of footnotes, and those that remained were changed to endnotes. She stated that this was really a “cut and paste” from the various bylaws into the Use Regulations Schedule.

Some definitions, especially related to home occupations and restaurants, are expected to be cleaned up and consolidated in future updates planned for spring town meeting.

Questions from the Committee

A member asked to confirm that this would make no substantive changes. Ms. Loomis said that was correct.

A member asked if this was double checked. Ms. Loomis said that it had been checked multiple times.

A member asked whether the superscripts will be long term. Ms. Loomis explained that the plan was to eventually remove them and make the allowed uses more definitive at the next Town Meeting.

FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	October 10, 2023

MOTION A (Requires a 2/3 Vote)

MOTION A – Move to amend Section III-A.2 Use Regulation Schedule to include Use Categories and permitting requirements from Section III-B.3, Sections III-D.1.a-s and III-D.2.a-I, Sections III-E.2.a.1-28 and III-E.2.b.2-13, Section III-EE.2.b

1. Set up Section III-A.2 Use Regulation schedule

Delete

- All ‘(*)’ from the Downtown Mixed Use (DM) permitting requirement column (except for Use Category M1.)

Insert

- Three new permitting requirements columns after the ‘CG’ column: two column titled ‘HMI’ and one column titled ‘LC’
- A new endnote ‘a’ in the HMI Zoning District column, to read HMI^a. Endnote ‘a’ will read ‘Highway Mixed-use – I (HM-I) District, Small Corporate Campus Parcel permitting requirements’
- A new endnote ‘b’ in the HMI Zoning District column, to read HMI^b. Endnote ‘b’ will read ‘Highway Mixed-use – I (HM-I) District, Large Corporate Campus Parcel permitting requirements’

2. Use Categories and permitting requirements

Amend

- Where Use Categories in Sections III-B.3, Sections III-D.1.a-s and III-D.2.a.-I, Sections III-E.2.a.1-28 and III-E.2.b.2-13, and Section III-EE.2.b are the same as the existing Use Categories in Section III-A.2 the permitting requirement will be inserted into the appropriate Zoning District cell for the respective Use Category.
- Where Use Category is similar but different or requires a reference for further requirements or explanation an endnote will be provided in the respective cell for the Zoning District and Use Category

Insert

- Where a Use Category from Sections III-B.3, Sections III-D.1.a-s and III-D.2.a.-I, Sections III-E.2.a.1-28 and III-E.2.b.2-13, and Section III-EE.2.b does not exist a new Use Category line will be added below a similar existing Use Category. When required for clarification an endnote is provided

3. Clean up footnotes and permitting requirements

Delete

- From footnotes reference to 'HM-I' and 'LC' to read 'Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3' for all occurrences
- From footnotes that follow Use Category A7. delete language that reads 'HM-I - See Highway Mixed Use-I District regulations at Section III-B.', 'LC - See Limited Commercial District regulations at Section III-D.', and '(*DM - See Downtown Mixed Use Regulations in Section III-E'

Insert/Amend

- Footnote that follows Use Category 'F15.' titled 'Note 2' to delete '22B.' and replace with 'F5.' to read 'Note 2: F5. Body Art Establishments: Body Art Establishments shall be allowable only on parcels of land situated within the Regional Corridor (RC) overlay district upon the grant of a special permit by the Planning Board acting as a Special Permit Granting Authority (SPGA). This use is prohibited on all parcels which are not located totally within the RC overlay district and specifically prohibited on any premises zoned Highway Mixed Use III (HM-III), even if said HM-III premises are overlaid by the RC zoning district.'
- Footnote that follows Use Category 'F15' delete reference to '38A.' and replace with 'F10.' to read '“*Use F10. Ancillary Outlet shall not be permitted in any Industrial Zones covered by or underlying the Regional Center Overlay District or HOOP Overlay Districts. The Ancillary Outlet Setback from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access is 85 feet. (Art. 28, Spring Town Meeting, 4/14/15)'
- For all new Use Category lines, where no permitting requirements were identified a 'N' will be inserted into the blank cell.
- A new endnote 'y' that reads 'Use not yet authorized by Town Meeting
- New language in the Use Regulation Schedule and insert new endnotes shown with an underline and deleted language ~~stricken~~ through; underlining will be removed, ~~stricken~~ language will be deleted, and all text will be in black font as amended in the table below

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
A. RESIDENTIAL USES (primary)																
A1.	One-family detached dwelling	Y	N	Y	N	SP	Y	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>Y</u>
<u>A1a.</u>	<u>One-family detached dwelling only if existing as of the time of adoption of this By-Law.</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
A2.	One-family detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.	N	N	N	SP	SP	N	<u>Y</u> (*)	SP	SP	SP	N	N	<u>SP</u>	<u>SP</u>	<u>Y^c</u>
A3.	Two-family or semi-detached dwelling	Y	Y	N**	N	SP	N	<u>---</u> ^d (*)	N	N	N	N	SP	<u>N</u>	<u>N</u>	<u>---</u> ^e
<u>A3a.</u>	<u>Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
<u>A3b.</u>	<u>Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>
A4. *	Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses, subject to and compliant with the provisions of Section V-J. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000) (Art. 52 F.T.M. (10/17/17) (Art. 32 Fall TM 10/16/18)	N	Y+	N**	Y+	SP	N	<u>SP^f</u> (*)	N	N	N	N	Y	<u>N</u>	<u>N</u>	<u>---</u> ^g
<u>A4a.</u>	<u>Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law. (Art. 42, F.T.M. 10/17/17) (Art. 32, Fall TM 10/16/18)</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>
<u>A4b.</u>	<u>Residential Mixed-use Development</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
A5.	Alteration and conversion of a one-family house existing at the time of the adoption of this by-law, to accommodate two families if located on a lot having an area at least twenty-five percent greater than required for a one-family house.	Y	Y	N	N	SP	N	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>---</u> ^e
A6.	Sanitarium, or nursing, or rest home. (Art. 12, S.T.M. #1 Jan. 21, 1992)	SP	N	N	N	N	SP	SP	N	N	N	SP	SP	<u>N</u>	<u>N</u>	<u>SP</u>
A7.	Assisted Living Residence (Art. 44, Spring ATM, 4/27/10)	SP	SP	N	SP	SP	SP	SP	SP	N	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>N</u>
<p>*+ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD"</p> <p>FP - See Flood Plain regulations at the end of this Section.</p> <p>HM-I - See Highway Mixed Use-I District regulations at Section III-B-</p> <p>HM-II - See Highway Mixed Use-II District regulations at Section III-C.</p> <p>LC - See Limited Commercial District regulations at Section III-D-</p> <p>HM-III - See Highway Mixed Use-III District regulations at Section III-G (Page III-43).</p>																

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
HPU - See Highway Planned Use regulations at Section III-G (Page III-46). (*)DM - See Downtown Mixed Use Regulations in Section III-E *1. Dwellings presently occupied for multi-family purposes, that have been in existence prior to 1948, and used continuously as such, may continue to be occupied for multi-family purposes under a non-conforming status subject to the provisions of Section V-A, 1., 2., 3. and 4. of the Natick Zoning By-Laws. 2. Proof of continuous multi-family use must be documented with the Inspector of Buildings, who shall issue a certificate of such documentation. 3. A copy of this certificate shall be filed with the Town Clerk, Board of Assessors and Board of Health. **4. See special regulations in Section III-F for alternative uses allowed by Special Permit in certain single family districts.																
B. RESIDENTIAL USES (accessory)																
B1.	Family Suite	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N
B2.	Renting of one or two rooms and the furnishing of board by a resident family to not more than three non-transient persons.	Y	N	N	N	SP	N	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>Yⁿ</u>
B3.	Customary home occupation within the principal building conducted by a resident of the premises (or by owners of the premises where such premises abut Route 135 (Central Street) and are within the Central Fire District) provided that not more than one other person is regularly employed herein in connection with such use; that not more than twenty-five per cent of the total floor area not to exceed four hundred square feet is regularly devoted to such use; that there is no exterior storage of materials or equipment; and that no display of products is visible from the street. (Art. 64 A.T.M. 1968)	Y	Y	Y	SP	N	N	<u>---</u> (*)	SP	N	N	N	SP	<u>N</u>	<u>N</u>	<u>---</u>
B3a.	Customary home occupation	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>
B4.	Building accessory to a dwelling or premises to be used as an office or workroom for the conduct of a professional office or studio or customary home occupation by a resident thereon provided that the same conditions shall apply as hereinbefore set forth for such use in a dwelling (Art. 52 A.T.M. 1974)	SP	N	SP	N	N	N	<u>---</u> (*)	SP	N	N	N	SP	<u>N</u>	<u>N</u>	<u>---</u>
B5.	For an office, studio or workroom connected and strictly accessory to the residence of the occupant, and in which no activity inappropriate to the district shall be carried on. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	N	<u>---</u> (*)	Y	N	N	N	SP	<u>N</u>	<u>N</u>	<u>---</u>
B6.	Private garage or outdoor vehicle storage in connection with a dwelling for not more than three motor vehicles which shall not include more than one commercial vehicle two and one-half tons gross weight or more than one vehicle owned by a non-resident of the premises except in the case of a farm operated on a full-time basis by a resident thereon.	Y	Y	Y	Y	SP	N	<u>---</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
B6a.	Private garage or outdoor vehicle storage in connection with a dwelling	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
B7.	Home Occupation/Customary Home Occupation Dog Kennel (Art. 27, Spring TM 4/9/19)	SP	N	SP	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
B8.	Personal Dog Kennel (Art. 27, Spring TM 4/9/19)	SP	N	SP	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
C. TRANSIENT ACCOMMODATION USES																
C1.	Tourist Home	Y	N	N	N	N	N	<u>---</u> ^k <u>(*)</u>	N	N	N	N	SP	<u>N</u>	<u>N</u>	<u>N</u>
<u>C1a.</u>	<u>Boarding House, Tourist House or Lodging House</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
C2.	Hotel and Motel	N	Y	N	N	N	N	<u>SP</u> <u>(*)</u>	Y	N	SP*	N	SP	<u>SP</u>	<u>Y</u>	<u>N</u>
*Art. 29, FALL ATM 1997 Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
D. RECREATIONAL, AMUSEMENT, ENTERTAINMENT USES																
D1.	Country club, including golf, by natural light only, riding, tennis and boat houses. (Art. 6 S.T.M. 11/24/64 & Art. 54 A.T.M. 1962)	Y	N	N	SP	N	N	<u>N</u> <u>(*)</u>	N	N	N	N	N	<u>N</u>	<u>---</u> ^l	<u>---</u> ^m
<u>D1a.</u>	<u>Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>
D2.	Country club, including golf, by natural light only, riding, tennis and boat houses and community centers for exclusive use of the residents of the particular district in which it is located (Art. I S.T.M. June 17, 1969)(Art. 2 S.T.M. #2, Oct. 10, 2000)	N	N	N	Y+	N	N	<u>N</u> <u>(*)</u>	N	N	N	N	N	<u>N</u>	<u>---</u> ^l	<u>---</u> ^m
D3.	Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as business.	Y	N	SP	SP	SP	N	<u>Y</u> <u>(*)</u>	N	N	N	N	Y	<u>N</u>	<u>N</u>	<u>Y</u>
D4.	Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	N	N	N	N	SP	N	<u>SP</u> <u>(*)</u>	SP	N	N	N	SP	<u>N</u>	<u>---</u> ^l	<u>SP</u>
<u>D4a.</u>	<u>Indoor tennis or racquet club or other indoor recreation place, provided that the building is so insulated and maintained as to confine noise to the premises</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
<u>D4b.</u>	<u>Indoor tennis or racquet club or other indoor recreation place, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>
<u>D4c.</u>	<u>Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
D5.	Commercial outdoor amusement or recreation use, but not including outdoor movie theatre.	N	N	N	N	N	N	<u>N</u> (*)	SP	N	N	N	SP	<u>N</u>	<u>---</u> ^l	<u>---</u> ^m
D6.	Outdoor movie theatre (deleted – Art. 45 ATM 04/27/10)															
“+ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD” Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
E. AGRICULTURAL AND NATURAL RESOURCE USES																
E1.	Farm for the raising, keeping and sale of cattle, horses, sheep, goats and for the growing and sale of all agricultural products including fruits, vegetables, hay and grain, all dairy produce, and eggs.	SP*	N	SP*	N	N	N	<u>N</u> (*)	SP*	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
E2.	Premises for the raising of swine, poultry, fowl and fur-bearing animals.	SP*	N	SP*	N	N	N	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
E3.	A stall or stand for selling farm or garden products a major portion of which is raised or produced on the premises by the owner or lessee thereof.	Y	N	Y	N	N	N	<u>N</u> (*)	Y	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
E4.	Greenhouse, nursery and truck garden.	Y	N	Y	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
* If such land is used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, insofar as a majority of such products for sale have been produced by the owner of the land on which the facility is located, and provided that such parcel is more than five (5) acres in area, no special permit for such use shall be required. Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
F. RETAIL OR CONSUMER SERVICE ESTABLISHMENT USES																
F1.	Retail stores.	N	N	N	SP	N	N	<u>Y</u> (*)	Y	N	N	N	Y	<u>N</u>	<u>N</u>	<u>Y</u>
F2.	Wholesale or retail office or showroom with inside storage of goods for sale on premises only.	N	N	N	N	N	N	<u>Y</u> (*)	Y	N	N	N	Y	<u>N</u>	<u>N</u>	<u>---</u> ⁿ
<u>F2a.</u>	<u>Wholesale or retail stores or office or showroom with inside storage of goods</u>															<u>Y</u>
F3.	Craft, consumer, professional or commercial service establishments dealing directly with the general public.	N	N	N	SP	N	N	<u>Y</u> (*)	Y	N	N	N	Y	<u>N</u>	<u>Y</u>	<u>Y</u>
F4.	Adult Uses ¹ (Art. 48, Spring A.T.M., 4/17/97)	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
F5.	Body Art Establishments *See Note 2 (Art. 37, Spring A.T.M., 4/24/01)	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
F6.	Restaurant, tea rooms, lunchrooms or other places serving permitted beverages inside a building.	N	N	N	N	N	N	<u>---</u> ^o (*)	Y	N	N	N	Y	<u>N</u>	<u>---</u> ^p	<u>N</u>
<u>F6a.</u>	<u>Eating establishments without live or mechanical entertainment.</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y^o</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
<u>F6b.</u>	<u>Restaurant, tearooms, lunchrooms, or other places serving food and permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
	<u>limited or controlled, and specifically excluding an activity customarily conducted as a business</u>															
F6c.	<u>The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time (Art. 21, Fall A.T.M., 10/5/93)</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>
F6d.	<u>The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>
F6e.	<u>Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>
F7.	Cafeteria or restaurant for sole use of personnel employed on the premises of permitted use.	N	N	N	N	N	N	<u>Y</u> (*)	Y	Y	Y	N	Y	<u>Y</u>	<u>---</u> ^P	<u>Y</u>
F8.	Restaurant or other places serving food or permitted beverages and providing live or mechanical entertainment or serving customers outside of buildings.	N	N	N	N	N	N	<u>---</u> ^q (*)	SP	N	N	N	SP	<u>N</u>	<u>---</u> ^P	<u>N</u>
F8a.	<u>Eating establishments providing live or mechanical entertainment</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
F9.	The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel, including without limitation, all restaurants cocktail lounges,	N	N	N	N	N	N	<u>SP</u> ^r (*)	Y	N	N	N	SP	<u>N</u>	<u>---</u> ^P	<u>N</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
	room service facilities, meeting and function rooms on said premises. (Art. 3 S.T.M. #1 1977)															
F10.	Ancillary Outlet** (Art. 28, Spring Town Meeting 4/14/15)	N	N	N	N	N	N	<u>N</u> (*)	N	SP	N	N	SP	<u>N</u>	<u>N</u>	<u>N</u>
F11.	Undertaking establishment or funeral home.	N	N	N	N	N	N	<u>Y</u> (*)	Y	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
F12.	Cemetery	SP	N	A	N	N	N	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
F13.	Library or museum	Y	N	Y	N	N	SP	<u>Y</u> (*)	N	N	N	N	Y	<u>N</u>	<u>Y</u>	<u>Y</u>
F14.	Commercial Boarding or Training Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>SP</u>
F15.	Commercial Breeder Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>SP</u>

Note 1: See Section 323.4 Adult Uses (Art. 48, Spring A.T.M., 4/17/97)

Note 2: ~~F5.22B~~. Body Art Establishments: Body Art Establishments shall be allowable only on parcels of land situated within the Regional Corridor (RC) overlay district upon the grant of a special permit by the Planning Board acting as a Special Permit Granting Authority (SPGA). This use is prohibited on all parcels which are not located totally within the RC overlay district and specifically prohibited on any premises zoned Highway Mixed Use III (HM-III), even if said HM-III premises are overlaid by the RC zoning district.

* Acceptance of this article shall not be considered acceptance of Chapter 808 of the Acts of 1975 by this town.

~~Note: For districts FP, HM-I, HM-II, HM-III, LC, HPU see Section III Page 3~~

~~**Use F10.39A~~. Ancillary Outlet shall not be permitted in any Industrial Zones covered by or underlying the Regional Center Overlay District or HOOP Overlay Districts. The Ancillary Outlet Setback from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access is 85 feet. (Art. 28, Spring Town Meeting, 4/14/15)

Note: For districts FP, ~~HM-I~~, HM-II, HM-III, ~~LC~~, HPU see Section III Page 3

G. MOTOR VEHICLE RELATED SALES AND SERVICE USES

G1.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services excluding used-car lots.	N	N	N	N	N	N	<u>SP</u> (*)	Y	N	N	N	N	<u>N</u>	<u>N</u>	<u>Y</u>
G2.	Limited salesroom for motor vehicles (Article 5, FTM, 10/15/13)	N	N	N	N	N	N	<u>SP</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>Y</u>
G3.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with repair services and storage including used-car lots.	N	N	N	N	N	N	<u>N</u> (*)	SP	SP	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
G4.	Repair garage for motor vehicles.	N	N	N	N	N	N	<u>N</u> (*)	SP	SP	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
G5.	A facility exclusively for, or whose principal activity is, the changing of oil and related lubrication services on motor vehicles.*	N	N	N	N	N	N	<u>N</u> (*)	SP	SP	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
G6.	Motor freight or other transportation terminals; yards for the servicing of trucks and trailers.	N	N	N	N	N	N	<u>N</u> (*)	N	N	SP	N	N	<u>SP</u>	<u>N</u>	<u>N</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
G7.	Carwash **	N	N	N	N	N	N	<u>N</u> (*)	SP	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
G8.	Commercial parking lot or parking garage, filling or service station.*	N	N	N	N	N	N	<u>SP</u> (*)	SP	SP	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
<u>G8a.</u>	<u>The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>Y</u>
G9.	Auto body, soldering, or welding shop.	N	N	N	N	N	N	<u>N</u> (*)	SP	SP	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>
* For the Aquifer Protection District See Section III.A.5-5b).2. (Art. 22, Fall ATM, 10/5/93)																
** Mechanical vehicular washing system using water and chemical additives.																
H. TRANSPORTATION, COMMUNICATION, UTILITY USES																
H1.	Private landing area to be used solely for the landing, taking off, and storage of privately owned airplanes and/or helicopter.	SP	N	SP	N	N	N	<u>N</u> (*)	N	N	N	N	N	<u>N</u>	<u>SP</u>	<u>N</u>
H2.	Off -street parking as hereinafter permitted.	Y	Y	Y	Y	N	SP	<u>N</u> (*)	Y	Y	Y	N	Y	<u>Y</u>	<u>N</u>	<u>N</u>
H3.	Public service and public utility structure including telephone exchange. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	<u>Y^s</u> (*)	Y	Y	Y	N	SP	<u>Y</u>	<u>N</u>	<u>N</u>
H4.	Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower.◊	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<u>SP</u>	<u>N</u>	<u>SP</u>
H5.	Wireless Communications Facility, including only a free standing monopole.◊ (Art. 25, Spring ATM 4/9/19)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<u>SP</u>	<u>N</u>	<u>N</u>
H6.	Indoor Wireless Communications Facility (IWCF).◊	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	<u>N</u>	<u>Y</u>
H7.	Facilities for housing telecommunications equipment, such as sites where network systems can be interconnected to the fiber optic highband cable network, or to such network as it may be modified hereafter. (Art. 5, S.T.M. #2, 10/10/00)**	N	N	N	N	N	N	SP	SP	SP	SP	N	N	<u>SP</u>	<u>N</u>	<u>N</u>
◊ (Amended Art. 30, Fall ATM, 10/8/98)																
**Special Permit by SPGA in the HM-I, HM-II, HM-III, HPU, RC and HC Districts																
Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
I. PROFESSIONAL AND MEDICAL OFFICE USES																
I1.	Business or professional office or agency, bank or other financial institution (Art. 24 Fall A.T.M. 1996)	N	N	N	SP	N	SP	<u>Y</u> (*)	Y	Y	SP	N	Y	<u>SP</u>	<u>Y</u>	<u>Y</u>
<u>I1a.</u>	<u>Business Training Center</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>Y</u>
I2.	Administrative offices, clerical offices, statistical offices (Art. 8 S.T.M. 2 1975)	N	N	N	N	N	SP	<u>Y</u> (*)	N	SP*	SP*	N	Y	<u>SP</u>	<u>Y</u>	<u>Y</u>
I3.	Health Care facility, including a hospital, diagnostic and health care professional offices.															
	i) under 2500 sq. ft.	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	<u>N</u>	<u>N</u>	<u>N</u>
	ii) over 2500 sq. ft. (Art. 12, S.T.M. #1 Jan. 21, 1992)	N	N	N	N	N	SP	SP	SP	N	N	SP	Y	<u>N</u>	<u>N</u>	<u>N</u>
I4.	Animal or veterinary hospital providing it is located 200 ft. from nearest residential dwelling.	SP	N	N	N	N	N	<u>N</u> (*)	Y	N	N	N	Y	<u>N</u>	<u>N</u>	<u>N</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
* Any special permit granted for this use shall be subject to the provisions of Section VI DD																
J. RESEARCH AND DEVELOPMENT, LABORATORY, AND TECHNOLOGY USES																
J1.	Establishments for research and development. (Art. 8 S.T.M. 2 1975)	N	N	N	N	N	SP	<u>---</u> ^t (*)	N	SP*	SP*	N	Y	<u>SP</u>	<u>Y</u>	<u>Y</u>
<u>J1a.</u>	<u>Establishments for scientific research or scientific development or related production</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
J2.	Renewable or alternative energy research and development facilities (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	<u>N</u> (*)	N	Y	Y	N	N	<u>Y</u>	<u>N</u>	<u>N</u>
K. MANUFACTURING AND INDUSTRIAL USES																
K1.	Printing or publishing establishment provided that not more than five thousand feet are used for work and storage	N	N	N	N	N	SP	<u>Y</u> (*)	Y	N	N	N	Y	<u>N</u>	<u>Y</u>	<u>Y</u>
	a. over 5,000 sq. ft.	N	N	N	N	N	SP	<u>Y</u> (*)	SP	Y	Y	N	N	<u>Y</u>	<u>Y</u>	<u>Y</u>
K2.	Specialty craft fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 31, Fall TM 10/15/19)	N	N	N	N	N	N	<u>---</u> ^u (*)	Y	SP	SP	N	SP	<u>SP</u>	<u>N</u>	<u>Y</u>
<u>K2a.</u>	<u>Specialty Craft Fabrication, where all noises, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from the residential district</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
K3.	Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 30, Fall TM 10/15/19)	N	N	N	N	N	SP	<u>Y</u> (*)	SP	SP	SP	N	SP	<u>SP</u>	<u>N</u>	<u>Y</u>
K4.	Light manufacturing uses (including renewable or alternative energy light manufacturing uses) when the processes involved entail only fabrication, assembly, finishing work, packaging, or commercial food production, conducted in such a manner that noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	<u>N</u> (*)	N	Y	Y	N	SP	<u>Y</u>	<u>N</u>	<u>N</u>
K5.	General industrial uses including manufacturing, renewable or alternative energy manufacturing, processing, or other industrial operations that will not be offensive to adjoining districts in respect to obnoxious noise, smoke, dust, odor, waste disposal, vibration or similar objectionable features. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	<u>N</u> (*)	N	N	Y	N	N	<u>Y</u>	<u>N</u>	<u>N</u>
K6.	Warehouses (excluding retail warehouses), for storage of any personal property with no sales taking place on the premises; and open storage yards of lumber, stone, brick, gravel, cement, and	N	N	N	N	N	N	<u>---</u> ^v (*)	N	N	SP*	N	N	<u>SP</u>	<u>N</u>	<u>N</u>

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
	contractor's equipment, or other bulky merchandise, which may be sold on the premises. (Art. 73 A.T.M. 1963, Art. 49 A.T.M. 1976 & Art. 24 Fall A.T.M. 1996)															
K6a.	Warehouse of less than 1,000 square feet gross floor area	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
K6b.	Warehouse of more than 1,000 square feet gross floor area	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
K7.	Junk yards (Enclosed by a 10' high fence or other closed screen acceptable to Building Inspector.	N	N	N	N	N	N	<u>N</u> <u>(*)</u>	N	N	SP	N	N	<u>SP</u>	<u>N</u>	<u>N</u>
K8.	Town-owned dump. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	<u>N</u> <u>(*)</u>	Y	Y	Y	N	SP	<u>Y</u>	<u>N</u>	<u>N</u>
K9.	Dumps and use of land for the disposal of refuse by the sanitary-fill method provided the same is also approved by the Board of Health and vote of the Town.	SP	N	SP	N	N	N	<u>N</u> <u>(*)</u>	N	SP	SP	N	N	<u>SP</u>	<u>N</u>	<u>N</u>
L. INSTITUTIONAL AND EXEMPT USES																
L1.	Municipal facility and building for public uses and purposes. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	<u>Y</u> <u>(*)</u>	Y	Y	Y	N	SP	<u>Y</u>	<u>N</u>	<u>Y</u>
L1a.	A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
L1b.	Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums, but excluding solid waste disposal facilities	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>
L2.	Church, rectory, convent, parish house, and other religious institutions. ‡	Y	Y	Y	Y	N	SP	<u>Y^w</u> <u>(*)</u>	Y	Y	Y	N	Y	<u>Y^w</u>	<u>N</u>	<u>Y^w</u>
‡ Except as such Use is otherwise exempted from permitting by Massachusetts General Laws chapter 40A, section 3, or other State or Federal statute, in which case it is subject to Section III – A.7.(Art. 3, STM#1, 5/9/17)																
Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
L3.	Schools: public, religious, sectarian, or private. ‡	Y	Y	Y	Y	N	SP	<u>Y^w</u> <u>(*)</u>	Y	Y	Y	N	Y	<u>Y^w</u>	<u>N</u>	<u>Y^w</u>
L3a.	Schools conducted by a non-profit educational corporation on land which it owns	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
L4.	Licensed nursery school or other use for the day care of children, but not including day or summer private camps operated for profit.* ‡	SP	N	SP	SP	N	SP	<u>Y^w</u> <u>(*)</u>	SP	SP	N	SP	Y	<u>SP</u>	<u>N</u>	<u>Y^w</u>
<p>* "However, no special permit shall be required for the day care of children in a private residence by a daycare provider, who is licensed and operates under the rules and regulations of the Commonwealth of Massachusetts, Department of Children, and who on a regular basis, receives for temporary custody and care, during part or all of the day, children under sixteen years of age, provided however, in either case that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence."</p> <p>* "Licensed Nursery Schools and/or Daycare Centers, if located in an existing building, in a (CII), INI, or (H) district, shall not be subject to section VI-DD, "Site Plan Review"; and licensed Nursery Schools and Daycare Centers, shall not be subject to the requirements of section III-A.5, Aquifer Protection District, provided they shall be located in an existing building and further provided no impervious materials shall be added to the site."</p>																

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
(Art. 14, 1987 Fall A.T.M.) “‡ Except as such Use is otherwise exempted from permitting by Massachusetts General Laws chapter 40A, section 3, or other State or Federal statute, in which case it is subject to Section III – A.7.” (Art. 3, STM#1, 5/9/17) Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page 3																
M. OTHER USES																
M1.	Signs as hereinafter permitted	Y	Y	Y	SP	SP	SP	(*)	Y	Y	Y	N	Y	<u>Y</u>	<u>Y</u>	<u>Y</u>
M2.	Other accessory uses normally incidental to a permitted use	SP	SP	SP	SP	SP	SP	--- (*)	SP	SP	SP	N	SP	<u>SP</u>	<u>N</u>	---
M2a.	<u>Accessory Use</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>
M3.	<u>Fallout shelter</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>Y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	
M4.	<u>Mixed-use development</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>	<u>SP</u>	<u>N^y</u>	<u>N^y</u>	<u>N^y</u>
(Art. 45, Spring A.T.M. 04/27/10 – Deleted Drive in Theatres “D”) Note: For districts FP, HM-I , HM-II, HM-III, LC , HPU see Section III Page																

NOTE: Endnotes associated with the tracked changes Use Regulation Schedule above are below this note, shown in red

^a Highway Mixed-use – I (HM-I) District, Small Corporate Campus Parcel permitting requirements

^b Highway Mixed-use – I (HM-I) District, Large Corporate Campus Parcel permitting requirements

^c LC Zoning District allows for one family attached or detached dwelling

^d See Use Category Line 3a - Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law

^e See Use Category Line 3b - Two-family or semi-detached dwelling, including alternations and conversions of single-family dwellings

^f Multi-family Dwellings shall comply with Section III.E.2 of the Zoning Bylaw

^g See Use Category Line 4a - Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law

^h LC Zoning District allows for the renting of one or two rooms and/or furnishing of board by a resident family to a total of not more than four (4) non-transient persons

ⁱ See Use Category Line 10A – Customary Home Occupation

^j See Use Category Line 13A – Private garage or outdoor vehicle storage in connection with a dwelling

^k See Use Category Line 16A – Boarding House, Tourist Home or Lodging House

-
- ^l See Use Category Line 21c - Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only
 - ^m See Use Category Line 18a - Private or commercial, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line
 - ⁿ Wholesale or retail stores or office or showroom with inside storage of goods
 - ^o See Use Category Line 33a - Eating establishments without live or mechanical entertainment. Outdoor dining is allowed provided that: i. A minimum six (6) feet clear path is maintained free of obstruction in any pedestrian pathway or sidewalk, ii. The outdoor dining area is at least 50 feet from a residential district, iii. Where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area, iv. The proposed outdoor dining area complies with all other Town and State rules and regulations.
 - ^p See Use Category Line 33e - Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district
 - ^q See Use Category Line 35A, Eating establishments providing live or mechanical entertainment
 - ^r Such Use Category shall apply to both Hotels and Motels
 - ^s In the DM Zoning District radio and TV stations offices are included in this Use Category, while towers are excluded.
 - ^t See Use Category Line 63a – Establishment for scientific research or scientific development or related production
 - ^u See Use Category Line 66A - Specialty Craft Fabrication, where all noises, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from the residential district
 - ^v See Use Categories Line 70a – Warehouse of less than 1,000 square feet gross floor area, and Line 70b – Warehouse of more than 1,000 square feet gross floor area
 - ^w Such uses are subject to Section III-A.7 of the Zoning Bylaw
 - ^x See Use Category Line 79 – Other accessory use normally incidental to a permitted use
 - ^y Use not yet authorized by Town Meeting

Section III-A.2 as amended will read:

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
A. RESIDENTIAL USE (primary)																
A1.	One-family detached dwelling	Y	N	Y	N	SP	Y	N	N	N	N	N	N	N	N	Y
A1a.	One-family detached dwelling only if existing as of the time of adoption of this By-Law.	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
A2.	One-family detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.	N	N	N	SP	SP	N	Y	SP	SP	SP	N	N	SP	SP	Y ^c
A3.	Two-family or semi-detached dwelling	Y	Y	N ^{**}	N	SP	N	--- ^d	N	N	N	N	SP	N	N	--- ^e
A3a.	Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
A3b.	Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
A4. *	Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses, subject to and compliant with the provisions of Section V-J. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000) (Art. 52 F.T.M. (10/17/17) (Art. 32 Fall TM 10/16/18)	N	Y+	N ^{**}	Y+	SP	N	SP ^f	N	N	N	N	Y	N	N	--- ^g
A4a.	Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law. (Art. 42, F.T.M. 10/17/17) (Art. 32, Fall TM 10/16/18)	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
A4b.	Residential Mixed-use Development	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y
A5.	Alteration and conversion of a one-family house existing at the time of the adoption of this by-law, to accommodate two families if located on a lot having an area at least twenty-five percent greater than required for a one-family house.	Y	Y	N	N	SP	N	N	N	N	N	N	N	N	N	--- ^e
A6.	Sanitarium, or nursing, or rest home. (Art. 12, S.T.M. #1 Jan. 21, 1992)	SP	N	N	N	N	SP	SP	N	N	N	SP	SP	N	N	SP
A7.	Assisted Living Residence (Art. 44, Spring ATM, 4/27/10)	SP	SP	N	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	N
<p>⁺ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD"</p> <p>FP - See Flood Plain regulations at the end of this Section.</p> <p>HM-II - See Highway Mixed Use-II District regulations at Section III-C.</p> <p>HM-III - See Highway Mixed Use-III District regulations at Section III-G (Page III-43).</p> <p>HPU - See Highway Planned Use regulations at Section III-G (Page III-46).</p>																

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
<p>*1. Dwellings presently occupied for multi-family purposes, that have been in existence prior to 1948, and used continuously as such, may continue to be occupied for multi-family purposes under a non-conforming status subject to the provisions of Section V-A, 1., 2., 3. and 4. of the Natick Zoning By-Laws.</p> <p>2. Proof of continuous multi-family use must be documented with the Inspector of Buildings, who shall issue a certificate of such documentation.</p> <p>3. A copy of this certificate shall be filed with the Town Clerk, Board of Assessors and Board of Health.</p> <p>**4. See special regulations in Section III-F for alternative uses allowed by Special Permit in certain single family districts.</p>																
B. RESIDENTIAL USE (accessory)																
B1.	Family Suite	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N
B2.	Renting of one or two rooms and the furnishing of board by a resident family to not more than three non-transient persons.	Y	N	N	N	SP	N	N	N	N	N	N	N	N	N	Y ^h
B3.	Customary home occupation within the principal building conducted by a resident of the premises (or by owners of the premises where such premises abut Route 135 (Central Street) and are within the Central Fire District) provided that not more than one other person is regularly employed herein in connection with such use; that not more than twenty-five per cent of the total floor area not to exceed four hundred square feet is regularly devoted to such use; that there is no exterior storage of materials or equipment; and that no display of products is visible from the street. (Art. 64 A.T.M. 1968)	Y	Y	Y	SP	N	N	---	SP	N	N	N	SP	N	N	---
B3a.	Customary home occupation	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
B4.	Building accessory to a dwelling or premises to be used as an office or workroom for the conduct of a professional office or studio or customary home occupation by a resident thereon provided that the same conditions shall apply as hereinbefore set forth for such use in a dwelling (Art. 52 A.T.M. 1974)	SP	N	SP	N	N	N	---	SP	N	N	N	SP	N	N	---
B5.	For an office, studio or workroom connected and strictly accessory to the residence of the occupant, and in which no activity inappropriate to the district shall be carried on. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	N	---	Y	N	N	N	SP	N	N	---
B6.	Private garage or outdoor vehicle storage in connection with a dwelling for not more than three motor vehicles which shall not include more than one commercial vehicle two and one-half tons gross weight or more than one vehicle owned by a non-resident of the premises except in the case of a farm operated on a full-time basis by a resident thereon.	Y	Y	Y	Y	SP	N	---	N	N	N	N	N	N	N	N
B6a.	Private garage or outdoor vehicle storage in connection with a dwelling	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
B7.	Home Occupation/Customary Home Occupation Dog Kennel (Art. 27, Spring TM 4/9/19)	SP	N	SP	N	N	N	N	SP	N	N	N	N	N	N	N
B8.	Personal Dog Kennel (Art. 27, Spring TM 4/9/19)	SP	N	SP	N	N	N	N	SP	N	N	N	N	N	N	N
C. TRANSIENT ACCOMMODATION USES																
C1.	Tourist Home	Y	N	N	N	N	N	---	N	N	N	N	SP	N	N	N

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
C1a.	Boarding House, Tourist House or Lodging House	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
C2.	Hotel and Motel	N	Y	N	N	N	N	SP	Y	N	SP*	N	SP	SP	Y	N
*Art. 29, FALL ATM 1997																
Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
D. RECREATIONAL, AMUSEMENT, ENTERTAINMENT USES																
D1.	Country club, including golf, by natural light only, riding, tennis and boat houses. (Art. 6 S.T.M. 11/24/64 & Art. 54 A.T.M. 1962)	Y	N	N	SP	N	N	N	N	N	N	N	N	N	---	---
D1a.	Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
D2.	Country club, including golf, by natural light only, riding, tennis and boat houses and community centers for exclusive use of the residents of the particular district in which it is located (Art. I S.T.M. June 17, 1969)(Art. 2 S.T.M. #2, Oct. 10, 2000)	N	N	N	Y+	N	N	N	N	N	N	N	N	N	---	---
D3.	Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as business.	Y	N	SP	SP	SP	N	Y	N	N	N	N	Y	N	N	Y
D4.	Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	N	N	N	N	SP	N	SP	SP	N	N	N	SP	N	---	SP
D4a.	Indoor tennis or racquet club or other indoor recreation place, provided that the building is so insulated and maintained as to confine noise to the premises	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
D4b.	Indoor tennis or racquet club or other indoor recreation place, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP
D4c.	Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y
D5.	Commercial outdoor amusement or recreation use, but not including outdoor movie theatre.	N	N	N	N	N	N	N	SP	N	N	N	SP	N	---	---
D6.	Outdoor movie theatre (deleted – Art. 45 ATM 04/27/10)															
“+ On and after January 1, 2000 all new projects exercising this use which are not a replacement of a prior existing structure within the same footprint; and all modifications to prior-existing projects exercising this use which expand such use; shall require the issuance of a special permit in accordance with Section VI-DD”																

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
E. AGRICULTURAL AND NATURAL RESOURCE USES																
E1.	Farm for the raising, keeping and sale of cattle, horses, sheep, goats and for the growing and sale of all agricultural products including fruits, vegetables, hay and grain, all dairy produce, and eggs.	SP*	N	SP*	N	N	N	N	SP*	N	N	N	N	N	N	N
E2.	Premises for the raising of swine, poultry, fowl and fur-bearing animals.	SP*	N	SP*	N	N	N	N	N	N	N	N	N	N	N	N
E3.	A stall or stand for selling farm or garden products a major portion of which is raised or produced on the premises by the owner or lessee thereof.	Y	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N
E4.	Greenhouse, nursery and truck garden.	Y	N	Y	N	N	N	N	SP	N	N	N	N	N	N	N
* If such land is used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, insofar as a majority of such products for sale have been produced by the owner of the land on which the facility is located, and provided that such parcel is more than five (5) acres in area, no special permit for such use shall be required. Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
F. RETAIL OR CONSUMER SERVICE ESTABLISHMENT USES																
F1.	Retail stores.	N	N	N	SP	N	N	Y	Y	N	N	N	Y	N	N	Y
F2.	Wholesale or retail office or showroom with inside storage of goods for sale on premises only.	N	N	N	N	N	N	Y	Y	N	N	N	Y	N	N	--- ⁿ
F2a.	Wholesale or retail stores or office or showroom with inside storage of goods															Y
F3.	Craft, consumer, professional or commercial service establishments dealing directly with the general public.	N	N	N	SP	N	N	Y	Y	N	N	N	Y	N	Y	Y
F4.	Adult Uses ¹ (Art. 48, Spring A.T.M., 4/17/97)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F5.	Body Art Establishments *See Note 2 (Art. 37, Spring A.T.M., 4/24/01)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F6.	Restaurant, tea rooms, lunchrooms or other places serving permitted beverages inside a building.	N	N	N	N	N	N	--- ^o	Y	N	N	N	Y	N	--- ^p	N
F6a.	Eating establishments without live or mechanical entertainment.	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y ^o	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
F6b.	Restaurant, tearooms, lunchrooms, or other places serving food and permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding an activity customarily conducted as a business	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
F6c.	The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time (Art. 21, Fall A.T.M., 10/5/93)	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
F6d.	The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP
F6e.	Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y
F7.	Cafeteria or restaurant for sole use of personnel employed on the premises of permitted use.	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	--- ^p	Y
F8.	Restaurant or other places serving food or permitted beverages and providing live or mechanical entertainment or serving customers outside of buildings.	N	N	N	N	N	N	--- ^q	SP	N	N	N	SP	N	--- ^p	N
F8a.	Eating establishments providing live or mechanical entertainment	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
F9.	The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel, including without limitation, all restaurants cocktail lounges, room service facilities, meeting and function rooms on said premises. (Art. 3 S.T.M. #1 1977)	N	N	N	N	N	N	SP ^r	Y	N	N	N	SP	N	--- ^p	N
F10.	Ancillary Outlet** (Art. 28, Spring Town Meeting 4/14/15)	N	N	N	N	N	N	N	N	SP	N	N	SP	N	N	N
F11.	Undertaking establishment or funeral home.	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
F12.	Cemetery	SP	N	A	N	N	N	N	N	N	N	N	N	N	N	N
F13.	Library or museum	Y	N	Y	N	N	SP	Y	N	N	N	N	Y	N	Y	Y

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
F14.	Commercial Boarding or Training Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP
F15.	Commercial Breeder Dog Kennel (Art. 27, Spring TM 4/9/19)	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP
<p>Note 1: See Section 323.4 Adult Uses (Art. 48, Spring A.T.M., 4/17/97)</p> <p>Note 2: F5. Body Art Establishments: Body Art Establishments shall be allowable only on parcels of land situated within the Regional Corridor (RC) overlay district upon the grant of a special permit by the Planning Board acting as a Special Permit Granting Authority (SPGA). This use is prohibited on all parcels which are not located totally within the RC overlay district and specifically prohibited on any premises zoned Highway Mixed Use III (HM-III), even if said HM-III premises are overlaid by the RC zoning district.</p> <p>* Acceptance of this article shall not be considered acceptance of Chapter 808 of the Acts of 1975 by this town.</p> <p>Note: For districts FP, HM-I, HM-II, HM-III, LC, HPU see Section III Page 3</p> <p>***Use F10. Ancillary Outlet shall not be permitted in any Industrial Zones covered by or underlying the Regional Center Overlay District or HOOP Overlay Districts. The Ancillary Outlet Setback from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access is 85 feet. (Art. 28, Spring Town Meeting, 4/14/15)</p> <p>Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3</p>																
G. MOTOR VEHICLE RELATED SALES AND SERVICE USES																
G1.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services excluding used-car lots.	N	N	N	N	N	N	SP	Y	N	N	N	N	N	N	Y
G2.	Limited salesroom for motor vehicles (Article 5, FTM, 10/15/13)	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	Y
G3.	Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with repair services and storage including used-car lots.	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G4.	Repair garage for motor vehicles.	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G5.	A facility exclusively for, or whose principal activity is, the changing of oil and related lubrication services on motor vehicles.*	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
G6.	Motor freight or other transportation terminals; yards for the servicing of trucks and trailers.	N	N	N	N	N	N	N	N	N	SP	N	N	SP	N	N
G7.	Carwash **	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N
G8.	Commercial parking lot or parking garage, filling or service station.*	N	N	N	N	N	N	SP	SP	SP	N	N	N	N	N	N
G8a.	The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	Y
G9.	Auto body, soldering, or welding shop.	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N
<p>* For the Aquifer Protection District See Section III.A.5-5b).2. (Art. 22, Fall ATM, 10/5/93)</p> <p>** Mechanical vehicular washing system using water and chemical additives.</p>																
H. TRANSPORTATION, COMMUNICATION, UTILITY USES																
H1.	Private landing area to be used solely for the landing, taking off, and storage of privately owned airplanes and/or helicopter.	SP	N	SP	N	N	N	N	N	N	N	N	N	N	SP	N
H2.	Off -street parking as hereinafter permitted.	Y	Y	Y	Y	N	SP	N	Y	Y	Y	N	Y	Y	N	N
H3.	Public service and public utility structure including telephone exchange. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	Y ^s	Y	Y	Y	N	SP	Y	N	N

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
H4.	Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower.◊	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP
H5.	Wireless Communications Facility, including only a free standing monopole.◊ (Art. 25, Spring ATM 4/9/19)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N
H6.	Indoor Wireless Communications Facility (IWCF).◊	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
H7.	Facilities for housing telecommunications equipment, such as sites where network systems can be interconnected to the fiber optic highband cable network, or to such network as it may be modified hereafter. (Art. 5, S.T.M. #2, 10/10/00)**	N	N	N	N	N	N	SP	SP	SP	SP	N	N	SP	N	N
◊ (Amended Art. 30, Fall ATM, 10/8/98)																
**Special Permit by SPGA in the HM-I, HM-II, HM-III, HPU, RC and HC Districts																
Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
I. PROFESSIONAL AND MEDICAL OFFICE USES																
I1.	Business or professional office or agency, bank or other financial institution (Art. 24 Fall A.T.M. 1996)	N	N	N	SP	N	SP	Y	Y	Y	SP	N	Y	SP	Y	Y
I1a.	Business Training Center	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	Y
I2.	Administrative offices, clerical offices, statistical offices (Art. 8 S.T.M. 2 1975)	N	N	N	N	N	SP	Y	N	SP*	SP*	N	Y	SP	Y	Y
I3.	Health Care facility, including a hospital, diagnostic and health care professional offices.															
	i) under 2500 sq. ft.	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N
	ii) over 2500 sq. ft. (Art. 12, S.T.M. #1 Jan. 21, 1992)	N	N	N	N	N	SP	SP	SP	N	N	SP	Y	N	N	N
I4.	Animal or veterinary hospital providing it is located 200 ft. from nearest residential dwelling.	SP	N	N	N	N	N	N	Y	N	N	N	Y	N	N	N
* Any special permit granted for this use shall be subject to the provisions of Section VI DD																
J. RESEARCH AND DEVELOPMENT, LABORATORY, AND TECHNOLOGY USES																
J1.	Establishments for research and development. (Art. 8 S.T.M. 2 1975)	N	N	N	N	N	SP	---	N	SP*	SP*	N	Y	SP	Y	Y
J1a.	Establishments for scientific research or scientific development or related production	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
J2.	Renewable or alternative energy research and development facilities (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N	N
K. MANUFACTURING AND INDUSTRIAL USES																
K1.	Printing or publishing establishment provided that not more than five thousand feet are used for work and storage	N	N	N	N	N	SP	Y	Y	N	N	N	Y	N	Y	Y
	a. over 5,000 sq. ft.	N	N	N	N	N	SP	Y	SP	Y	Y	N	N	Y	Y	Y
K2.	Specialty craft fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 31, Fall TM 10/15/19)	N	N	N	N	N	N	---	Y	SP	SP	N	SP	SP	N	Y

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
K2a.	Specialty Craft Fabrication, where all noises, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from the residential district	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K3.	Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises. (Art. 30, Fall TM 10/15/19)	N	N	N	N	N	SP	Y	SP	SP	SP	N	SP	SP	N	Y
K4.	Light manufacturing uses (including renewable or alternative energy light manufacturing uses) when the processes involved entail only fabrication, assembly, finishing work, packaging, or commercial food production, conducted in such a manner that noise, smoke, dust, odor, vibration or similar objectionable features are confined to the premises. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	N	Y	Y	N	SP	Y	N	N
K5.	General industrial uses including manufacturing, renewable or alternative energy manufacturing, processing, or other industrial operations that will not be offensive to adjoining districts in respect to obnoxious noise, smoke, dust, odor, waste disposal, vibration or similar objectionable features. (Art. 58, Fall ATM 10/20/09)	N	N	N	N	N	N	N	N	N	Y	N	N	Y	N	N
K6.	Warehouses (excluding retail warehouses), for storage of any personal property with no sales taking place on the premises; and open storage yards of lumber, stone, brick, gravel, cement, and contractor's equipment, or other bulky merchandise, which may be sold on the premises. (Art. 73 A.T.M. 1963, Art. 49 A.T.M. 1976 & Art. 24 Fall A.T.M. 1996)	N	N	N	N	N	N	--- ^v	N	N	SP*	N	N	SP	N	N
K6a.	Warehouse of less than 1,000 square feet gross floor area	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K6b.	Warehouse of more than 1,000 square feet gross floor area	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
K7.	Junk yards (Enclosed by a 10' high fence or other closed screen acceptable to Building Inspector.	N	N	N	N	N	N	N	N	N	SP	N	N	SP	N	N
K8.	Town-owned dump. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	N	Y	Y	Y	N	SP	Y	N	N
K9.	Dumps and use of land for the disposal of refuse by the sanitary-fill method provided the same is also approved by the Board of Health and vote of the Town.	SP	N	SP	N	N	N	N	N	SP	SP	N	N	SP	N	N
L. INSTITUTIONAL AND EXEMPT USES																
L1.	Municipal facility and building for public uses and purposes. (Art. 52 A.T.M. 1974)	SP	SP	SP	SP	N	SP	Y	Y	Y	Y	N	SP	Y	N	Y

		RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H	CG	HMI ^a	HMI ^b	LC
L1a.	A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
L1b.	Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums, but excluding solid waste disposal facilities	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y
L2.	Church, rectory, convent, parish house, and other religious institutions. ‡	Y	Y	Y	Y	N	SP	Y ^w	Y	Y	Y	N	Y	Y ^w	N	Y ^w
‡ Except as such Use is otherwise exempted from permitting by Massachusetts General Laws chapter 40A, section 3, or other State or Federal statute, in which case it is subject to Section III – A.7.(Art. 3, STM#1, 5/9/17) Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
L3.	Schools: public, religious, sectarian, or private. ‡	Y	Y	Y	Y	N	SP	Y ^w	Y	Y	Y	N	Y	Y ^w	N	Y ^w
L3a.	Schools conducted by a non-profit educational corporation on land which it owns	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y
L4.	Licensed nursery school or other use for the day care of children, but not including day or summer private camps operated for profit.* ‡	SP	N	SP	SP	N	SP	Y ^w	SP	SP	N	SP	Y	SP	N	Y ^w
* "However, no special permit shall be required for the day care of children in a private residence by a daycare provider, who is licensed and operates under the rules and regulations of the Commonwealth of Massachusetts, Department of Children, and who on a regular basis, receives for temporary custody and care, during part or all of the day, children under sixteen years of age, provided however, in either case that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence." * "Licensed Nursery Schools and/or Daycare Centers, if located in an existing building, in a (CII), INI, or (H) district, shall not be subject to section VI-DD, "Site Plan Review"; and licensed Nursery Schools and Daycare Centers, shall not be subject to the requirements of section III-A.5, Aquifer Protection District, provided they shall be located in an existing building and further provided no impervious materials shall be added to the site." (Art. 14, 1987 Fall A.T.M.) ‡ Except as such Use is otherwise exempted from permitting by Massachusetts General Laws chapter 40A, section 3, or other State or Federal statute, in which case it is subject to Section III – A.7." (Art. 3, STM#1, 5/9/17) Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																
M. OTHER USES																
M1.	Signs as hereinafter permitted	Y	Y	Y	SP	SP	SP	(*)	Y	Y	Y	N	Y	Y	Y	Y
M2.	Other accessory uses normally incidental to a permitted use	SP	SP	SP	SP	SP	SP	--- ^x	SP	SP	SP	N	SP	SP	N	--- ^x
M2a.	Accessory Use	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP
M3.	Fallout shelter	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	Y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	
M4.	Mixed-use development	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	N ^y	SP	N ^y	N ^y	N ^y
(Art. 45, Spring A.T.M. 04/27/10 – Deleted Drive in Theatres "D") Note: For districts FP, HM-II, HM-III, HPU see Section III Page 3																

-
- ^a Highway Mixed-use – I (HM-I) District, Small Corporate Campus Parcel permitting requirements
 - ^b Highway Mixed-use – I (HM-I) District, Large Corporate Campus Parcel permitting requirements
 - ^c LC Zoning District allows for one family attached or detached dwelling
 - ^d See Use Category Line 3a - Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law
 - ^e See Use Category Line 3b - Two-family or semi-detached dwelling, including alternations and conversions of single-family dwellings
 - ^f Multi-family Dwellings shall comply with Section III.E.2 of the Zoning Bylaw
 - ^g See Use Category Line 4a - Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law
 - ^h LC Zoning District allows for the renting of one or two rooms and/or furnishing of board by a resident family to a total of not more than four (4) non-transient persons
 - ⁱ See Use Category Line 10A – Customary Home Occupation
 - ^j See Use Category Line 13A – Private garage or outdoor vehicle storage in connection with a dwelling
 - ^k See Use Category Line 16A – Boarding House, Tourist Home or Lodging House
 - ^l See Use Category Line 21c - Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only
 - ^m See Use Category Line 18a - Private or commercial, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line
 - ⁿ Wholesale or retail stores or office or showroom with inside storage of goods
 - ^o See Use Category Line 33a - Eating establishments without live or mechanical entertainment. Outdoor dining is allowed provided that: i. A minimum six (6) feet clear path is maintained free of obstruction in any pedestrian pathway or sidewalk, ii. The outdoor dining area is at least 50 feet from a residential district, iii. Where an outdoor dining area will abut a street or parking area, the Police Department and Department of Public Works have provided written approval of protective measures to prevent vehicular intrusion into the outdoor dining area, iv. The proposed outdoor dining area complies with all other Town and State rules and regulations.
 - ^p See Use Category Line 33e - Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district
 - ^q See Use Category Line 35A, Eating establishments providing live or mechanical entertainment
 - ^r Such Use Category shall apply to both Hotels and Motels
 - ^s In the DM Zoning District radio and TV stations offices are included in this Use Category, while towers are excluded.

-
- ^t See Use Category Line 63a – Establishment for scientific research or scientific development or related production
 - ^u See Use Category Line 66A - Specialty Craft Fabrication, where all noises, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible and such a use is located not less than fifty (50) feet from the residential district
 - ^v See Use Categories Line 70a – Warehouse of less than 1,000 square feet gross floor area, and Line 70b – Warehouse of more than 1,000 square feet gross floor area
 - ^w Such uses are subject to Section III-A.7 of the Zoning Bylaw
 - ^x See Use Category Line 79 – Other accessory use normally incidental to a permitted use
 - ^y Use not yet authorized by Town Meeting

~~ **END OF MOTION** ~~

FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	October 10, 2023

MOTION B (Requires a 2/3 Vote)

MOTION B – Move to amend Section III-B.3, Section III.D.1.a-s and III-D.2.a-i, Sections III-E.2.a.1-28 and III-E.2.b.2-13, and Section EE-2 to reflect Use Categories being relocated to Section III-A.2 Use Regulation Schedule; and further amend citations affected by such amendments

1. Section III-B Highway Mixed Use – (HM-I) District

Delete

- Section III-B.3 Use Regulations for the HM-I, Section III-B.3.a through III-B.3.d in its entirety

Amend

- The citation for the section ‘Intensity Regulations and Development Requirements’ to be a new ‘3. Intensity Regulations and Development Requirements’

So that amended language in Section III-B will read

1. Purpose and Intent

To support and encourage the expansion of businesses, the Highway Mixed Use – I (HM-I) Zoning District provides opportunity for development and infill opportunities within one of Natick’s economic hubs. The HM-I intends to promote redevelopment of underutilized sites that seek to strengthen and diversify the Town’s employment and tax base, as outlined in Natick’s long range planning documents.

2. Development Scale

- a. The HM-I divides development opportunities into small and large campuses. Campuses can either be a single parcel or multiple parcels that are in common ownership. Parcels within a campus may be separated by a public street, public utility easement, or Town accepted right of way.
 - i. Small Corporate Campus Parcels are eighty thousand (80,000) to two hundred thousand (200,000) square feet; or
 - ii. Large Corporate Campus Parcels are greater than two hundred thousand (200,000) square feet of land.

3. Intensity Regulations and Development Requirements

a. Setback Modifications

- i. Where parcels of land within a Small or Large Corporate Campus Parcel are separated by a road, easement, or way, the front yard setback can be decreased to twenty (20) feet where the setback area is landscaped within at least one (1) street tree per fifty (50) feet of frontage.

- ii. A front setback of sixty (60) feet from Worcester Street (Route 9) shall not be decreased.
 - iii. The SPGA may by special permit decrease the side and rear setback to twenty (20) feet if it is determined that such separation promotes the intent of a campus design and the setback area is designed as open space.
- b. Review Standards and Procedures

The Planning Board may adopt, and from time to time revise and amend, design standards and guidelines that will be applicable to all projects within the HM-I district. Such standards and guidelines shall be consistent with and promote the Purpose and Intent of the HM-I district.
- c. Open Space Requirements
 - i. A landscape buffer shall be a minimum of four (4) feet in width and shall be maintained at all side and rear yards that do not abut a parcel in common ownership.
 - ii. A landscape buffer shall be a minimum of twenty five (25) feet in width and shall be maintained at all side and rear yards that abut residentially zoned districts.
 - iii. A landscape buffer shall not be required where open space is wider than the width of the respective existing side, rear or front yard of the premises, so long as such yard conforms to the requirements of these By-Laws.
 - iv. A landscaped buffer may be interrupted for pedestrian, vehicular, and utility installation and access.
 - v. All landscaping shall be constructed and maintained as provided in § VI-B(x) of these By-Laws.
 - vi. No additional buffers shall be required under this Section at property lines at which the requirements of these By-Laws for landscaping adjacent to rights-of-way are satisfied.

2. Section III-D Use Regulations for LC Districts

Delete

- The language from Section III-D header description that reads ‘Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.’
- From Section III-D.1 the words ‘PERMITTED USES:’ from the sub-section header and the associated language that reads ‘The following uses are permitted as of right in an LC District.’
- All Use Categories from Sections III-D.1.a-s in its entirety
- From Section III-D.2 the words ‘USES ALLOWED ON SPECIAL PERMIT ONLY.’ from the sub-section header and the associated language that reads ‘The following uses may be allowed by the Special Permit Granting Authority in accordance with Section VI - E - 2:’
- All Use Categories from Sections III-D.2.a-i in its entirety

Amend

- The citation for the section 'DIMENSIONAL AND DENSITY REQUIREMENTS.' to be a new sub-section '1. DIMENSIONAL AND DENSITY REQUIREMENTS.'

So that amended language in Section III-D will read

1. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:
 - a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.
 - b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.
 - c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %
 - d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.
 - e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%.
(Art. 6 S. T. M. March 20, 1979)

3. Section III-E Downtown Mixed Use District DM

Delete

- From Section III-E.2 the words 'USE REGULATIONS FOR' and the letter 'S' from 'DISTRICTS' all from the section header and associated language that reads 'Only those uses provided for below are permitted or allowed in a DM District. All other uses are prohibited, except as may be provided for hereafter.'
- From Section III-E.a the words 'PERMITTED USES:' from the sub-section header and the associated language that reads 'The following uses are permitted as a matter of right in a Downtown Mixed Use District, such uses may be combined in the same structure and/or on the same lot:'
- All Use Categories from Sections III-E.2.a.1-28 in its entirety
- From Section III-E.b the words 'USES ALLOWED ON SPECIAL PERMIT ONLY:' from the sub-section header and the associated language that reads 'The following uses may be allowed by the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.'
- Citations from Section III-E.2.b.1, III-E.2.b.1.i, and III-E.2.b.1.iii
- All Use Categories from Section III-E.2.b.2-13 in its entirety

Insert

- The words ‘MULTI-FAMILY DWELLINGS IN THE” before ‘DM DISTRICT:’
- Add a new citation ‘a.’ for the language that reads ‘the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;’
- Add a new citation ‘b’ for the language that reads ‘all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority. (Art. 32, Fall TM 10/16/18) (Art. 52, F.T.M. 10/17/17) (Article 29, Fall TM 10/15/19)’
- Add a new citation ‘c’ for the language that reads ‘Habitable Rooms of multi-family dwellings may be located on the first floor of any structure in the DM district except on:...As Shown on Map III-E, 2 (b)’
 - Note: Map III-E, 2(22)(b) will not be deleted, but is not included in this motion for the purposes of saving space

So that the amended language in Section III-E will read

1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers. Some multi-family dwellings may be included to provide economic viability to such center while adding to the housing stock of the community. The DM District is intended to apply only to the central business area in the vicinity of the intersection of Routes 135 and 27.

2. MULTI-FAMILY DWELLINGS IN THE DM DISTRICT:

Multi-family dwellings, provided that:

- a. the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;
- b. all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority. (Art. 32, Fall TM 10/16/18) (Art. 52, F.T.M. 10/17/17) (Article 29, Fall TM 10/15/19)
- c. Habitable Rooms of multi-family dwellings may be located on the first floor of any structure in the DM district except on:
 - Main Street in its entirety, from West/East Central Street to North Avenue;
 - South Main Street from West/East Central Street to south boundary of DM district;
 - North Ave from North Main Street to Washington Street;
 - South Ave from Main Street to Clarendon Street;
 - Pond Street from South Main Street to the west boundary of the DM district;
 - East Central Street from Main Street to east boundary of DM district;
 - West Central Street from Main Street to west boundary of DM district
 - Common Street from South Main Street to Park Street;
 - Court Street in its entirety;
 - Park Street in its entirety;
 - Washington Street from East Central to North Avenue.

As shown on Map III-E, 2(b)

3. DIMENSIONAL AND DENSITY REQUIREMENTS

- a. MINIMUM LOT DIMENSIONS: Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.
- b. MINIMUM YARD DIMENSIONS:
 - 1. Front Yard – fifteen (15) feet or any lesser amount by special permit provided that the SPGA finds that the following criteria have been met:
 - i. Adequate sidewalk width is available to support the anticipated level of activity and usage;
 - ii. the placement of the building is generally consistent with that of other buildings on the streets; and
 - iii. the placement of the building supports a walkable pedestrian area.
 - 2. Side Yard – Ten (10) feet where premises abut a residential district, otherwise none required.
 - 3. Rear yard – Twenty (20) feet. (Art. 3 Fall T.M. 10/20/20)
- c. MAXIMUM PERCENTAGE BUILDING COVERAGE:
(Includes any accessory building): 60 %.
- d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:
Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers. No part of a building lying within twenty (20') feet of a residential district boundary may exceed forty (40') feet.

(Art. 6, S.T.M. #2, 10/10/00)
- e. MINIMUM HEIGHT OF BUILDINGS:
Building height for any new building shall equal at least thirty (30) feet.
(Art. 6, S.T.M. #2, 10/10/00)
- f. OPEN SPACE REQUIREMENT PER LOT:
Ten (10%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

4. DESIGN REVIEW BOARD

A. PURPOSE

It is the intent of this Section to provide detailed review of exterior alterations made to structures having substantial impact on the Natick Downtown Mixed Use District, to prevent blight, to enhance the natural and aesthetic qualities of the Downtown, to conserve the value of land and buildings, and to protect and preserve the historic and cultural heritage of the Downtown and its surrounding neighborhoods.

B. DESIGN REVIEW BOARD COMPOSITION

For the purposes of this Section III-E.4, the Design Review Board shall be appointed by the Planning Board and the Natick Board of Selectmen to consist of five (5) Town residents as follows:

1. A member of the Planning Board or designee,
2. A person appointed by the Planning Board qualified by training and experience in Landscape design,
3. A person appointed by the Planning Board qualified by training and experience in Architecture design,
4. A person appointed by the Board of Selectmen who serves on the Historic Commission,
5. A person appointed by the Board of Selectmen who serves on a Downtown Business organization.

Members shall serve for three (3) years or until their successors are appointed, except that the members listed under paragraphs 2 and 4 above shall serve for two (2) years in their initial term, and the member listed under paragraph 3 above shall serve for one (1) year in his or her initial term.

C. AUTHORITY AND SPECIFIC POWERS

The Design Review Board shall review requests for sign permits, new construction, or any other exterior alterations or modifications to a building, with the exception of single- and two-family dwellings, that require a special permit or variance. It shall evaluate such requests based on Part D – Design Criteria of this section. All requests must be submitted to the Design Review Board prior to application to the Special Permit Granting Authority or Permit Granting Authority. A written determination must be made within thirty (30) days after the filing of the application or such further time as the applicant may in writing allow. Its findings, along with any restrictions and/or conditions, shall be submitted in writing to the Special Permit Granting Authority or Permit Granting Authority. These comments may also be incorporated in the recommendations of the Planning Board to the Special Permit Granting Authority or Permit Granting Authority. All decisions and reports of the Design Review Board shall be advisory only.

D. DESIGN CRITERIA

The Design Review Board shall review requests for Special Permits under this Section based on the following standards:

1. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

2. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. Proposed buildings shall be related to their surroundings with respect to:
 - a. height
 - b. street façade
 - c. rhythm of solids and voids
 - d. spacing of buildings or signs
 - e. materials, textures, and color
 - f. roof slopes
 - g. scale
3. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
4. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
5. Heritage. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
6. The Design Review Board may, in its discretion, determine and apply additional Design Criteria that further the purposes of this bylaw.
- E. DESIGN GUIDELINES HANDBOOK The Design Review Board shall publish and make available to the public on request a booklet of guidelines based on the specific Design Criteria cited in Part D to effectuate the purposes of this Section.

(Art. 21, Fall A.T.M., 10/21/03)

4. Section III-EE Center Gateway (CG) Zoning District

Delete Section III-EE.2.b 'Residential Mixed-use Development and mixed-use developments shall require a special permit.' In its entirety and re-letter Sections III-EE.2.c-f so that Section III-E will read as follows

1. Purpose and Intent

To accommodate a variety of residential and non-residential uses, the CG district encourages a variety of building types while promoting redevelopment with a strong multi-modal streetscape and a physical form and design character that signals a transition to and from surrounding districts in relation to the Downtown Mixed Use (DM) district.

2. Use Regulations for CG Districts

- a. Projects within the CG district may include two or more uses as identified in the CG District in § III-A.2. Use Regulation Schedule.

- b. All projects within the CG district shall be subject to Site Plan Review under § VI-DD of this Bylaw.
 - c. Projects with four or more new residential units shall comply with §V-J.
 - d. Projects within the CG district may have more than one building per lot.
 - e. Projects with frontage on East Central Street and/or Union Street shall provide a minimum of 50 percent of the first floor for non-residential uses.
3. Design Review Board (DRB)
- The Design Review Board, established under Section III-E.4 of this Bylaw, shall in addition to and consistent with its authority and specific powers set forth in Section III-E.4.C provide a written recommendation to the Planning Board relative to the design of the project, in accordance with Section III-E.4.D.1-6
4. Review Standards and Procedures
- The Planning Board may adopt, and from time to time revise and amend, design standards and guidelines that will be applicable to all projects within the CG district. Such standards and guidelines shall be consistent with and promote the Purpose and Intent of the CG district.
5. Compliance
- Projects within the CG shall comply with this Section III.EE. Wherever a conflict exists between two sections, this Section III.EE shall prevail.

~~ END OF MOTION ~~

~~ END OF ARTICLE ~~

ARTICLE 25
Charter Change
(Charter and ByLaw Review Committee)

ARTICLE LANGUAGE

To see what action(s) the town will take, consistent with the scope of this town meeting warrant article, to vote the language of and to authorize the filing of a Home Rule Petition for Special Act Legislation with the General Court involving any or all of the following changes to the Charter and to see if the Natick representative town meeting will consider the following comprehensively or in segments or sub segments as follows:

Representative Town Meeting - Charter Article 2

- (1) to amend or modify the language of Charter Article 2 to decrease or increase the number of representative town meeting members;
- (2) to amend or modify the language of the provisions in Charter Article 2 regarding filling of vacancies in representative town meeting and/or to amend or modify the provisions regarding the caucus procedure in Charter Article 2;
- (3) to create provisions in Charter Article 2 or other Charter articles or sections regarding removal of representative town meeting members, to specify the causes or basis thereof and or to authorize such provisions to be developed in a bylaw;
- (4) to amend or modify the language regarding the quorum of representative town meeting to reflect any changes above;
- (5) to amend or modify the language regarding the initiation of town meeting warrant articles under Charter Article 2, section 2-11(b) by multiple member bodies to be only those articles sponsored by multiple member bodies with an existence and charge created by statute, charter, bylaw or vote of town meeting or to provide that any warrant articles sponsored by an appointed multiple member body that was not created and given a charge in statute, charter, bylaw or vote of town meeting, be, prior to filing, subject to the approval of the appointing authority for such multiple member body and/or to create a new definition in Charter Article 7 for an authorized multiple member body and to use that definition in Charter Article 2, section 2-11(b) to replace the term "multiple member body";
- (6) to amend or modify the language in the first part of Charter Article 2, section 2-11(b) to provide that the Select Board insert in the warrant all petitions which are received by and/or addressed to the Select Board pursuant to section 2-11(b);
- (7) to amend or modify the language of the provisions of Charter Article 2, section 2-10 pertaining to attendance of all town employees and or representatives from any or every town agency at all sessions of representative town meeting and instead to authorize the Moderator to require and to schedule attendance of town employees and town agencies as appropriate consistent with the nature of business pursuant to warrant articles, to arrange for town agencies not in attendance to be contacted by the Moderator during a session of representative town meeting, to authorize hybrid attendance by town employees and agencies and /or to provide for alternatives to the current charter requirement on attendance to be addressed in a bylaw.

Elected Officers - Charter Article 3

(8) to amend or modify the language of Charter Article 3, section 3-1(f) to exclude the Moderator and committees appointed by the Moderator and with regard to other elected officer to limit the scope of Charter Article 3, section 3-1(f) to matters involving joint activities, policies or administrative matters and to add language within the text referencing or strengthening the coordination provision;

(9) to eliminate the provisions for preliminary elections in Charter Article 3, section 3-1(d) and to provide that town wide officers elected with less than a majority for a particular position be elected to a truncated term serving only until the next regular local election and/or to provide that such position to be filled at the next regular local election shall be the balance of the original non truncated term and/or to provide for ranked choice voting, as practical or otherwise, as an alternative solution to eliminating the provisions for preliminary elections in Charter Article 3 and/or to remove obsolete references, if any, to an elected town clerk from Charter Article 3, section 3-1-(a);

(10) to include in the language within Charter Article 3, section 3-12(b) that the recreation and parks commission shall be authorized also to advise the Select Board on policies and practices for parks and recreation within the Town.

Select Board - Charter Article 3, section 3-2

(11) to amend or modify the language of the powers and duties and/or appointment powers of the Select Board under Charter Article 3 to have certain appointments instead made by the town administrator, to specify such appointments, to specify which if any such appointments would be subject to the review and affirmative vote approval of the Select Board, (provided that any such change to additional duties, powers and/or appointing authority for the town administrator under this paragraph and under any paragraph above or below can only occur if provisions for removal or suspension for the Town Administrator currently provided for in Charter Article 4 are changed to less than unanimous attendance by the Select Board) and/or to modify or amend the language in Charter Article 4, section 4-2-3 and or elsewhere to specify or to authorize any appointments to be made subject to review and affirmative vote approval of the Select Board;

(12) to modify the restriction currently in Charter Article 3 section 3-2 on the Select Board broad policy guidelines to allow specific policies that are capable of being followed by others serving under the overall supervision or authority of the Select Board but still not involving involvement by the Select Board in day to day operations or administration and /or to specify that the chief policy making agency role of the Select Board is a role exercised as a town agency;

(13) to amend or modify the language in Charter Article 3, section 3-2 of the powers and duties of the Select Board to include or to specify that the Select Board shall serve in a policy making, review and oversight capacity as the commissioners of parks, public works, roads, water and sewer, police, fire and other functions, if any, to be specified;

(14) to specify, within Charter Article 3, section 3-2(b) or elsewhere in Charter Articles 3 or 4, that performance review of the town administrator is to be conducted by the Select Board both on its own behalf and on behalf of the town overall and other elected officers, their appointees and representative town meeting.

Town Counsel - Charter Article 3; Charter Article 6

(15) to amend or modify the language with regard to town counsel either

(i) to amend or modify the language of the appointment of town counsel in Charter Article 3, section 3-2 to remove the singular and one year limitation and to provide that such appointment(s) be subject to bylaw, if any, and to permit, subject to bylaw, if any, other elected officers, boards or committees either (a) to appoint special counsel or (b) to approve the appointment of legal counsel to advise such elected officers, boards or committees on their respective duties;

(ii) to remove the references in Charter Article 3, section 3-2 regarding town counsel and provide for such Select Board appointment of town counsel within Charter Article 6; and/or

(iii) to amend or modify the language of Charter Article 6 to authorize other elected officers, boards or committees either (a) to appoint special counsel or (b) to approve the appointment of legal counsel to advise such elected officers, boards or committees on their respective duties.

Moderator - Charter Article 3-10

(16) (i) to authorize the Moderator in Charter Article 3 section 3-10 (b) to appoint a deputy moderator to preside over representative town meeting in the absence of the Moderator, or (ii) in the alternative, in an additional section or subsection under Charter Article 3, to provide for such deputy moderator as an elected office of the town, and/or (iii) to authorize the town to specify the term, duties and responsibilities and other provisions of such Deputy Moderator in Charter Article 3 and/or a bylaw and/or (iv) to determine whether any appointment of a Deputy Moderator should be subject to the approval of representative town meeting.

Town Administrator - Charter Article 4

(17) to amend or modify the language of Charter Article 4 (and other associated references within the Charter) to rename the town administrator position as town manager, to provide additional appointments to be made by the town administrator whether in the charter or in bylaw, to authorize contract approval powers of the town administrator to be developed in a bylaw, to provide the town administrator a screening and or recruitment role in appointments retained by the Select Board;

(18) to amend or modify the language of the provisions, procedure and/or requirements for attendance by and/or quantum of vote of the Select Board in Charter Article 4 regarding removal or suspension of the town administrator (provided that any change to create additional duties, powers and/or appointing authority for the town administrator under this paragraph or any paragraph above or below can only occur if the provisions for the removal or suspension of the Town Administrator under Charter Article 4 are changed to less than unanimous attendance by the Select Board) and further to provide that any new or revised process in Charter Article 4 be no more burdensome or onerous or disadvantageous to the Select Board than the existing process, and/or to require that any employment contract with the town administrator be consistent with the provisions of the Charter notwithstanding any other provision of the general laws to the contrary;

(19) to amend or modify the language of the provisions in Charter Article 4, section 4-1 on the appointment of a town administrator regarding a minimum term of three years and a maximum

term of five years to authorize a lesser minimum term and/or a lesser maximum term;
(20) to amend or modify or to remove the current reference to personnel board and its role in Charter Article 4, section 4-2(4) to provide (i) that the town administrator may be assisted or advised by a personnel board and (ii) that the extent of the role of the personnel board, if any, be specified in a bylaw;
to amend or modify the reference to Generally Accepted Accounting Principles in Charter Article 4, section 4-2(13) and to authorize de minimis or immaterial exceptions to the inventory requirement.

Matters and Provisions in Charter Article 6

(21) to remove the text of Charter Article 6, section 6-3 Office of the Comptroller and Charter Article 6, section 6-4 Town Treasurer Collector and to authorize the subject matter of the appointments, qualifications, terms of office, powers and duties, vacancies and assistants, if any, to be provided in bylaw and/or to provide that the existing text of Charter Article 6, sections 6-3 and 6-4 shall remain in effect until a bylaw dealing with any or all of the existing provisions of Charter Article 6, sections 6-3 and 6-4 respectively are adopted and in effect;
(22) to authorize the town administrator to make minor changes, with the approval of the Select Board, to the town's administrative organization and creation or abolition of new positions of town agencies serving under the control of the town administrator and to establish the conditions for such reorganizations and to define and or to limit the authorizable scope of such minor reorganizations with such authorizable scope possibly but not necessarily being limited to (i) town agencies with similar or overlapping technical disciplines, (ii) actions which do not modify or contradict the bylaws regarding any town agency, or (iii) other limitation(s);
(23) to authorize or provide for the appointment or selection of town counsels and or special town counsels whether in the Charter itself or to create a Charter provision to authorize for such appointments to be provided within the town bylaws;
(24) to provide that reorganizations, creation or abolition of town agencies by bylaw shall take precedence over administrative code actions and to define the term "administrative code";
(25) to insert language in Charter Article 6 providing for existing, new or changed appointments to be made by the Select Board and/or town administrator, and/or to specify which appointments made by the town administrator will be subject to the review and affirmative vote approval of the Select Board and/or to modify or to delete language on appointments accordingly in Charter Article 3 and Charter Article 4 Section 4-2-3 respectively;
(26) to insert language in Charter Article 7, section 7-9 providing that meetings of multiple member bodies shall or can be called either by the chairperson or 1/3rd of the members of such multiple member bodies and to provide for the ways and means of notice of such meetings to all members of such multiple member bodies;
(27) to amend or modify the language of Charter Article 7, section 7-10 to make clear that the requirement for public notices of vacancies in appointed positions includes and applies to expirations of appointed terms whether or not a vacancy as such has occurred or is anticipated to occur.

Other

(28) to develop transition provisions, develop new definitions or modify existing definitions to implement any or all of the above as applicable;

- (29) to amend or modify the text of the Charter Articles 1 through 7 inclusive to remove gender specific references and adopt gender neutral, position specific or position neutral references in their place; and/or to remove obsolete references, if any, in Article 3 regarding an elected town clerk;
- (30) to amend or modify the language in Charter Articles 1 through 7 inclusive of the requirements and or definitions regarding postings in a local newspaper;
- (31) to specify whether any Home Rule Petition for Special Act provided for herein shall only take effect upon approval by the voters by ballot;
- (32) to consolidate any or all of the above into a single or more Home Rule Petitions for Special Acts;
- (33) to authorize the Charter and ByLaw Review Committee and/or Moderator and/or Select Board to file the Home Rule Petition for Special Act;
- (34) to authorize the General Court with the approval of the Town of Natick Charter and Bylaw Review Committee reasonably to modify the Home Rule Petition for Special Act if any, adopted by vote of the representative town meeting pursuant to this town meeting warrant article which modifications are to be consistent with the general public policy objectives of this Home Rule Petition;

Or to take any other action related thereto.

PURPOSE OF THE ARTICLE

To authorize the filing of a Home Rule Petition for Special Act Legislation to update various sections of the Town of Natick Charter.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION

The Finance Committee discussed Article 25 on September 12, September 26, October 3, October 4, and October 10, 2023. Paul Griesmer, chair of the Charter and Bylaw Review Committee (CBRC), and Christine Weithman, CBRC member, presented.

Special Act

Mr. Griesmer stated that in Massachusetts, there are three methods for changing a municipality's charter: through a Charter Commission, a Special Act, or a two-thirds vote of Town Meeting followed by ratification by the voters.

The third method, involving a two-thirds vote of Town Meeting and voter ratification, has some limitations. It cannot change certain key aspects, such as the size and terms of the legislative body, the method of election for the legislative body and the Select Board, the terms of the Select Board, or the composition of the Select Board. It also cannot alter the method of appointment or the term of a town manager. Those things can only be done by Special Act or by Charter Commission.

The CBRC considered the Special Act a more suitable approach for making these proposed charter changes than the two-thirds vote of Town Meeting. Special Acts are comprehensive, and when voters approve them, they accept the entire package of changes as a whole, as opposed to approving individual amendments separately. This approach ensures that the charter remains cohesive and avoids the risk of inconsistencies that may occur when making manual changes through a two-thirds vote process.

If this Special Act is approved by Town Meeting, it next goes to the legislature. Once the legislature passes the Special Act, it still doesn't take effect until the voters ratify it, typically by a majority vote.

Questions from the Committee

A member of the committee asked about the process. It was his understanding, based on some comments by the moderator when the CBRC was established in fall 2022, that the CBRC generally does not make wholesale changes to the charter or the bylaws. Although it has happened occasionally in the past, that has not usually been the practice of the CBRC. There have been substantive changes too at times, but it's small changes that are usually done in contrast with what a Charter Commission would do with changing our form of government in a broader sense.

Mr. Griesmer replied that the CBRC conducted a comprehensive review of the charter and identified various issues that needed to be addressed. They considered different options for making changes, including the possibility of creating a Charter Commission or using a Special Act. The committee explored a wide range of recommendations, including the idea of transforming the town into a city, and received valuable input from legal counsel regarding the challenges associated with city governance.

One key distinction between a Charter Commission and a Charter and Bylaw Review Committee is that a Charter Commission cannot reform a town meeting, as it only has the authority to amend the charter itself. Therefore, the Charter and Bylaw Review Committee, unlike a charter commission, had the flexibility to address issues related to town meeting and its functioning, including charter, bylaw, rules, and practice changes.

Please note that the Finance Committee made recommendations on the main motion and individual amendments but not on the full article as amended.

FINANCE COMMITTEE RECOMMENDATION – MAIN MOTION

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	8-1-3
	DATE VOTED:	October 10, 2023

MAIN MOTION (Requires a 2/3 Vote)

“Move that the Town of Natick acting through the elected representatives of the Town in the General Court, file a home rule petition with the General Court to obtain special act legislation to establish certain amendments for the present Town of Natick Home Rule Charter in substantially the form presented below, provided that the General Court may make clerical or editorial changes of form only to the proposed legislation, with the approval of the Town Moderator or, in the unavailability of the Town Moderator, the Town Clerk before enactment by the General Court, which changes shall be within the scope of the general public objectives of this petition, as follows:

AN ACT TO AMEND THE TOWN OF NATICK HOME RULE CHARTER

Section 1. After enactment of this Act, the Town of Natick shall place a ballot question on the ballot at the next regular municipal or state election, or earlier special election, if so called, which ballot question shall read:

“Shall the Town of Natick adopt the Charter amendments voted by Natick Town Meeting under Article 25 at the 2023 Fall Annual Town Meeting, and as enacted by the General Court in a Special Act, the text of which amendments are on file with the Office of the Town Clerk of Natick.” Yes ____ No ____

If the number of “Yes” votes exceed the number of “No” votes at such election, these amendments shall take immediate effect, otherwise these amendments shall not take effect.

Section 2: Amendments applicable to all sections of the Charter

Section 3: Charter Article 2 amendments:

Section 4: Charter Article 3 amendments:

Section 5: Charter Article 4 amendments:

Section 6: Charter Article 5 amendments:

Section 7: Charter Article 6 amendments:

Section 8: Charter Article 7 amendments:

Section 9: Transition Provisions:”

~~ END OF MAIN MOTION ~~

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MAIN MOTION

The main motion was discussed on October 10, 2023.

Mr. Griesmer explained that the main motion is the shell for the Special Act. Any of the Article 25 amendments that are passed by Town Meeting will be added to this motion. If the main motion is approved by Town Meeting, then the Special Act would go to the legislature. He noted that Town Counsel and Special Counsel for the committee had looked at it.

Questions from the Committee

A member asked how the sections listed in the main motion correlate to the amendments. Mr. Griesmer explained that Amendment A would go in Section 2. Mr. Griesmer said that for the rest of them, they correlate with the section in the Charter they are making a change to (ex. Changes to Charter Article 3 would go to Section 4). The specific sections are included in the motions.

A member asked when the next regular election that this is targeting would be. Mr. Griesmer explained that it depends on when it passes the legislature. The CBRC’s special counsel said it could pass in June or July and if it did, it would be possible to go on the state primary ballot in September, but it could also go on the November ballot or an earlier special election.

Paul Joseph, member of the Select Board, asked which amendments have to go through Special Act versus which ones don’t. Mr. Griesmer explained he did not have that detail here at the moment.

Summary of Finance Committee Votes on Article 25 Amendments

Amend- ment	Topic	Vote date	FinCom Recommendation	Vote Quantum
A	Change Town Administrator to Town Manager	10/3	Favorable Action	11-0-0
B	Town Meeting Vacancies	10/3	Favorable Action	11-0-0
C	Town Meeting Quorum	10/3	Favorable Action	11-0-0
D	Town Meeting Warrants	10/3	Favorable Action	11-0-0
E	Participation by Non-Town Meeting Members	10/10	Favorable Action	11-1-0
F	Preliminary Elections	10/3	Favorable Action	11-0-0
G	Coordination (of Elected Officers)	10/3	Favorable Action	11-0-0
H	Recreation and Parks Commission	10/3	Favorable Action	11-0-0
I	Town Moderator	10/3	Favorable Action	11-0-0
J	Select Board Powers and Duties	10/3	Favorable Action	11-0-0
K	Town Administrator removal	10/10	Favorable Action	12-0-0
L	Town Administrator changed to Town Manager	10/10	Favorable Action	12-0-0
M	Town Administrator Powers and Duties	10/3	Favorable Action	11-0-0
N	Organization of Town Agencies	10/10	Favorable Action	12-0-0
O	Deletion of Comptroller and Treasurer Collector	10/3	Favorable Action	11-0-0
P	Select Board Appointments	10/10	Favorable Action	11-1-0
Q	Not used			
R	Number and Gender	10/4	Favorable Action	12-0-0
S	Definitions	10/4	Favorable Action	12-0-0
T	Procedure Governing Multiple Member Bodies	10/10	Favorable Action	11-0-1
U	Notice of Vacancies	10/4	Favorable Action	12-0-0

AMENDMENT A – MOTION

Move that Main Motion be amended by inserting the following text as a subsection (a) to Section 2 “Amendments applicable to all sections of the Charter” of the Main Motion as follows:

“(a) the title of the Town of Natick position of “town administrator” is hereby changed to “town manager” and that all references to “town administrator” in the pre-existing Town of Natick Home Rule Charter are hereby deleted and said title is herewith replaced with the term “town manager,” preserving the existing case formatting of the Town of Natick Home Rule Charter such that where the term “town administrator” appears in lower case it shall be replaced with the lower case phrase “town manager” and where term “Town Administrator” appears in upper case it shall be replaced with the upper case phrase “Town Manager””

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT A

Amendment A was discussed and voted on October 3, 2023.

This amendment changes the title of Town Administrator to Town Manager throughout the charter to better reflect the responsibilities of the position.

Questions from the Committee

A member asked why the reference to lowercase and uppercase letters exists here rather than the charter being uniform. Mr. Griesmer explained that it was used differently in different parts of the charter so this was to make sure all references were covered.

A member asked whether this change would cause any conflicts with the existing contract or personnel status. Mr. Griesmer said no, because you can’t have a bylaw in conflict with state law and it would not invalidate a contract.

AMENDMENT B – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 2 amendments," the following:

Charter Section 2-6. The pre-existing Section 2-6(c) and the pre-existing Section 2-6(d) of the Town of Natick Home Rule Charter are hereby deleted and replaced, in numerical order, with the following replacement "Final Text" as set forth below.

Final Text

Section 2-6 Vacancies

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The Town Moderator shall make appointments in accordance with the descending order of votes received on the lists. If necessary to resolve ties, the Town Moderator shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the Town Moderator shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The Town Moderator shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The Town Moderator or the Town Moderator's designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT B

Amendment B was discussed on September 26 and voted on October 3, 2023.

Amendment B changes the way vacancies are filled at Town Meeting. Since the Town Clerk is no longer elected, the Moderator would be primarily responsible for making Town Meeting appointments. Mr. Griesmer explained that the idea behind this change is to make sure that an elected official is overseeing the process for appointing people to fill vacant positions in Town Meeting.

Questions from the Committee

A member asked why the phrase “descending order” was added. Mr. Griesmer explained that this just clarifies what has already been the practice which is to make sure that appointments are made in descending order of votes received.

A member asked whether we are asking too much of the Moderator by shifting these responsibilities. Mr. Griesmer replied that the process of appointing Town Meeting Members from the runner up list is relatively infrequent. The rationale is to make this process independent of the Town Clerk and the Town Administrator.

A member asked what happens if there are still vacancies after a caucus. Mr. Griesmer answered that this doesn't really make a difference as far as vacancies being filled more consistently but rather it was just to make sure the process was administered fairly.

A member asked how this provision accomplishes making the process fairer. Mr. Griesmer said by having two people involved there is a check and balance. He also added that the involvement of the Moderator was important to provide an independent voice.

A member asked how the Moderator feels about this change in responsibilities. Mr. Griesmer said that the current moderator is okay with it.

AMENDMENT B – REDLINE

Section 2-6 Vacancies

- (c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare ~~for~~ each precinct a list of persons who received votes for town meeting member, but who were not elected. Persons on each list shall be listed in descending order of votes received. The town clerk shall maintain each list until the next town election, removing from each list the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered or (3) who are no longer eligible to be town meeting members. The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.
- (d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, or (3) there is a failure to elect a town meeting member, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The Town Moderator ~~town-clerk~~ shall make appointments in accordance with the descending ordering of votes received ~~names~~ on the lists. If necessary to resolve ties, the Town Moderator ~~town-clerk~~ shall appoint a town meeting member to fill a vacancy by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

In the event of a failure to appoint a person to fill a vacancy in a position of town meeting member, or the failure of a person so appointed to qualify, the Town Moderator ~~town-clerk~~ shall schedule a caucus among the then current town meeting members in the precinct in question for the purpose of selecting a person to fill the vacant town meeting member position. Any such caucus shall be conducted at a time and place open to the public. The Town Moderator ~~town-clerk~~ shall provide written notice of the date, time and location of such caucus to the then current town meeting members in the precinct in question, at least forty-eight hours (48) hours prior to such caucus, except where such forty-eight (48) hours is not possible due to town meeting scheduling requirements.

Notice of such caucus shall be posted on the Natick Town Hall bulletin board, and shall be posted on the Town of Natick website, in each event at least forty-eight (48) hours prior to such caucus, except where such forty-eight (48) hours notice is not possible due to town meeting scheduling requirements.

The Town Moderator ~~town-clerk~~ or the Town Moderator's ~~town-clerk's~~ designee shall preside over such caucus. The eligible candidate who resides in the precinct in question and who receives the

highest number of votes at such caucus shall serve as a town meeting member until the next annual town election.

AMENDMENT C – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 2 amendments" the following:

Charter Section 2-12. The pre-existing Section 2-12(c) of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement "Final Text" set forth below.

Final Text

Section 2-12 Proceedings of Town Meetings

- (c) **Quorum** – A majority of the sum of i) the total number of representative town meeting members established in Section 2-2, less ii) any vacancies shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT C

Amendment C was discussed on September 26 and voted on October 3, 2023.

This amendment would change the quorum requirement at Town Meeting to be the majority of the number of members, less vacancies. This replaces the current quorum of 91 members regardless of how many seats are filled. Mr. Griesmer explained that given we have chronic vacancies, particularly in one precinct, this would make a quorum easier to obtain.

Questions from the Committee

A member asked whether this could discourage participation by making this threshold lower. Mr. Griesmer answered that he thought it would do the opposite because business could start faster because a quorum would be there sooner.

A member asked who would maintain the official list of town meeting members. Mr. Griesmer said that it would be prepared by the Clerk but “subject to the review” of the Moderator.

AMENDMENT C – REDLINE

Section 2-12 Proceedings of Town Meetings

- (c) **Quorum** ~~—A majority of the sum of i) the total number of representative Ninety-one town meeting members established in Section 2-2 less ii) any vacancies shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.~~

AMENDMENT D – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 2 amendments" and "Charter Article 7 amendments" respectively, the following:

Charter Section 2-11. The pre-existing Section 2-11(b) and pre-existing Section 7(g) of the Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical order, with the following replacement "Final Text" text set forth below.

Final Text

Section 2-11 Town Meeting Warrants

- (b) **Initiation of Articles** - The Select Board shall insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

Final Text

Section 7 Definitions

- (g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of town meeting.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT D

Amendment D was discussed on September 26 and voted on October 3, 2023.

Amendment D clarifies that the Select Board must insert validly sponsored warrant articles into the warrant rather than simply receive the articles.

The amendment also changes the existing language that says any multiple member body can sponsor an article. Mr. Griesmer explained that any multiple member body is more than two people, regardless of how the body is constituted, created, or appointed. It technically includes every subcommittee in town and even special study committees. The idea is to make sure that warrant articles go through a proper sponsorship process. The amendment limits town boards and committees sponsoring warrant articles to multi-member bodies created by Town Meeting, statute, bylaw, or charter.

Rich Sidney, Select Board Member, explained that this codifies what the Select Board does in practice. In his experience, the Select Board has never failed to put a citizen petition with enough signatures on the warrant.

Questions from the Committee

A member asked whether the Select Board in practice submits zoning proposals to the Planning Board. Mr. Griesmer explained that the Select Board is required by law to submit any petition for a zoning change to the Planning Board if there is a motion provided.

A member asked whether this would impact the Town Administrator and Superintendent's ability to propose a warrant article. Mr. Griesmer said it would not.

AMENDMENT D – REDLINE

Section 2-11 Town Meeting Warrants

- (b) **Initiation of Articles** - The Select Board shall ~~receive~~ insert in the warrant all petitions which are addressed to and received by it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any eligible multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The Select Board shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.

And Article 7 Section 7 Definitions

- (g) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons, whether elected, appointed, or otherwise constituted, but not to include the representative town meeting. An "eligible multiple member body" is any existing multiple member body that has been created by and given a charge of powers, duties and/or responsibilities in statute, charter, bylaw or vote of town meeting.

AMENDMENT E – MOTION

Moved that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 2 amendments," the following:

Charter Article 2-10. The pre-existing Section 2-10(a) of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement "Final Text" as set forth below.

Final Text

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** – The Town Moderator may require and schedule designated representatives of each town agency to attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator shall designate a deputy to attend in their place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town manager, or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT E

Amendment E was discussed on September 26, October 3, and voted on October 10, 2023.

This amendment involves the attendance requirement for town agencies at Town Meeting. The amendment would remove the requirement that every town agency have a designated representative attend all sessions of Town Meeting. Instead, the Moderator can schedule when certain representatives must be present and empowers the Moderator to create procedures to contact town employees. This gives the moderator discretion to require town employees to appear when needed and allows flexibility for the Moderator to allow them to appear in different ways.

Questions from the Committee

A member asked whether the issue was having the right seniority of a person there and whether the enabling of remote participation would allow a more senior person to attend more consistently? Mr. Griesmer explained that the complaint we get is that people from various town agencies sit through entire town meetings, and nothing ever comes up that is related to what they do. The idea here is to allow for flexibility in scheduling them and for other ways of being able to contact them.

Rich Sidney, Select Board member, added that this is a major hiring problem because people don't want to have to show up for all 10 nights of Town Meeting.

A member asked whether this would allow the Moderator to require attendance from other people in a department besides department heads since sometimes they have the more precise answers. Mr. Griesmer said theoretically it would, but it is optional.

A member asked whether this might be over-solving a simple problem. Could we change the rule to allow them to sit in the meeting virtually rather than just give them an option not to be there at all? Mr. Griesmer explained that right now every single representative has to sit there every time. This proposal would provide more flexibility.

A member said he thinks this is a slippery slope and every department head should be required to be there.

AMENDMENT E – REDLINE

Section 2-10 Participation by Non-Town Meeting Members

- (a) **Representatives of Town Agencies** — The Town Moderator may require and schedule A designated representatives of each town agency to shall attend any specific or all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such town agencies. The Town Moderator may require such attendance to be in the same manner as attendance by town meeting members. If any such person is deterred by illness or other reasonable cause from attending, such person or the Town Moderator he shall designate a deputy to attend in theirhis place. The Town Moderator may establish procedures and requirements concerning remote accessibility of, contact for or participation by representatives from any town agency for the purposes of providing pertinent information to town meeting members. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote. Nothing in this section shall prevent the Select Board, the School Committee, other elected multiple member body, the town administrator, or the school superintendent from directing persons under their supervision or appointive control to attend any session of representative town meeting.

AMENDMENT F – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 3 amendments," in numerical order, the following:

Charter Section 3-1(d)(8). The pre-existing Section 3-1(d)(8) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the following replacement language set forth below labeled as "Final Text."

Final Text

Section 3-1 In General

(d) Preliminary Elections

- (8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick. The foregoing procedures on preliminary elections shall not apply whenever the laws of the commonwealth regarding ranked choice voting in local elections shall be effective in the town.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT F

Amendment F was discussed on September 26 and voted on October 3, 2023.

This amendment addresses preliminary elections. Preliminary elections are used to narrow the field of candidates for town wide offices when there are too many contenders to ensure that one candidate secures a majority of the votes. Mr. Griesmer stated that there are concerns about the costs of conducting preliminary elections, which may not be significant compared to the town's overall budget but are still a considerable amount. Additionally, preliminary elections can lead to maneuvering among candidates to persuade others to withdraw their nominations, potentially resulting in less competitive elections.

Ranked choice voting could be a more comprehensive solution to these issues. However, the state's stance on ranked choice voting is unclear and introducing it at the local level may face opposition on Beacon Hill.

The proposal is to add a provision that, if ranked choice voting is adopted by the town in the future because it is allowed by state law, we would eliminate the preliminary election. This approach allows for flexibility and aligns with potential future developments without requiring frequent charter amendments.

Questions from the Committee

A member asked whether this would require us to adopt ranked choice voting. Mr. Griesmer said that we follow state law in the local elections. If ranked choice voting is ever adopted by the state, we wouldn't need preliminary elections.

A member asked if, depending on how the state creates the rank choice voting capability, we might have to accept the law to enable rank choice voting. Mr. Griesmer agreed and said that's why it only becomes effective if Natick accepts it.

AMENDMENT F – REDLINE

Section 3-1 In General

(d) Preliminary Elections

(8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick. The foregoing procedures on preliminary elections shall not apply whenever the laws of the commonwealth regarding ranked choice voting in local elections shall be effective in the town.

AMENDMENT G – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 3 amendments," in numerical order, the following:

Charter Section 3-1(f): The pre-existing Section 3-1(f) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the following replacement language, as set forth below labeled as "Final Text."

Final Text

Section 3-1 In General

- (f) **Coordination** - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator, named in this section shall be subject to the call of the Select Board or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices and ii) joint or overlapping areas of administrative activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town administrator. Notwithstanding this provision, the Select Board or town administrator may request consultation, conference or discussion with any multiple member body or town agency on any matter concerning the administration referenced in this sub section.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT G

Amendment G was discussed on September 26 and voted on October 3, 2023.

The amendment addresses a change in the town's charter regarding the ability of the Select Board and the Town Administrator to call or compel certain individuals for consultation. This amendment seeks to clarify that this power should not extend to the Moderator or Moderator appointees (including the members of the Finance Committee) or other individuals from the legislative branch of the government.

Under this proposed change, the Select Board and Town Administrator can request individuals from the legislative side to attend meetings but cannot compel them to do so. The primary goal is to reinforce the separation between the legislative and executive branches of the town government, ensuring that the legislative side retains its autonomy and independence.

Questions from the Committee

A member asked if this has come up before as a problem. Mr. Griesmer said that the Moderator had relayed that these issues have occurred. Frank Foss, Town Moderator, concurred, and noted that this happened more than once.

A member asked whether this would still allow the Select Board to ask these excluded people to come forward for a discussion. Mr. Griesmer said this would still allow the Select Board or Town Administrator to make that request but individuals would no longer be required to have the discussion.

AMENDMENT G – REDLINE

Section 3-1 In General

(f) **Coordination** - Notwithstanding their election by the voters, the town officers, excluding the Town Moderator, named in this section shall be subject to the call of the Select Board or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating both i) to their respective offices ii) joint or overlapping areas of administrative activity or policy for the purpose of furthering coordinated administration of fiscal, prudential or municipal affairs of the executive branch of the town. Persons appointed by the Moderator are not subject to the call of the Select Board or town administrator. Notwithstanding this provision, the Select Board or town administrator may request consultation, conference or discussion with any multiple member body or town agency on any matter concerning the administration referenced in this sub section.

AMENDMENT H – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 3 amendments" in numerical order, the following:

Charter Section 3-12. The pre-existing Section 3-12(b) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the following replacement language, as set forth below labeled as "Final Text."

Final Text

Section 3-12 Recreation and Parks Commission

- (b) **Powers and Duties** - The recreation and parks commission shall advise the town manager and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. The recreation and parks commission shall also advise the Select Board on policies and practices for parks and recreation in the town. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT H

Amendment H was discussed on September 26 and voted on October 3, 2023.

This amendment would have the Recreation and Parks Commission, which is advisory, advise not only the Town Administrator, but also the Select Board, recognizing that the Select Board is the policy authority. This change ensures that the Select Board is kept informed and involved in the decision-making process regarding parks and recreation.

Questions from the Committee

A member asked whether consideration had been given to eliminating this commission. Mr. Griesmer said no because they still do a lot of important work.

AMENDMENT H – REDLINE

Section 3-12 Recreation and Parks Commission

- (b) **Powers and Duties** - The recreation and parks commission shall advise the town ~~manager~~ administrator and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. The recreation and parks commission shall also advise the Select Board on policies and practices for parks and recreation in the town. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

AMENDMENT I – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 3 amendments," in numerical order, the following:

Charter Section 3-10(c). A new Charter Section 3-10(c) is hereby inserted with the following new language as set forth below labeled "Final Text."

Final Text

Section 3-10 Town Moderator

(c) Appointment Powers

The town moderator shall appoint a deputy moderator, to preside over representative town meeting in the absence of the moderator. The moderator may also direct the deputy moderator to assist the moderator in performance of the moderator's duties and responsibilities. The deputy moderator shall be appointed for a term not to exceed the remaining term of the moderator. The town moderator shall have such other appointment power as provided in statute, charter or the bylaws or other vote of town meeting.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT I

Amendment I was discussed on September 26 and voted on October 3, 2023.

This amendment would create the office of Deputy Moderator, which would be appointed by the Town Moderator. This would allow the Deputy Moderator to preside over Town Meeting in the absence of the Moderator. Previously, there was an elected Town Clerk who held this role. However, when the charter was changed to make the clerk an appointed position, the ability for the clerk to act as the Moderator during town meetings was explicitly excluded.

The CBRC discussed whether the Deputy Moderator would be an elected or appointed position, but decided on the latter since the two people would have to work closely together.

Questions from the Committee

A member asked whether the Moderator should be compensated given the scope of the Moderator's work and whether the committee had considered that. Mr. Griesmer said that the authority is already there to compensate elected officials at each Town Meeting appropriation.

A member asked whether this provision would allow the Deputy Moderator to be able to help call on people even if the Moderator was present. Mr. Griesmer said he believed there was nothing that stops the Moderator from doing that under this provision.

Frank Foss, Town Moderator, explained that there are Assistant Moderators allowed under current law. The Moderator has this authority and Assistant Moderators were used for Zoom Town Meeting during the pandemic. However, an Assistant Moderator cannot step into the Moderator's role and assume the Moderator's authority. Mr. Foss confirmed that the Deputy Moderator could fill both roles.

A member asked whether, because the Moderator is an elected office, if there are legal requirements that the person would need to be equally elected through a similar process. Mr. Griesmer answered that they would not.

A member asked whether it should specify that the Deputy Moderator must be a resident of the town. Mr. Griesmer said it could, but they haven't had that feedback.

A member asked, if it doesn't have to be a Natick resident, why don't we keep it as the Town Clerk? Mr. Griesmer said his understanding was that the reason they didn't want the Town Clerk to do this wasn't because of residency, it was because of concerns about independence.

A member asked whether the appointed term could be shorter than the rest of the Moderator's term. Mr. Griesmer said yes.

A member asked if they considered making this subject to Town Meeting approval. Mr. Griesmer said the committee discussed this but decided not to go that route, mainly due to efficiency.

A member asked whether the Deputy Moderator could take over in the absence of a specific direction from the Town Moderator. Mr. Griesmer said if the Moderator fell ill that the Deputy Moderator would take over automatically.

AMENDMENT I – REDLINE

Section 3-10 Town Moderator

(c) Appointment Powers

The town moderator shall appoint a deputy moderator, to preside over representative town meeting in the absence of the moderator. The moderator may also direct the deputy moderator to assist the moderator in performance of the moderator's duties and responsibilities. The deputy moderator shall be appointed for a term not to exceed the remaining term of the moderator. The town moderator shall have such other appointment power as provided in statute, charter or the bylaws or other vote of town meeting.

AMENDMENT J – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 3 amendments," in numerical order, the following:

Charter Section 3.2(b): the pre-existing Section 3-2(b) of the Town of Natick Home Rule Charter is hereby deleted and replaced with the replacement language set forth below labeled as "Final Text."

Final Text

Section 3-2 Select Board

- (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief town agency responsible for making policies for the administration of the fiscal, prudential and municipal affairs of the executive branch of town. The Select Board shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all town agencies of the executive branch of the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved either in the day-to-day administration of any town agency or in the policy direction of other elected boards or committees, the school department or facilities under the control of the School Committee, of the conservation commission or of the zoning board of appeals. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town manager as provided in Article 4.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT J

Amendment J was discussed on September 26 and voted on October 3, 2023.

This amendment would clarify that the Select Board is responsible for making administrative policies of the town. It also eliminates an unusual sentence where the Select Board can only adopt “broad policy guidelines.” Mr. Griesmer explained that this provision hobbles the Select Board’s policy making authority and is not aware of a similar limitation elsewhere in the commonwealth.

Questions from the Committee

A member asked what the Select Board thinks of this. Rich Sidney, Select Board member, answered that this codifies their existing practice as well as what they already have the right to do under state law. Kathryn Coughlin, Select Board member, agreed that this additional verbiage is helpful but doesn’t change anything because the Select Board already has this authority under state law.

AMENDMENT J – REDLINE

Section 3-2 Select Board

- (b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall serve as the chief ~~town policy-making~~ agency responsible for making policies for the administration of the fiscal, prudential and municipal affairs of the executive branch of town. ~~The Select Board~~ shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all town agencies of the executive branch of the town into harmony. The policy authority of the Select Board with regard to town agencies serving under it shall include, but not be limited to, parks, public works, public roads, public water and sewer, police, fire, finance and treasury functions and accounting functions. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved either in the day-to-day administration of any town agency or in the policy direction of other elected boards or committees, the school department or facilities under the control of the School Committee, of the conservation commission or of the zoning board of appeals. No policy directive may be contrary to statute, charter or bylaw or involve the separate autonomous authorities, if any, provided therein. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town administrator as provided in Article 4.

AMENDMENT K – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 4 amendments," in numerical order, the following:

Charter Section 4-4 : The pre-existing Section 4-4, including subsections 4-4(a), (b), (c), (d) and (e), of the Town of Natick Home Rule Charter is hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text," and a new Charter Section 4(f) is hereby inserted to follow replaced Charter Section 4(e), the text of which new Charter Section 4 (f) is set forth below labeled as "Final Text."

Final Text

Section 4-4 Removal and Suspension

The Select Board, by a vote of the majority of the Select Board then elected and serving, taken with the prior notice to all Select Board members such that all Select Board members have a reasonable opportunity to be present, may terminate the town manager from such office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town manager shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, the town manager shall have been notified of such intended vote; nor unless, if town manager so requests in writing, the town manager shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which such dismissal is proposed; nor unless, if the town manager so requests in writing, the town manager has been given a hearing before the Select Board which may be either public or private at the option of the town manager, and at which the town manager may be represented by counsel, present evidence, and call witnesses to testify in the town manager's behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town manager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town manager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town manager shall continue to receive full salary until thirty days following the date a final vote of removal has become effective.

- (f) Notwithstanding any provision of the charter to the contrary, no performance review of the town manager by a Select Board and no defect or omission by a Select Board in the performance review of the town manager shall constitute an impediment or barrier to removal or suspension under this section.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT K

Amendment K was discussed on September 26, voted on October 4, reconsidered and voted on October 10, 2023.

This amendment aims to streamline the process for removing or suspending the town administrator by changing the vote requirement to a majority of the Select Board, addressing the attendance requirement, and ensuring that the review process does not hinder legitimate removal actions.

Currently, the charter states that the town administrator can be removed or suspended by a $\frac{2}{3}$ vote of the Select Board. However, this requirement was established when the Select Board consisted of three members. Now that the Select Board has five members, the $\frac{2}{3}$ vote requirement equates to a $\frac{4}{5}$ th majority. This would bring the vote quantum back to being a simple majority.

The requirement that all Select Board members must be present has been changed to all Select Board members must be given prior notice with a reasonable opportunity to be present. This change would ensure that a single member cannot prevent a vote by not attending or by walking out of a meeting.

This amendment was altered to further emphasize that no omission of a review of a town administrator would be an impediment to the removal of a town administrator. Mr. Griesmer said this was suggested by committee counsel because of a concern that reviews are always “soft pedaled” and that without this language an incumbent town administrator could theoretically say that they had no notice that they might be fired.

On October 10, 2023, the motion was reconsidered due to a change suggested by Town Counsel to add the word “performance” in front of the word “review” in clause (f).

Questions from the Committee

A member asked whether the CBRC considered having a different attendance requirement. Mr. Griesmer said no because the concern was that people not attending the meeting could essentially veto it and make it more than a majority requirement.

A member asked what is required to remove the superintendent. Dirk Coburn, former School Committee member, answered that it is a majority vote.

A member asked if it is a majority of School Committee members in the room, total seats, or seats filled. Mr. Coburn said he believed it is a majority of the committee. Donna McKenzie, former School Committee member, also agreed.

A member asked whether the no review provision was fair to a town administrator. Mr. Griesmer said that you cannot invoke this at all without good cause. He added that the reviews, because they are matters of public records, are not always toughly worded even if the administrator isn't doing a good job. Mr. Griesmer said this was designed to avoid there being a technicality that causes the Select Board to be unable to act.

A member asked whether the CBRC struggled with balance between fairness to the Town Administrator and fairness to the public. Mr. Griesmer said the idea here was to empower the Select Board.

A member asked if there was a contentious issue would that allow the Board to fire the administrator over that disagreement. Mr. Griesmer thought no as long as the administrator was following Select Board policies.

A member asked if the Select Board endorsed this motion. Rich Sidney, Select Board member, said there have been discussions but no formal votes.

AMENDMENT K – REDLINE

Section 4-4 Removal and Suspension

The Select Board, by a ~~two-thirds~~ vote of a majority of the select board then elected and serving taken with the prior notice to all Select board members such that all Select Board members have a reasonable opportunity to be present~~full board present~~, may terminate the town ~~manager administrator~~ from ~~such~~his office in accordance with the following procedure:

- (a) During probationary period: notice in writing of termination.
- (b) After probationary period: The town ~~manager administrator~~ shall not be dismissed except for inefficiency, incapacity, conduct unbecoming the office, insubordination or other good cause, nor unless at least thirty days prior to the meeting at which the vote is to be taken, the town manager ~~he~~ so requests in writing, the town manager ~~he~~ shall have been furnished by the Select Board with a written statement of the charge or charges or the cause or causes for which ~~such~~his dismissal is proposed; nor unless, if the town manager ~~he~~ so requests in writing, the town manager ~~he~~ has been given a hearing before the Select Board which may be either public or private at the option of the town ~~administrator~~manager, and at which the town manager ~~he~~ may be represented by counsel, present evidence, and call witnesses to testify in the town manager's ~~his~~ behalf and examine them.
- (c) Anything contained in this provision to the contrary notwithstanding, the non-renewal of the term of appointment of the town ~~administrator~~manager shall not be considered to be a dismissal and the provisions of this Section, 4-4 (a) and (b), shall not apply.
- (d) The town ~~administrator~~manager may be suspended from office by a procedure following the same steps outlined above for a removal.
- (e) The town ~~administrator~~manager shall continue to receive ~~his~~ full salary until thirty days following the date a final vote of removal has become effective.
- (f) Notwithstanding any provision of the charter to the contrary, no performance review of the town manager by a Select Board and no defect or omission by a Select Board in the performance review of the town manager shall constitute an impediment or barrier to removal or suspension under this section.

AMENDMENT L – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 4 amendments," in numerical order, as follows:

Charter Section 4-1(a), (b), and (c): The pre-existing Section 4-1(a), (b), and (c) of the Town of Natick Home Rule Charter are hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text."

Final Text

TOWN MANAGER

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager, to serve for a term of not more than three years, and may by a two-thirds vote of the Select Board then elected and serving appoint a town manager for a longer term not to exceed five years provided, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town manager from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town manager shall be appointed solely on the basis of executive and administrative qualifications and shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town manager.
- (b) **Performance Review** - The Select Board shall annually provide for a review of the job performance of the town manager which shall, at least in summary form, be a public record. The performance review to be conducted by the Select Board shall be i) on its own behalf and ii) on behalf of the town overall including other town agencies and representative town meeting in consideration of the important role the town manager has dealing with others. The review shall be the sole and exclusive power of the Select Board which shall be under no obligation hereunder to solicit or to consider input from others.
- (c) **Restriction on Other Activities** - The town manager shall devote full time to the duties of the office and shall not hold any other public office, elective or appointive, nor shall the town manager engage in any other business, occupation, or profession during their term unless such action is approved, in advance, in writing, by the Select Board.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT L

Amendment L was discussed on September 26, October 3, and voted on October 10, 2023.

This amendment deals with the appointment and review of the town administrator (or town manager). Currently, the charter specifies that the administrator cannot be appointed for a term of less than three years or more than five years. The proposed change allows the Select Board by a majority vote to appoint a Town Administrator to serve for a term of not more than 3 years, but up to 5 years with a $\frac{2}{3}$ vote. This change is meant to provide more flexibility in appointment terms while still allowing longer contracts with a supermajority vote.

The amendment also addresses the performance review of the town administrator. While the Select Board remains the sole authority responsible for the review, the proposed change states that the review should be on behalf of the town overall, including interactions with other officials and representative town meeting. The idea was to make the review more holistic to encompass those officials' work with the Town Administrator. However, the Select Board is not obligated to solicit or accept input from others during the review process.

Questions from the Committee

Note: an earlier version of Amendment L capped the appointment term at three years, which was discussed at length on September 26 with concerns raised about the impact on recruitment and retention.

A member asked whether the provision about considering the Town Administrator's work with other elected officials and bodies was purely aspirational or had any operational effect. Mr. Griesmer answered that it was the former – a “noble reminder.”

AMENDMENT L – REDLINE

TOWN ~~ADMINISTRATOR~~MANAGER

Section 4-1 Appointment, Review, Other Activities

- (a) **Appointment, Term of Office** The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town ~~administrator~~manager to serve for a term of not ~~less than three~~ not more than three five years-years provided, and may, by two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years, however, that the first six months of any individual's first appointment to the office shall be considered a probationary period. The Select Board shall make the appointment of a town ~~administratormanager~~ from a list prepared by a screening committee in accordance with procedures and qualifications established by by-law. The town ~~administratormanager~~ shall be appointed solely on the basis of ~~his~~ executive and administrative qualifications and. ~~He~~ shall be a person especially fitted by education, training and previous experience in business or public administration to perform the duties of the office of town ~~administratormanager~~.
- (b) **Performance Review of Performance** - The Select Board shall annually provide for a review of the job performance of the town ~~administratormanager~~ which shall, at least in summary form, be a public record. The performance review to be conducted by the Select Board shall be i) on its own behalf and ii) on behalf of the town overall including other town agencies and representative town meeting in consideration of the important role the town manager has dealing with others. The review shall be the sole and exclusive power of the Select Board which shall be under no obligation hereunder to solicit or to consider input from others.
- (c) **Restriction on Other Activities** - The town ~~administratormanager~~ shall devote ~~his~~ full time to the duties of ~~the~~his office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during ~~their~~his term unless such action is approved, in advance, in writing, by the Select Board.

AMENDMENT M – MOTION

Move that the Town vote to amend the Main Motion by inserting into the Main Motion, under the heading therein "Charter Article 4 amendments" and "Charter Article 5 amendments" of such Main Motion, respectively, in numerical order, the following:

Charter Section 4-2, Section 4-3(a), (b) and (c), and Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6, and Section 5-8.

The pre-existing Section 4-2, the pre-existing Sections 4-3(a), (b) and (c), and the pre-existing Section 5-2(a), Section 5-3, Section 5-4, Section 5-5, Section 5-6 and Section 5-8 of the Town of Natick Home Rule Charter are hereby deleted, and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text."

Final Text

Section 4-2 Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under the town manager's charge by or under the charter and by-laws. The powers and duties of the town manager shall include, but are not intended to be limited to, those listed below in this section. Accordingly, the town manager:

- 1) Shall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by the town manager and their respective department.
- 2) Shall coordinate the activities of all town agencies under the town manager's control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.
- 3) Shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in the charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board, appointments made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.

- 4) Shall be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. The town manager shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee. The town manager may be advised in connection with the administration of the town personnel system by a personnel board established by bylaw.
- 5) Shall attend all regular and special meetings of the Select Board, unless excused at the town manager's own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) Shall attend all sessions of the representative town meeting and shall answer all questions addressed to the town manager related to warrant articles and which are related to matters under the town manager's general supervision.
- 7) Shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement either by the town manager or by officers or employees subject to the town manager's general supervision and direction, are faithfully carried out, performed and enforced.
- 8) Shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
- 9) Shall keep the Select Board fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the Select Board and to other elected and appointive officers as the town manager may deem to be necessary or desirable.
- 10) Shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.
- 11) Shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. The town manager shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) May at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under their general supervision.
- 13) Shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies. However, immaterial or de-minimis items shall not be subject to this inventory requirement.

- 14) Shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) Shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. The town manager shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department and shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.
- 16) May in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under the town manager's general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) Shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) May authorize any subordinate officer or employee to exercise any power or duty which the town manager is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be the town manager's acts.
- 19) Shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Final Text

Section 4-3 Acting Town Manager

- (a) **Temporary Absence** - The town manager shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of the office of town manager during such temporary absence. During the temporary absence of the town manager, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town manager until the town manager shall return and assume town manager's duties.
- (b) **Vacancy** - Any vacancy in the office of town manager shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town manager on an acting basis. The appointment of an acting town manager shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.

- (c) **Powers and Duties** - The powers of a temporary or acting town manager, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town manager, only an acting appointment or designation may be made.

Final Text

Section 5-2 School Department Budget

- (a) **Submission to Town Manager** - The superintendent of schools' proposed budget shall be submitted to the town manager in sufficient time to enable the town manager to consider its effect on the total town budget which the town manager is required to submit under this article.

Section 5-3 Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town manager shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. The town manager shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town manager shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes

- Include such additional information as the town manager deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town manager deems desirable, or as the Select Board may require. In the presentation of the preliminary budget, the town manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town Manager's Preliminary Budget

- (a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.
- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the

town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.

- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-8 Capital Improvement Program

The town manager shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT M

Amendment M was discussed on September 26 and voted on October 3, 2023.

Amendment M adjusts the Town Administrator's appointment effectiveness clause. Currently, all appointments by the Town Administrator take effect within 15 days. There are future amendments (notably, Amendment N) that intend to shift certain appointment powers from the Select Board to the Town Manager. With this change, appointments made by the Town Manager become effective within 15 days, except for those appointments requiring the affirmative approval of the Select Board.

This amendment also eliminates specific language that mandates that the Town Administrator, in conjunction with the Personnel Board, administer the town's personnel system. The amendment's purpose is to enable the Personnel Board to serve in an advisory capacity, reflecting current practice.

Other changes include:

- Changing the job title from Town Administrator to Town Manager
- Deleting all the references to “he/his” when referring to the Town Manager.
- Clarifying that the Town Manager no longer has to account for inventory using general accounting principles or include de minimis items in the inventory.

Questions from the Committee

A member asked, with respect to appointments, who could appoint an acting employee while Select Board approval is being awaited. Mr. Griesmer explained that this topic came up, but that they were not worried about it because logically the Select Board would be involved in the process so this wouldn't likely happen. Mr. Griesmer added that he thinks the Town Administrator would have the authority to ask an employee to serve on an interim basis in some of these capacities and that this has happened in the past.

AMENDMENT M – REDLINE

Section 4-2 Powers and Duties

The town ~~administrator~~manager shall be the chief administrative officer of the town and shall be responsible to the Select Board for the proper administration of all town affairs placed under the town manager's ~~his~~ charge by or under the charter and by-laws. The powers and duties of the town ~~administrator~~manager shall include, but are not intended to be limited to, those listed below in this section. Accordingly, the town manager ~~the following~~:

- 1) ~~He~~Sshall supervise, direct and be responsible for the efficient administration of all functions placed under the town manager's ~~his~~ control by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise, including all officers appointed by the town manager~~him~~ and their respective departments.
- 2) ~~He~~sshall coordinate the activities of all town agencies under the town manager's ~~his~~ control with those under the control of officers and multiple member bodies who are elected directly by the voters of Natick.

- 3) ~~He~~ S shall appoint, and may remove, subject to the civil service law and any collective bargaining agreements as may be applicable, all department heads, all officers, subordinates and employees for whom no other method of selection is provided by the charter or by-laws, except persons serving under officers and multiple member bodies directly elected by the voters of Natick. Copies of all proposed appointments of the town ~~administrator~~ manager shall be posted forthwith on the town bulletin board. Except as provided elsewhere in charter or bylaw concerning appointments requiring affirmative vote approval of the Select Board, a Appointments made by the town ~~administrator~~ manager shall become effective on the fifteenth day following the day on which notice of the proposed appointment is filed with the Select Board, unless the Select Board shall within such period by majority vote of the full board vote to reject such appointment or has sooner voted to affirm it.
- 4) ~~He~~ S shall, ~~in conjunction with a personnel board established by by-law,~~ be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and amendments to the personnel by-law as warranted. The town manager ~~He~~ shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee. The town manager may be advised in connection with the administration of the town personnel system by a personnel board established by bylaw.
- 5) ~~He~~ S shall attend all regular and special meetings of the Select Board, unless excused at the town manager's ~~his~~ own request, and shall have a voice, but no vote, in all of its proceedings.
- 6) ~~He~~ S shall attend all sessions of the representative town meeting and shall answer all questions addressed to the town manager ~~him~~ related to warrant articles and which are related to matters under the town manager's ~~his~~ general supervision.
- 7) ~~He~~ S shall assure that all provisions of state laws, the charter, the by-laws and other votes of the town meeting, votes of the Select Board and of other town agencies which require enforcement either by the town manager ~~him~~ or by officers or employees subject to the town manager's ~~his~~ general supervision and direction, are faithfully carried out, performed and enforced.
- 8) ~~He~~ S shall prepare and submit, in the manner provided in Article 5, the fiscal documents pertaining to the annual operating budget and proposed capital outlay program for the town.
- 9) ~~He~~ S shall keep the Select Board fully informed as to the fiscal condition and needs of the town, and shall make such recommendations to the Select Board and to other elected and appointive officers as the town manager ~~he~~ may deem to be necessary or desirable.
- 10) ~~He~~ S shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Select Board at the end of each fiscal year and at such other periods as it may reasonably require.

- 11) ~~He~~ S shall have full jurisdiction over the rental and use of all town facilities except those under the jurisdiction of the school committee. The town manager ~~He~~ shall be responsible for the maintenance and repair of all town facilities, including, if authorized by a town meeting vote, those under the jurisdiction of the school committee.
- 12) ~~He~~ M may at any time inquire into the conduct of office or performance of duty of any town officer, town employee or town agency under the town manager's ~~his~~ general supervision.
- 13) ~~He~~ S shall assure that a full and complete inventory of all town-owned property, both real and personal, is kept ~~consistent with Generally Accepted Accounting Principles~~, including all property under the jurisdiction of the school committee and other elected town officers or multiple member bodies. However, immaterial or de-minimis items shall not be subject to this inventory requirement.
- 14) ~~He~~ S shall be responsible for the negotiation of all contracts and collective bargaining agreements with town employees over wages, hours, and other terms and conditions of employment, except those under the jurisdiction of the school committee.
- 15) ~~He~~ S shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the town, except for the school department. The town manager ~~He~~ shall examine and inspect, or cause to be examined and inspected, the quality and the condition of all supplies, materials and equipment delivered to or received by any town department, except the school department and ~~He~~ shall, in addition, be responsible for the disposal of all surplus supplies, materials and equipment for all departments and activities of the town, except for the school department.
- 16) ~~He~~ M may in the manner provided in Article 6 reorganize, consolidate or abolish town agencies serving under the town manager's ~~his~~ general supervision in whole or in part, provide for new town agencies and when incident to any such organization, with the approval of the finance committee, transfer all or a portion of the appropriation made for one town agency to another.
- 17) ~~He~~ S shall be in charge of all machines and software other than machines and software used for educational or classroom purposes, and shall allocate the use thereof among the several town agencies.
- 18) ~~He~~ M may authorize any subordinate officer or employee to exercise any power or duty which the town manager ~~he~~ is authorized to perform, provided however, that all acts which are performed under any such delegation shall be deemed to be the town manager's ~~his~~ acts.
- 19) ~~He~~ S shall perform such other duties as may be required by the charter, by by-law, by town meeting vote, by vote of the Select Board, or otherwise.

Final Text

Section 4-3 Acting Town ~~Administrator~~ Manager

- (a) **Temporary Absence** - The town ~~administratormanager~~ shall, by letter filed with the Select Board and a copy filed with the town clerk, designate a qualified town officer or employee to exercise the powers and perform the duties of ~~his~~the office of town manager during ~~such~~his temporary absence. During the temporary absence of the town ~~administratormanager~~, the Select Board may not revoke such designation until at least ten working days have elapsed, whereupon it may designate another qualified town officer or employee to serve as acting town ~~administratormanager~~ until the town ~~administratormanager~~ shall return and assume town manager'shis duties.
- (b) **Vacancy** - Any vacancy in the office of town ~~administratormanager~~ shall be filled as soon as possible by the Select Board but pending such appointment the Select Board shall designate a qualified town officer or employee or other qualified individual to perform the duties of the town ~~administratormanager~~ on an acting basis. The appointment of an acting town ~~administratormanager~~ shall be for a term not to exceed three months, provided, however, a renewal, not to exceed an additional three months may be provided.
- (c) **Powers and Duties** - The powers of a temporary or acting town ~~administratormanager~~, under (a) or (b) above, shall be limited to matters not admitting of delay and shall include authority to make appointments or designations to town office or employment, except that, for positions reporting directly to the town ~~administratormanager~~, only an acting appointment or designation may be made.

Final Text

Section 5-2 School Department Budget

- (a) **Submission to Town ~~Administrator~~Manager** - The superintendent of schools' proposed budget shall be submitted to the town ~~manager administrator~~ in sufficient time to enable the town manager ~~him~~ to consider its effect on the total town budget which the town manager ~~he~~ is required to submit under this article.

Section 5-3 Submission of Preliminary Budget

Within a time fixed by by-law, before the date on which the representative town meeting is to meet in its spring session, the town ~~administratormanager~~ shall submit to the finance committee a preliminary budget for the ensuing year, with an accompanying budget message and supporting documents. The Town Manager ~~He~~ shall, simultaneously, provide for the publication in a local newspaper a general summary of the preliminary budget. This notice shall also indicate the times and places at which complete copies of the preliminary budget and accompanying materials are available for examination by the public.

Section 5-4 Budget Message

The budget message submitted by the town ~~administrator~~manager shall, at a minimum:

- Provide a comprehensive overview of the proposed budget
- Explain the Town's fiscal condition including noteworthy changes in various revenue and expense categories as well as reserves
- Outline proposed financial policies of the town for the ensuing fiscal year
- Indicate any major variations from the current financial policies together with the reasons for such changes
- Identify changed priorities and the reasons for such changes
- Summarize the town's debt position
- Provide an analysis of significant trends and fiscal challenges and the administration's proposed responses thereto
- Describe and summarize significant changes, if any, in town services and/or staffing levels and the reasons for such changes
- Include such additional information as the town ~~administrator~~manager deems desirable or the Select Board may require
- The Representative Town Meeting may, by by-law, require certain information on assets and liabilities of the Town to be provided as part of the budget message.

Section 5-5 The Preliminary Budget

The preliminary budget, in conjunction with the town ~~administrator~~manager's budget message, shall provide a complete financial plan of all town funds, including the superintendent of schools' proposed budget as submitted under Section 5-2 and shall explain differences, if any, between that proposal and the town ~~administrator~~manager's recommended appropriation for the school department. The preliminary budget must clearly identify any variances between the total recommended appropriations and projected available revenues and identify one or more scenarios for addressing such variances. Except as may otherwise be required by general law, or by the charter, the financial plan shall be in the form the town ~~administrator~~manager deems desirable, or as the Select Board may require. In ~~the~~this presentation of the preliminary budget, the town ~~administrator~~manager shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. Any and all submitted budgets shall be arranged to show the actual and estimated revenues and expenditures for the previous, current, and ensuing fiscal years and shall indicate, in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs, and the proposed methods of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed methods of financing such expenditures.

- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5-6 Action on the Town ~~Administrator~~Manager's Preliminary Budget

- (a) **Public Hearing** - The finance committee shall forthwith, upon receipt of the preliminary budget, provide for the publication in a local newspaper of a notice stating the initial date, time and place, not less than seven nor more than fourteen days following such publication, when the first of one or more public hearings will be held by the finance committee on the preliminary budget.
- (b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed by each town agency and may confer with representatives of any town agency in connection with its review and consideration. The finance committee may require the town ~~administrator~~manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review of any submitted budget.
- (c) **Presentation to the Representative Town Meeting** - The finance committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the town meeting acts on the proposed budget. When the proposed budget is before the town meeting for action it shall first be subject to amendment, if any, by the finance committee.

Section 5-8 Capital Improvement Program

The town ~~administrator~~manager shall submit a capital improvement program to the Select Board and to the finance committee at least thirty days prior to the date fixed by by-law for the submission of the proposed operating budget. The capital improvement program shall include, but need not be limited to the following:

- (a) A clear, concise, general summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.
- (c) Cost estimates, methods of financing and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment involved.

The information is to be annually revised with regard to all items still pending, or in the process of being acquired, improved or constructed.

AMENDMENT N – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 6 amendments," the following:

Charter Section 6-1. The pre-existing Section 6-1, including subsections 6-1(a) and 6-1(b), is hereby deleted and replaced, respectively in numerical order, with the following replacement language set forth below labeled as "Final Text." Further, a new Charter Section 6-1(c) is hereby inserted after replaced Section 6-1(b) with the following new language as set forth below labeled as "Final Text."

Final Text

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through one of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and bylaws shall take precedence over any other organization, reorganization, or modification under this Section 6-1.
- (b) **Administrative Code** - The town manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town manager prepares such a plan, the town manager shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to

amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

Final Text

Section 6-1(c)

(c) **Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board which approval shall not occur until after fourteen days public notice of the proposed change have occurred, make modifications to the town’s organization involving the creation of new or abolishing of existing or modifications of existing town agencies or their reporting relationships that serve under the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting relationships are within an existing department of the town. Modifications under this sub section i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, any of the foregoing changes under this subsection must be incorporated in a bylaw, including personnel pay plan as applicable, within two years of the effective date of the change under this subsection. The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT N

Amendment N was discussed on September 26, voted on October 4, reconsidered and voted on October 10, 2023.

Mr. Griesmer explained that one of the things the Select Board wanted was the ability for the Town Administrator to reorganize town agencies without going to Town Meeting. The current charter provides that town agencies can be created, abolished, merged, consolidated, changed, either by bylaw, or by Administrative Code. Under the proposal, the Town Administrator can create new or abolish existing positions without advance notice or approval of the Select Board but must report those changes to the Select Board within 30 days.

The Select Board didn’t want this to be a completely unchecked power so they added a provision that a by-law change would take precedence over a reorganization approved by only the Select Board. To remain effective, the reorganization changes are subject to it being codified in a bylaw within two years.

On October 10, 2023, the motion was reconsidered due to changes suggested by counsel to reword

language in 6-1(c) regarding the fourteen days public notice.

Questions from the Committee

A member asked if the Town Manager was going to abolish a position within a department, does that mean they must have authority over that position? Mr. Griesmer said yes. This specifies that they can't act in violation of the other by-laws that give them that appointing authority.

A member asked what counts as a reorganization. Mr. Griesmer explained that it was combining or eliminating a department or changing the positions in the department to eliminate or create them.

AMENDMENT N – REDLINE

Section 6-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through one either of the methods provided in this section.

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and the bylaws shall take precedence over any other organization, reorganization or modification under this Section 6-1.

- (b) **Administrative Code** - The town ~~administratormanager~~, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town ~~administratormanager~~ prepares such a plan, the town manager ~~he~~ shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town ~~administratormanager~~ shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town

meeting shall not vote to amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

- (c) **Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board which shall not occur until after fourteen days public notice of the proposed change have occurred, make modifications to the town’s organization involving the creation of new or abolishing of existing town agencies or modifications of existing town agencies or their reporting relationships that serve under the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting relationships are within an existing department of the town. Modifications under this sub section i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, any of the foregoing changes under this subsection must be incorporated in a bylaw within two years of the effective date of the change under this subsection. The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.

AMENDMENT O – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 6 amendments," the following:

Charter Sections 6-3 and 6-4. The pre-existing Section 6-3 and the pre-existing Section 6-4 are hereby deleted. The Main Motion is further amended by inserting into the Main Motion under the heading therein "Transition Provisions" the following language set forth below labeled as "Final Text."

Final Text

Transition Provisions for Office of the Comptroller, Assistant Comptroller, Treasurer-Collector, Treasurer, Collector and Assistant Treasurer Collector

The pre-existing provisions of Section 6-3, pertaining to the qualifications, powers and duties of the Office of the Comptroller and the Assistant Comptroller, and the pre-existing provisions of Section 6-4, pertaining to the Treasurer-Collector, Treasurer, Collector, and the Assistant Treasurer Collector shall remain in effect in the Town of Natick until a bylaw addressing said matters in said sections shall take effect in the Town.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT O

Amendment O was discussed on September 26 and voted on October 3, 2023.

This amendment aims to remove extensive and detailed language from the charter concerning the qualifications, term of office, powers and duties, job descriptions, education, prior experience, and other specifics related to the positions of Comptroller, Treasurer-Collector, and Assistant Treasurer-Collector.

The current charter contains detailed information about these positions, which is typically more appropriate for inclusion in a job description or bylaw.

There is a transition provision that keeps in the existing charter language in place until a bylaw addressing these positions takes effect.

Questions from the Committee

A member clarified that we were taking these positions out of the charter and into a bylaw. Mr. Griesmer agreed.

A member asked if this was consistent with the treatment of other positions like the Police Chief. Mr. Griesmer said yes.

A member asked if this was the deletion of those roles in the charter or just the descriptions. Mr. Griesmer confirmed that it was just the descriptions.

AMENDMENT O – REDLINE

~~Section 6-3 — Office of the Comptroller~~

~~(a) **Appointment; Qualifications; Term of Office**—There shall be a comptroller, appointed by the Select Board. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by law, from time to time, establish such additional qualifications for the office as seem necessary or desirable; provided, however, no change in such by law shall apply to the incumbent of the office at the time such by law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the Select Board for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.~~

~~(b) **Powers and Duties**—The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:~~

~~(1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, Select Board and the town agencies affected.~~

~~(2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that, when approved by the Select Board, shall be binding upon all town agencies and employees.~~

~~(3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.~~

~~(4) Prior to submitting any warrant to the Select Board he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall~~

immediately file with the Select Board and town treasurer a written report of the reasons for his findings.

(5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.

(c) ~~**Vacancy**~~—If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the Select Board may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the Select Board and filed in the office of the town clerk.

(d) ~~**Assistant Comptroller**~~—The comptroller with the approval of a majority of the Select Board, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.

Section 6-4 — Town Treasurer – Collector

(a) ~~**Appointment; Qualifications; Term of Office**~~—There shall be a town treasurer collector appointed by the Town Administrator subject to confirmation of the Select Board for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.

(b) Powers and Duties

Treasurer:

- (1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.
- (2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.
- (3) The treasurer is responsible to make provisions for adequate funds to cover current obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.
- (4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.
- (5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.

- ~~(6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Select Board.~~
- ~~(7) The treasurer must give a bond annually for the faithful performance of required duties.~~
- ~~(8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.~~

Collector:

- ~~(1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A, and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.~~
- ~~(2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.~~
- ~~(3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.~~
- ~~(4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.~~
- ~~(c) **Vacancy** If the treasurer collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer collector to hold such office and exercise the powers and perform the duties of the treasurer collector until the treasurer collector who is disabled or absent resumes his duties, or until another treasurer collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Select Board and the office of the Town Clerk.~~
- ~~(d) **Assistant Treasurer Collector** The treasurer collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer collector is appointed, the assistant may, in the absence of the treasurer collector, perform the duties of the treasurer collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer collector.~~

AMENDMENT P – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the headings therein "Charter Article 3 amendments" and "Charter Article 6 amendments" respectively in numerical order, the following:

The pre-existing Section 3-2(c) and the pre-existing Sections 6-5(a), (b) and (c) are hereby deleted and replaced, respectively in numerical order, with the following replacement language as set forth below labeled as "Final Text." Further, new Charter Section 6-3 and new Charter Section 6-4 are hereby inserted in the Natick Home Rule Charter, respectively in numerical order, with the following new language as set forth below labeled as "Final Text."

Final Text

Section 3-2 Select Board

(c) **Appointment Powers** - The Select Board shall, by a majority vote of the Select Board then elected and serving, appoint a town manager for a term of not more than three years, and may by a two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; and shall either appoint or, by affirmative vote, approve the appointment of such other town agencies or officers as provided and specified in Article 6.

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

Final Text

Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of up to five years, a director of veterans' services for a term of up to five years, a police chief for a term of up to five

years, a fire chief for a term of up to five years and town counsel as provided in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager

The appointments made by the Town Manager for treasurer-collector, assistant treasurer collector, and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within thirty days of notice to each member of the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. Any person, other than town clerk, subject to affirmative approval under this subsection may be removed or suspended by the Select Board in accordance with Article 7 Section 7-11.

In the event of any failure of the town manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board following the same requirements referenced in the following section.

The provisions of this subsection shall apply to reappointments.

Final Text

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall, notwithstanding any law to the contrary, a treasurer-collector for a term of up to five years and an assistant treasurer-collector for a term of up to five years. The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

The provisions of this subsection shall apply to reappointments.

Final Text

Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town Manager for a term of three years, subject to affirmative vote of approval by the Select Board as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to the town clerk for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and the town clerk shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town Manager.
- (c) Vacancy - If the town clerk is unable to perform duties of the town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes the duties of the town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town Manager and filed with the Select Board and the office of the Town Clerk.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT P

Amendment P was discussed on September 26, October 3, and voted on October 10, 2023.

Amendment P has several interconnected aspects. It involves moving various appointments from the Select Board's appointment powers to Section 6 of the charter, which deals with administrative organization. In Section 6, appointments are designated to either the Select Board or the Town Manager, with major appointments subject to the Select Board's affirmative approval. This restructuring of appointment powers aims to streamline the charter and clarify the appointment process.

Additionally, the motion seeks to ensure consistent language regarding the appointment of the Town Manager, making it uniform in both Sections 3-2 and 4-1 (see Amendment L).

The Select Board has requested approval authority over key positions, including the treasurer-collector, assistant treasurer-collector, and town clerk, allowing them to ensure that high-quality individuals are hired while delegating most of the work to the Town Manager.

Moving the Police Chief and Fire Chief appointments from the Select Board to the Town Manager was discussed at length, but was ultimately not proposed, in part due to opposition by individual members of the Select Board

Questions from the Committee

A member asked whether there were concerns about not having an elected body involved in these position searches. Rich Sidney, Select Board member, said they did consider that and that this was a balance to allow elected officials to still be involved while not putting a burden on the volunteer Select Board.

A member asked whether this new process would mean that if someone isn't approved by the Select Board, the process would have to start again. Mr. Griesmer confirmed that it would.

A member asked whether there is intended to be Select Board input before hiring happens with respect to the positions the Select Board has to approve. Bruce Evans, Select Board chair, said that the Town Manager would bring a candidate to the Board and explain the search process, but at that point, the Select Board would have the veto power to say no. He did say that was unlikely because the Town Manager should know the skill set that is required better than the Select Board does.

AMENDMENT P – REDLINE

Section 3-2 Select Board

(c) **Appointment Powers** - ~~Subject to the provisions of Article 6, the~~ The Select Board shall appoint ~~by majority vote of the Select Board then elected and serving, a town manager to serve for a term of not more than three years and may, by two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed five years; a town comptroller for a term of three years;~~ three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members

appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; ~~a town counsel for a term of one year; and shall either appoint or, by affirmative vote, approve the appointment of such other town agencies or officers as provided and specified in Article 6. a director of veterans' services; a police chief; and a fire chief.~~

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of up to five years, a director of veterans' services for a term of up to five years, a police chief for a term of up to five years, a fire chief for a term of up to five years, and town counsel as provided in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager

The appointments made by the Town Manager for treasurer-collector, assistant treasurer collector, and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within thirty days of notice to each member of the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. Any person, other than town clerk, subject to affirmative approval under this subsection may be removed or suspended by the Select Board in accordance with Article 7 Section 7-11.

In the event of any failure of the Town Manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board following the same requirements referenced in the following section.

The provisions of this subsection shall apply to reappointments.

Final Text

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall appoint a treasurer-collector for a term of up to five years, an assistant treasurer-collector for a term of up to five years. The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

The provisions of this subsection shall apply to re-appointments.

Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town ~~Administrator~~Manager for a term of three years, subject to affirmative vote of approval confirmation by the Select Board as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town, the custodian of the town seal, shall administer the oath of office to any person, elected or appointed, who shall apply to the town clerk him for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and the town clerk he shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town ~~Administrator~~Manager.
- (c) Vacancy - If the town clerk is unable to perform ~~his~~ duties of town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town ~~Administrator~~Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes ~~his~~the duties of town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town ~~Administrator~~Manager and filed with the Select Board and the office of the Town Clerk.

AMENDMENT Q – Not used

AMENDMENT R – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 7 amendments," the following:

Charter Section 7-5: The pre-existing Section 7-5 of the Town of Natick Home Rule Charter is hereby deleted and replaced, in numerical order, with the following replacement language as set forth below labeled as “Final Text.”

Final Text

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words, if any, importing a particular gender shall include all genders.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT R

Amendment R was discussed on September 26 and voted on October 4, 2023.

Mr. Griesmer explained that Amendment R is a catch all provision in case any gender specific terms remain in the Charter after being cleaned up under other amendments. This provides a safeguard in case any items were missed.

AMENDMENT R – REDLINE

Section 7-5 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words, if any, importing a particular ~~the~~ ~~maseuline~~ gender shall include all ~~the feminine~~ genders.

AMENDMENT S – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 7 amendments," the following:

Charter Section 7-7(e): The pre-existing subsection (e) of Section 7-7, entitled “Definitions”, is hereby deleted and replaced, in numerical order, with the following replacement language as set forth below labeled as “Final Text.”

Final Text

(e) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation in the town of Natick, the town’s website, police and public works temporary signage, social media and/or other communication means that alone or in any combination are reasonably capable of reaching and informing the citizens of the town, unless otherwise required by the general laws.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT S

Amendment S was discussed on September 26 and voted on October 4, 2023.

Mr. Griesmer described the existing charter requirement to use local newspapers to notify the public about items such as town meeting and the budget. As defined, it's a newspaper in general circulation in the town of Natick, and one could argue that there isn't such a thing anymore. The proposed change is to expand the notification methods beyond newspapers, allowing for various means that are reasonably capable of informing citizens.

Where the general laws require publication in a newspaper, such as for zoning or tax takings, this amendment would not change the notification process. However, the charter and bylaws can utilize alternative means for other notifications.

Questions from the Committee

A member 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.

A member 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.

AMENDMENT S – REDLINE

Section 7-7 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:

- (e) **Local Newspaper** — Unless otherwise required by the general laws, the words "local newspaper" shall mean a newspaper of general circulation in the town of Natick, the town's website, police and public works temporary signage, social media and/or other communication means that alone or in any combination are reasonably capable of reaching and informing the citizens of the town.

AMENDMENT T – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 7 amendments," the following:

Charter Section 7-9(a): The following additional language as set forth below labeled "Final Text" shall be added to the end of the existing subsection (a) of Section 7-9 entitled "Procedure Governing Multiple Member Bodies.

Final Text

Meetings, other than emergency meetings under the Massachusetts Open Meeting Law, shall be called either by the chair of the multiple member body, or, in the absence or failure of the chair, either by persons so authorized by the multiple member body to call such meetings or by one-third of the members of the multiple member body. At least 48 hours advance notice to all members of the multiple member body shall be required for any non-emergency meetings called.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT T

Amendment T was discussed on September 26, October 4, and voted on October 10, 2023.

This amendment reintroduces a provision in the charter that was previously deleted where meetings of multiple-member bodies can be called by someone other than the chair. The amendment 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. This change addresses past issues where committees faced challenges when the chair left the committee or refused to put specific topics on the agenda.

The $\frac{1}{3}$ rule not only allows committees to call meetings without solely relying on the chair but also encourages more inclusive and participatory discussions, as a minority of members can collectively call a meeting. Moreover, the motion introduces flexibility by stating that "other persons" determined by a specific multiple-member body can also have the authority to call meetings if specified in the body's rules. This change is intended to prevent committees from encountering problems due to a lack of clarity in their rules or in the absence of a chair.

Questions from the Committee

A member asked whether the $\frac{1}{3}$ requirement would create a risk of serial discussions under the Open Meeting Law. Mr. Griesmer's opinion was that it would not.

A member 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 yes but that they felt it would be easier for the committee to do that.

A member asked whether it was $\frac{1}{3}$ of the potential members or $\frac{1}{3}$ of the current members. Mr. Griesmer said it was the latter.

A member 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.

A member asked if this provision could be abused by a determined minority calling lots of meetings. 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.

A member asked if there was 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.

AMENDMENT T – REDLINE

Section 7-9 Procedure Governing Multiple Member Bodies

- (a) **Meetings** - All multiple member bodies, whether elected, appointed or otherwise constituted, shall meet regularly. All meeting of a multiple member body shall be held in a building that allows the public to enter and meets all Federal, state and local accessibility requirements, unless it is a site visit, and shall be scheduled and posted in accordance with all applicable laws, including but not limited to the Massachusetts Open Meeting Law. A copy of the same notice shall be posted on the town bulletin board.

Meetings, other than emergency meetings under the Massachusetts Open Meeting Law, shall be called either by the chair of the multiple member body, or, in the absence or failure of the chair, either by persons so authorized by the multiple member body to call such meetings -or by one-third of the members of the multiple member body. At least 48 hours advance notice to all members of the-multiple member body shall be required for any non-emergency meetings called.

AMENDMENT U – MOTION

Move that the Main Motion be amended by inserting into the Main Motion, under the heading therein "Charter Article 7 amendments" the following:

Charter Section 7-10. The pre-existing Section 7-10, entitled “Notice of Vacancies,” is hereby deleted and replaced, in numerical order, with the following replacement language as set forth below labeled as “Final Text.”

Final Text

Section 7-10 Notice of Vacancies

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. The requirement for public notice for appointed positions under this subsection applies to the expiration of appointed terms whether or not a vacancy has occurred or is anticipated. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

The expiration of appointed terms for compensated positions in the town occurring without an actual or anticipated vacancy shall not be subject to public notice provisions or timing in the preceding paragraph.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – AMENDMENT U

Amendment U was discussed on September 26 and voted on October 4, 2023.

The amendment addresses a provision in the charter that requires the Select Board or another appointing authority to publish a notice of vacancy for not less than 10 days whenever a vacancy occurs in any town agency or town employment, either due to retirement or the expiration of a term.

The proposed change aims to distinguish between compensated employees (working in various town departments) and volunteers (serving on boards and committees). The existing provision creates challenges when applied to compensated employees, as posting their positions could inadvertently suggest that the town is actively seeking to replace them. This could negatively impact staff morale and retention.

The motion seeks to retain the notice of vacancy requirement for volunteer positions while exempting compensated town employees from this rule unless there is an anticipation that the person currently in the position will not be reappointed.

Questions from the Committee

A member asked whether a maximum advanced posting was discussed. Mr. Griesmer said they did not consider that idea and he's not sure it is a good idea.

A member asked whether the shorter term for the Town Manager would cause an anticipated vacancy. Mr. Griesmer explained that they would need to formally resign since it is a compensated position or give notice of their impending resignation.

A member 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.

AMENDMENT U – REDLINE

Section 7-10 Notice of Vacancies

Whenever a vacancy occurs in any town agency, or in town employment, or when by reason of retirement or the expiration of a fixed term, a vacancy can be anticipated, the Select Board, or other appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted for not less than ten days. Except as provided below, the requirement for public notice for appointed positions under this subsection shall apply to the expiration of appointed terms whether or not a vacancy has occurred or is anticipated--. Such notice shall contain a description of the duties of the office or position and a listing of necessary or desirable qualifications for the position. No permanent appointment to fill a position shall be effective until at least fourteen days have elapsed following such posting, to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the requirements provided under the terms of a collective bargaining agreement.

The expiration of appointed terms for compensated positions in the town occurring without an actual or anticipated vacancy shall not be subject to public notice provisions or timing in the preceding paragraph.

~~ END OF ARTICLE ~~

ARTICLE 26
Bylaw Changes
(Charter and ByLaw Review Committee)

ARTICLE LANGUAGE

To see what actions the town will take to amend Article 3 of the Bylaws for Procedure at Town Meetings to make changes with regard to:

Article 3 of the Bylaws, as follows:

- (1) Modifying the requirements for the motion for the previous question or removing the existing language to allow Town Meeting to be consistent with Town Meeting Time and the requirements therein contained;
- (2) Allowing the Moderator call the previous question and to establish requirements, if any, for such call;
- (3) Defining No Action as a positive, negative or neutral (non-negative) motion;
- (4) Defining and or distinguishing between Referral and Indefinite Postponement and/or creating an additional new negative motion;
- (5) Creating a consequence for Indefinite Postponement for non-zoning articles and motions;
- (6) Defining, preventing and/or regulating repetitive petitions;
- (7) Authorizing Town Meeting to dissolve at any time and to define the conditions under which such dissolution can occur;
- (8) Distinguishing between referral and referral with request for follow up or action or creating and defining a new motion for such;
- (9) Authorizing Town Meeting to vote multiple line item budgets and/or single appropriations containing multiple line item budget components which could allow the Town Administrator with the approval of the Select Board to transfer money from one line item to another within that single appropriation, provided that such transfers cannot be made from any school department budget and that such transfers must be reported to the finance committee and to the subsequent town meeting;
- (10) Authorizing expanded or existing use of a consent agenda and set the parameters for use of consent agenda or agendas;
- (11) Amending the table of motions, quantum of vote and footnotes consistent with the foregoing, including deleting each appearance therein of the term "2/3 Majority" and inserting in its place "2/3 Vote";
- (12) Defining the scope of permissible relevant debate at representative town meeting;

And further

To see what changes the town will make to change and conform Article 10 Section 1 of the Bylaws with regard to the Select Board powers and duties for the general direction and management of the property and affairs "in all matters not otherwise provided for" to be consistent with the Town Charter and clarify that the provisions of said Section 1 pertain to administrative and not to legislative matters within the Town;

And further

To see what changes the town will make to Article 1 Town Elections and Town Meeting Section 2 Special Town Meetings to modify the provisions for posting in a local newspaper and/or to modify the 28 day advance notice provision;

And further

To see what changes the town will make to the bylaws for such other bylaw amendments as may be necessary to conform the bylaws to any votes of the representative town meeting at this 2023 Fall Annual town meeting to change the town charter whether by special act or otherwise;

Or otherwise act thereon.

PURPOSE OF THE ARTICLE

To make various changes to update the Town of Natick bylaws.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – ALL MOTIONS

The Finance Committee discussed Article 26 on September 12, October 4, and October 10, 2023. Paul Griesmer, chair of the Charter and Bylaw Review Committee (CBRC), and Christine Weithman, CBRC member, presented.

FINANCE COMMITTEE RECOMMENDATION – MOTION A

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-0-1
	DATE VOTED:	October 4, 2023

MOTION A (Requires a Majority Vote)

Move that the Town vote to amend Section 2 of Article 1 of the Natick Town Bylaws by deleting the existing Section 2 Special Town Meetings in its entirety and replacing it with the following language labelled below as “Final Text.”

Final Text

Section 2 Special Town Meetings

The Select Board shall call a Special Town Meeting, in accordance with Section 2-11 (c) of the Charter, by giving public notice in a local newspaper at least fourteen (14) days prior to the date of such Special Town Meeting, except where compliance with this provision would defeat the purpose of said Special Town Meeting. Special Town Meetings shall be held on a Tuesday at 7:30 P.M. For the purposes of this section, the words “local newspaper” shall include a newspaper of general circulation in the town, the town’s website, police and public works temporary signage, social media and/or other communication means, that alone or in combination, are reasonably capable of reaching and informing the citizens of the town.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – 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. The language regarding local newspapers is similar to what appears in the charter (see Article 25, Amendment S).

Questions from the Committee

A member asked whether the CBRC considered requiring notice to Town Meeting Members. Mr. Griesmer explained that this was already required by law.

A member asked whether there can be one definition of local newspaper that applies to all by-laws. Mr. Griesmer said a global definition of local newspaper could be added in the spring.

MOTION A – REDLINE

Section 2 Special Town Meetings

The Select Board shall call a Special Town Meeting, in accordance with Section 2-11 (c) of the Charter, by giving public notice in a local newspaper at least ~~twenty-eight (28)~~ fourteen (14) days prior to the date of such Special Town Meeting, except where compliance with this provision would defeat the purpose of said Special Town Meeting. Special Town Meetings shall be held on a Tuesday at 7:30 P.M. For the purposes of this section, the words “local newspaper” shall include a newspaper of general circulation in the town, the town’s website, police and public works temporary signage, social media and/or other communication means, that alone or in combination, are reasonably capable of reaching and informing the citizens of the town.

FINANCE COMMITTEE RECOMMENDATION – MOTION B

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	11-1-0
	DATE VOTED:	October 10, 2023

MOTION B (Requires a Majority Vote)

Move that the Town vote to amend Section 11 of Article 3 of the Natick Town Bylaws by deleting the existing Section 11 Motion for the Previous Question in its entirety and replacing it with the following language labelled below as “Final Text.”

Final Text

Section 11 Motion for the Previous Question

The motion for the previous question may be considered in order at the discretion of the Town Moderator and then disposed of in accordance with Town Meeting Time.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – 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 replaces it with a provision allowing the Moderator to take the motion at the Moderator’s discretion.

Mr. Griesmer explained that under Town Meeting Time rules, anyone can move the question, and if someone else seconds the motion, then the meeting must vote on it. Under the current provision in our bylaw, 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.

Questions from the Committee

A member asked if a higher threshold for the number of people waiting to speak was considered as an alternative. Mr. Griesmer said they didn’t consider that, but they did consider other alternatives and ultimately decided this approach was the easiest to administer.

Debate

One member thought there was value in hearing the minority opinion and 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.

Another member 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.

A member 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.

MOTION B – REDLINE

Section 11 Motion for the Previous Question

The motion for the previous question- may be considered in order at the discretion of the Town Moderator and then disposed of in accordance with Town Meeting Time. ~~shall not be entertained by the Moderator if three or more persons are seeking recognition who have not previously spoken to the question.~~

FINANCE COMMITTEE RECOMMENDATION – MOTION C

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	October 10, 2023

MOTION C (Requires a Majority Vote)

Move that the Town vote to amend the Precedence of Motions table of Article 3 of the Natick Town Bylaws by deleting the existing table “Precedence of Motions” inclusive of footnotes in its entirety and replacing it with the following language labelled below as “Final Text.”

Final Text

PRECEDENCE OF MOTIONS

Motion	Second Required	Debate	Amend	Vote Required
Adjourn or dissolve	Yes	No	No	Majority
Adjourn to a fixed time or recess ⁺⁺⁺	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes ⁺	No	2/3rds
For the previous question ⁺⁺⁺	Yes	No	No	2/3rds
For secret ballot	Yes	No	No	2/3rds
Roll call vote	Yes	Yes	No	1/3rd
Postpone to a time certain	Yes	Yes ⁺	Yes	Majority
Commit, recommit, or refer	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority
Main Motion	Yes	Yes	Yes	Majority ⁺⁺
Take no action ⁺⁺⁺⁺	Yes	Yes	No	Majority
Waive Mandatory Conditions Precedent ⁺⁺⁺⁺⁺	Yes	Yes	No	2/3rds
Reconsideration	Yes	Yes	No	2/3rds
Take from the table	Yes	Yes ⁺	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3rds

⁺ See Section 3.

⁺⁺ Some main motions are required by the general laws to be passed by greater than a majority vote; for example, bond issues, zoning changes, the taking of land require a 2/3 vote. For other examples, refer to the appendix in *Town Meeting Time* entitled "Quantum of Vote."

- +++ See Section 11
- ++++ See Bylaw Article 1 Section 3
- +++++ Take no action shall be considered a neutral or non-negative action
- +++++ Finance Committee Public Hearing; See By-Law Article 3, Section 1; Article 23 Section 4.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MOTION C

Motion C makes some cosmetic changes to the Precedence of Motions table used at Town Meeting. The main change is to clarify that it is a $\frac{2}{3}$ vote rather than a “ $\frac{2}{3}$ majority” vote which some had concerns about being vague.

Questions from the Committee

A member asked about the rationale behind when to use $\frac{2}{3}$ versus majority. Mr. Griesmer explained that there were no changes to the quantum of vote required. 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.”

A member asked for confirmation that there were no substantive changes being made in this motion. Mr. Griesmer confirmed that was correct.

MOTION C – REDLINE

PRECEDENCE OF MOTIONS

Motion	Second Required	Debate	Amend	Vote Required
Adjourn or dissolve	Yes	No	No	Majority
Adjourn to a fixed time or recess ⁺⁺⁺⁺	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes ⁺	No	2/3 rds Majority
For the previous question ⁺⁺⁺	Yes	No	No	2/3 rds Majority
For secret ballot	Yes	No	No	2/3 rds Majority
Roll call vote	Yes	Yes	No	1/3 rd Majority
Postpone to a time certain	Yes	Yes ⁺	Yes	Majority
Commit, recommit, or refer	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority
Main Motion	Yes	Yes	Yes	Majority ⁺⁺
Take no action <u>++++</u>	Yes	Yes	No	Majority
Waive Mandatory Conditions	Yes	Yes	No	2/3 rds Majority
Precedent ⁺⁺⁺⁺⁺				
Reconsideration	Yes	Yes	No	2/3 rds Majority
Take from the table	Yes	Yes ⁺	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 rds Majority

⁺ See Section 3.

⁺⁺ Some main motions are required by the general laws to be passed by greater than a majority vote; for example, bond issues, zoning changes, the taking of land require a 2/3 vote. For other examples, refer to the appendix in *Town Meeting Time* entitled "Quantum of Vote."

⁺⁺⁺ See Section 11

⁺⁺⁺⁺ See Bylaw Article 1 Section 3

⁺⁺⁺⁺⁺ Take no action shall be considered a neutral or non-negative action

⁺⁺⁺⁺⁺ Finance Committee Public Hearing; See By-Law Article 3, Section 1; Article 23 Section 4.

FINANCE COMMITTEE RECOMMENDATION – MOTION D

The Finance Committee took the following action:	RECOMMENDATION:	Favorable Action
	QUANTUM OF VOTE:	12-0-0
	DATE VOTED:	October 4, 2023

MOTION D (Requires a Majority Vote)

Move that the Town vote to amend Section 1 of Article 10 of the Natick Town Bylaws by deleting the existing Section 1 Scope of Powers and Duties in its entirety and replacing it with the following language labelled below as “Final Text.”

Final Text

Section 1 Scope of Powers and Duties

In accordance with Section 3-2 of the Charter, the Select Board shall be responsible for the general direction and management of the administration of the fiscal, prudential and municipal affairs of the executive branch of the Town in all matters not otherwise provided for by law, by charter or by these by-laws but not including the affairs, powers or prerogatives of legislative branch of the Town.

FINANCE COMMITTEE PUBLIC HEARING AND DISCUSSION – MOTION D

The proposed change aims to clarify the distribution of powers within the town's government structure. In the charter, it specifies that the executive branch, led by the Select Board, holds authority over fiscal, prudential, and municipal affairs. Meanwhile, the legislative powers belong to the representative town meeting. However, the charter does not cover every specific administrative detail. To address these unspecified matters, the bylaw assigns default authority to the Select Board on the executive side, while anything already designated for the town manager remains under their jurisdiction. This amendment intends to make the distribution of powers more explicit and precise within the administrative branch.

Questions from the Committee

A member asked whether this would interfere with the Town Manager's ability to handle the financial matters that they currently have the power to handle. Mr. Griesmer said no and explained that the Town Manager is under the Select Board as part of the executive branch.

MOTION D – REDLINE

Section 1 Scope of Powers and Duties

In accordance with Section 3-2 of the Charter, the Select Board shall be responsible for the general direction and management of the administration of the fiscal, prudential and municipal property and affairs of the executive branch of the Town in all matters not otherwise provided for by law, by charter or by these by-laws but not including the affairs, powers or prerogatives of legislative branch of the Town.

~~ END OF ARTICLE ~~

Article 31 Positive Main Motion

Authored by: Cody Jacobs & Claudia Trevor-Wright

Move that the town adopt the following by-law as Article 31 of the Natick town by-laws:

Article 31: Safe access to legally protected reproductive and gender-affirming health care services.

Section 1: Definitions

“Abusive litigation” means litigation or other action to deter, prevent, sanction or punish any person engaging in legally-protected health care activity that is: (i) filed or prosecuted in any state other than the commonwealth where liability, in whole or part, directly or indirectly, is based on legally-protected health care activity that occurred in the commonwealth, including any action in which liability is based on any theory of vicarious, joint or several liability derived therefrom; or (ii) an attempt to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action; provided, however, that a lawsuit shall be considered to be based on conduct that occurred in the commonwealth if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in the commonwealth, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit

“Town agent” means any employee of the town of Natick, whether full time or part time, regular or seasonal, any intern or volunteer when acting on behalf of the Town of Natick, any contractor for the Town of Natick while a contract between the Town of Natick and said contractor is in effect, and any recipient of Town funding, grants, awards, or appropriations.

“Gender-affirming health care services” means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

“Legally-protected health care activity” means (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient’s location.

Article 31 Positive Main Motion

Authored by: Cody Jacobs & Claudia Trevor-Wright

“Reproductive health care services” mean, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

Section 2: Safe Access

A. Consistent with G.L. Ch. 4 § 7(26)(c), personnel and medical files or information and any other materials or data related to the provision of reproductive health care services or gender-affirming health care services for any person, including individuals who are not residents of the Town of Natick or the Commonwealth of Massachusetts, held by any town agent in their capacity as a town agent shall be kept confidential and shall not be disclosed in response to a public records request.

B. Acting in their capacity as a town agent, no town agent may furnish information, assistance, or aid to any person or jurisdiction when such information, assistance, or aid is knowingly intended for use in abusive litigation as defined in this article, except as so ordered by a court in the Commonwealth. Additionally, no town resources, materials, or funds shall be so used.

C. Acting in their capacity as a town agent, no town agent may furnish information, assistance, or aid to any person or jurisdiction when such information, assistance, or aid is knowingly intended for the purposes of prohibiting, criminalizing, sanctioning, authorizing a person to bring a civil action against, or otherwise interfering with a person, entity or carrier that seeks, receives, causes, aids in access to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities. Additionally, no town resources, materials, or funds shall be so used. Notwithstanding the general prohibition of this section, nothing in this section shall prevent a parent or guardian with primary physical custody of a child from requesting or receiving information about that child, provided that the information is not known to the town agent providing that information to be intended for use in abusive litigation as defined in this article.

D. Pursuant to G.L. Ch. 147, § 63 no person, regardless of residency or citizenship status, shall be held in custody by the Natick Police Department for seeking, receiving, causing, aiding in access to, aiding or abetting or providing, or attempting or intending to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the

Article 31 Positive Main Motion

Authored by: Cody Jacobs & Claudia Trevor-Wright

general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

E. Pursuant to G.L. Ch. 147, § 63, any person held in custody by the Natick Police Department shall not be remanded, transferred, or extradited to another jurisdiction for having sought, received, caused, aided in accessing, aided or abetted or provided, or attempted or intended to seek, receive, cause, aid in access to, aid or abet, or provide reproductive health care services or gender-affirming health care services, if such services are legally-protected health care activities, except as required by the order of a court of competent jurisdiction. This restriction shall not apply to any investigation or proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other State would be subject to civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

Section 3: Severability

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this article.

ARTICLE 32

Paid Family Medical Leave for Town of Natick Employees

Massachusetts Paid Family Medical Leave

Historic Contribution Rates for employers with 25 or more regular employees.

Per PFML guidelines:

- Medical Liability + Family Liability = Total Contribution

- Employer is allowed to withhold up to 40% of the medical liability from employee wages.
There is a minimum employer contribution of 60% of the medical liability.
- Employer is allowed to withhold up to 100% of family liability from employee wages.
There is no minimum employer contribution to family liability.

	2019	2020	2021	2022	2023	2024
Medical Liability	0.62%	0.62%	0.62%	0.56%	0.52%	0.70%
Med - Employer Contribution	0.372%	0.372%	0.372%	0.336%	0.312%	0.42%
Med - Employee Withholding	0.248%	0.248%	0.248%	0.224%	0.208%	0.28%
Family Liability	0.13%	0.13%	0.13%	0.12%	0.11%	0.18%
Fam - Employer Contribution	-	-	-	-	-	-
Fam - Employee Withholding	0.13%	0.13%	0.13%	0.12%	0.11%	0.18%
Total Contribution	0.75%	0.75%	0.68%	0.68%	0.63%	0.88%

TOWN GOVERNANCE STUDY COMMITTEE

Report to Natick Select Board

June 28, 2023



TOWN GOVERNANCE STUDY COMMITTEE

- Committee Charge
- Overview of committee work
- What we learned
- Recommendations
- Q&A



CHARGE AND COMPOSITION

- *Study the town's form of government and governance*
 - *Examine models of government in comparable communities*
 - *Identify strengths and weaknesses in Natick's current government, and recommend any amendments to the charter, bylaws, and governing practices so as to improve the town's form of government and governance*
 - *Facilitate public engagement on, and the public's discussion of the committee's work.*
- Michael Avitzur
 - Matt Brand, Vice Chair
 - Carol Gloff, Chair
 - Joshua Ostroff, Clerk
 - Susan Salamoff, Ex Officio
 - Dan Sullivan
 - Lisa Tabenkin
 - Hillary Truslow
 - Linda Wollschlager



COMMITTEE PROCESS

- 38 meetings April 2022 – June 2023
- [Public web site](#)
- 48 stakeholder interviews, two surveys, public forum
- Engaged Community Paradigm through RFP process
- Thoughtful deliberation to advise the Select Board

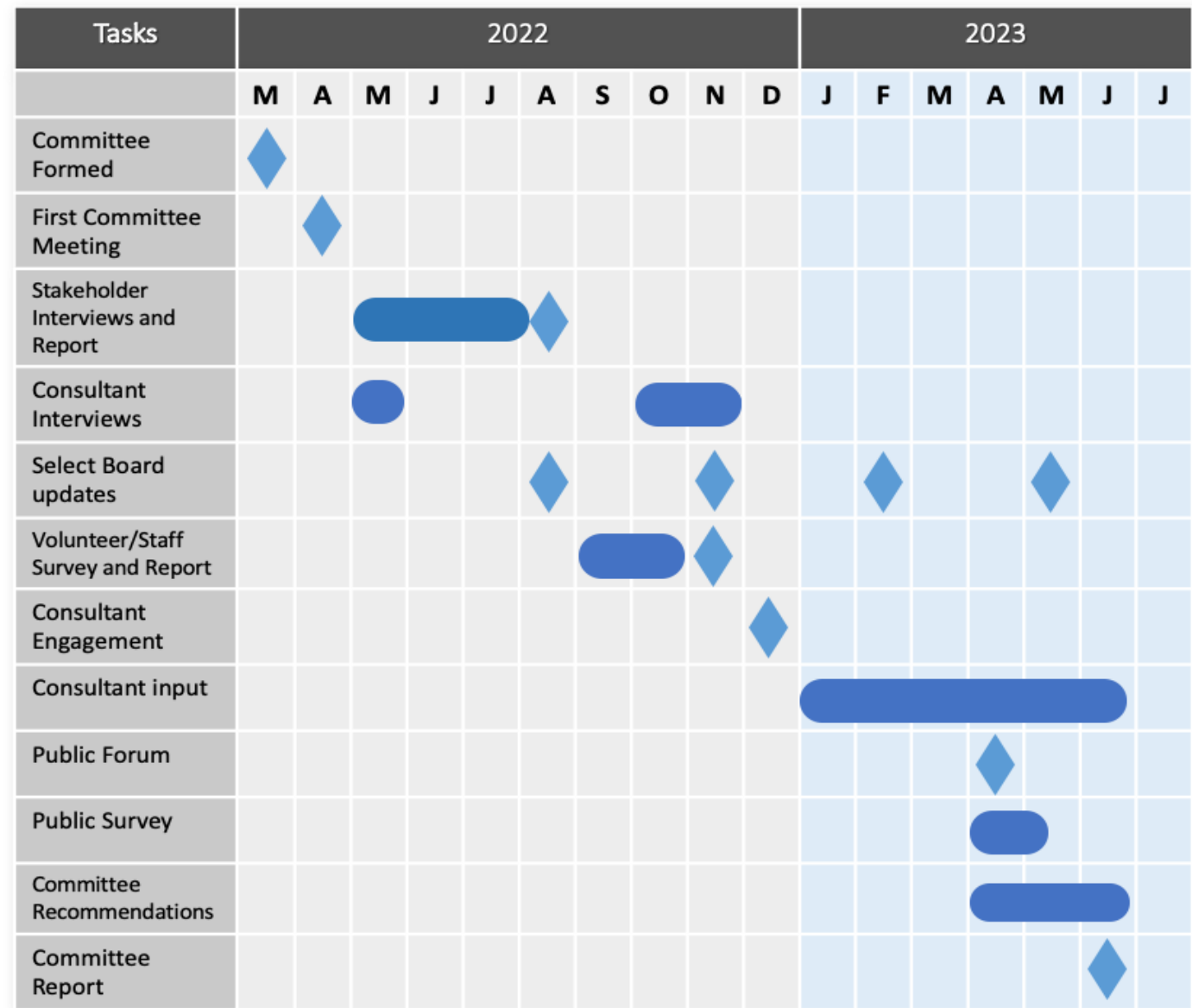


Figure 3 presents the timeline of TGSC's work

◆ Milestones



COMMITTEE LEARNING: FORMS OF LOCAL GOVERNMENT

- Open Town Meeting/Select Board
 - Representative Town Meeting/Select Board
 - Elected Council/Professional Management
 - Elected Council/Elected Mayor
-

- It is common for municipalities to consider a change

The Four Basic Forms

Open Town Meeting
with Board of
Selectmen and some
Professional
Management

Representative Town
Meeting with Board of
Selectmen and some
Professional
Management

Elected Council with
Professional
Management

Elected Council with
Elected Mayor

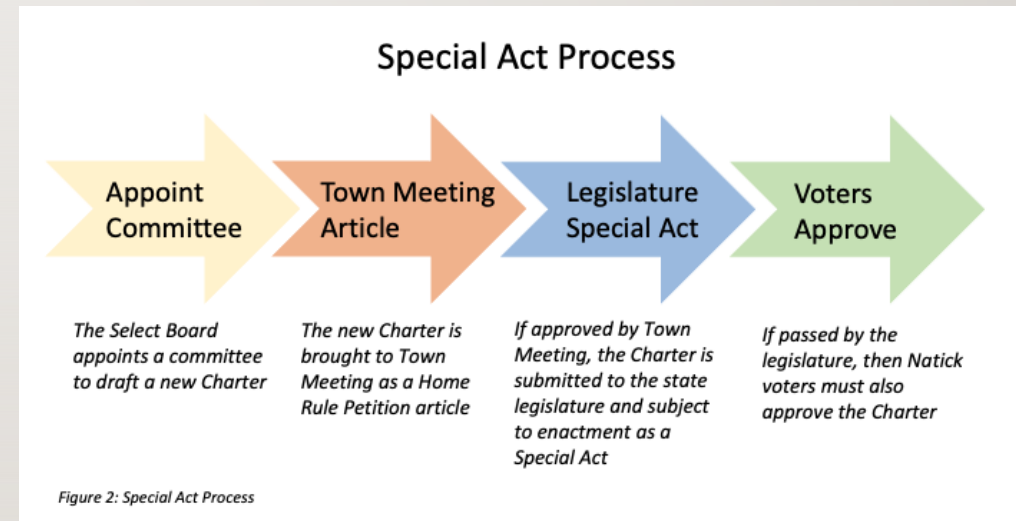
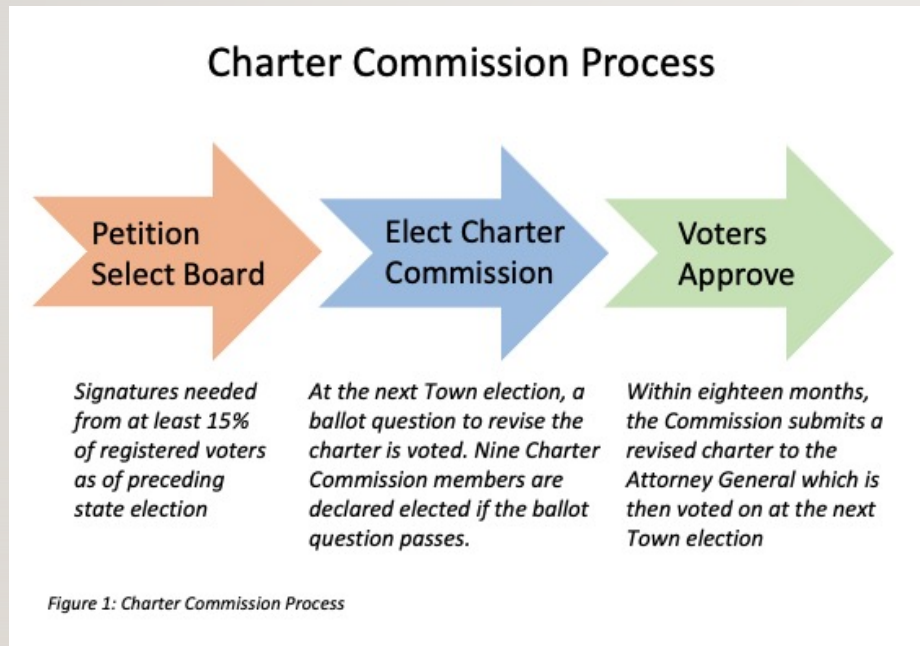
COMMUNITY PARADIGM ASSOCIATES

Figure 4: The four basic forms of local government in Massachusetts



COMMITTEE LEARNING: PROCESSES FOR CHANGING GOVERNMENT STRUCTURE

- Charter Commission, Special Act, and Charter and Bylaw Review



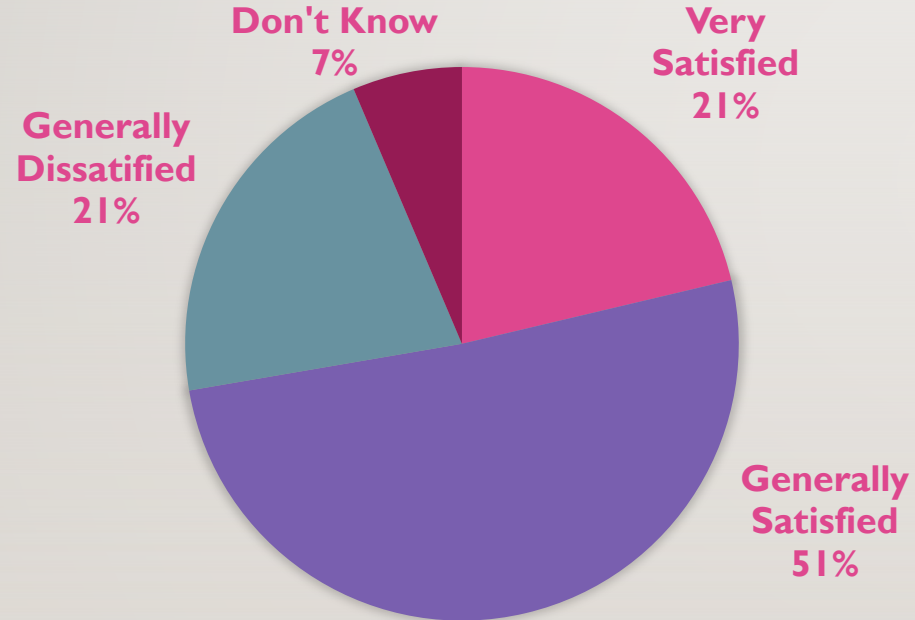
COMMITTEE LEARNING: **STAKEHOLDER INTERVIEWS AND SURVEYS**

- 48 Stakeholder Interviews, 249 Staff/Volunteer Respondents, 88 Public Respondents
- This is qualitative research, and not necessarily representative of the public or any subset
- There are divergent views on our government structure
- Many stakeholders value the accessibility and participation of our current form
- Many stakeholders are critical of the inefficiency of our process and of time requirements
- We sought to separate **structure** and **performance**; perceptions are frequently conflated, but stakeholders generally have more favorable views of performance than of structure.

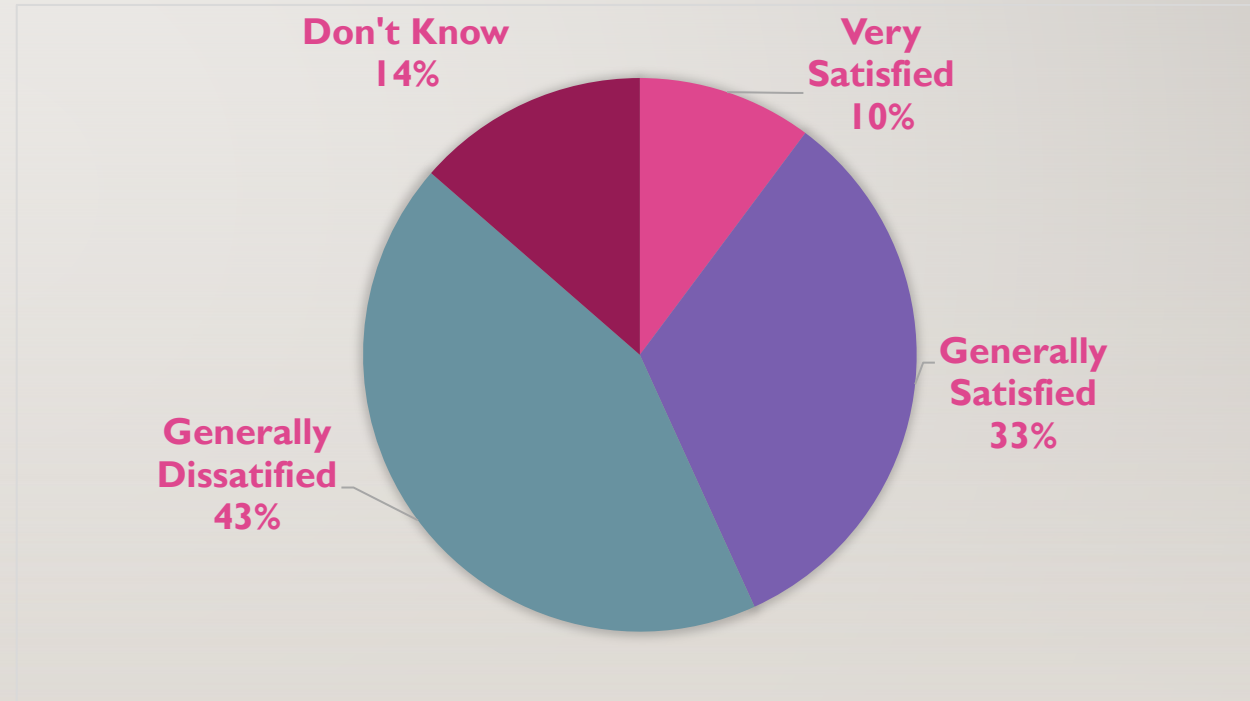


COMMITTEE LEARNING: SATISFACTION WITH STRUCTURE OF GOVERNMENT

Volunteer/Staff Survey



Public Survey



COMMITTEE LEARNING: **KEY FINDINGS**

- Establish clearer lines of authority
- Reconsider which positions are appointed, and by whom
- Prioritize communications and engagement
- Town Meeting should be more efficient



COMMITTEE RECOMMENDATIONS: **VALUES AND PRINCIPLES**

- I. Promote a citizen-based representative governance structure.
- II. Provide for accountability through appropriate checks and balances to operations.
- III. Value and encourage institutional knowledge and continuity among policy leaders and Town staff.
- IV. Promote an organizational structure that supports effectiveness, efficiency, economy, and financial accountability.
- V. Support regional collaborations for issues that overlap municipal boundaries.
- VI. Continue and promote a non-partisan governing structure.
- VII. Promote civic engagement, participation, and partnering with residents.
- VIII. Promote a governing structure that encourages diversity, social equity, environmental justice and inclusion for all community members.
- IX. Foster a governance structure that provides for integrity in all actions.



COMMITTEE RECOMMENDATIONS: **EXECUTIVE**

- Centralize appointment authority under the Town Administrator
- Centralize reorganization authority under the Town Administrator
- Personnel Board should be advisory to the Town Administrator
- Consider changing positions that are ministerial in nature from elected to appointed



COMMITTEE RECOMMENDATIONS: **LEGISLATIVE**

- Town Meeting needs to be reformed or replaced, and the Town needs a public process that leads to a decision about its Legislative body.



COMMITTEE RECOMMENDATIONS: OPERATIONAL

- The details of our governing documents relative to finance and operations are aligned with the principles articulated in the charter sections, on the Select Board's limitations on day-to-day administration.
- Our governing documents should elevate effective and consistent communications and public engagement.
- Adopt a policy or practice to require formal, periodic review of appointed, non-statutory committees to ensure that their charge, term, and composition are still necessary and appropriate in the view of the appointing authority, with consideration to potential duplication of effort and/or overlapping jurisdiction.



COMMITTEE RECOMMENDATIONS: **ELECTIONS**

- Eliminate preliminary elections in our municipal election process.



COMMITTEE RECOMMENDATIONS: **PROCESS**

- The TGSC recommends that Natick initiate a potential change to its form of government through a Charter Commission.



REPORT DEDICATION

The Town Governance Study Committee dedicates its final report to the Select Board to Susan G. Salamoff, a long-time volunteer in Natick with a distinguished record of accomplishment on behalf of the community. Sue's long public service to Natick includes a leading role in the adoption of Natick's Home Rule Charter in 1980 through the establishment of its first Charter Commission, as well as service on the Select Board, Town Meeting, Finance Committee, Council on Aging, Personnel Board, and many other Town boards and committees. Sue has always championed responsive, open, and accessible government, and was instrumental in forming the Study Committee. In dedicating this report to Sue, we honor her ideals, her values, and her record of achievement.



FOR MORE INFORMATION

Committee web site

- <https://sites.google.com/natickma.org/tgsc>



TOWN GOVERNANCE STUDY COMMITTEE

Report to Natick Select Board

June 28, 2023

THANK YOU



Final Report to the Natick Select Board of the Town Governance Study Committee

June 28, 2023

Michael Avitzur
Matt Brand, Vice Chair
Carol Gloff, Chair
Joshua Ostroff, Clerk
Susan Salamoff, Ex Officio

Dan Sullivan
Lisa Tabenkin
Hillary Truslow
Linda Wollschlager

Table of Contents

<i>Dedication.....</i>	<i>2</i>
<i>Executive Summary</i>	<i>3</i>
<i>1. Town Governance Study Committee History and Charge.....</i>	<i>4</i>
<i>2. Process for Changing Local Government Structure in Natick.....</i>	<i>5</i>
<i>3. TGSC Process.....</i>	<i>8</i>
<i>4. TGSC Learning.....</i>	<i>15</i>
<i>5. TGSC Recommendations.....</i>	<i>23</i>
<i>6. Appendices.....</i>	<i>29</i>
<i>7. Resources.....</i>	<i>29</i>

Dedication

The Town Governance Study Committee dedicates its final report to the Select Board to Susan G. Salamoff, a long-time volunteer in Natick with a distinguished record of accomplishment on behalf of the community. Sue's long public service to Natick includes a leading role in the adoption of Natick's Home Rule Charter in 1980 through the establishment of its first Charter Commission, as well as service on the Select Board, Town Meeting, Finance Committee, Council on Aging, Personnel Board, and many other Town boards and committees. Sue has always championed responsive, open, and accessible government, and was instrumental in forming the Study Committee. In dedicating this report to Sue, we honor her ideals, her values, and her record of achievement.

Executive Summary

The Town Governance Study Committee was established in 2022 to provide the Select Board with advice and recommendations to improve local government in Natick. The Committee considered how we are currently organized, explored the strengths and weaknesses of Natick's government model, identified opportunities for improvement, and reviewed the processes by which we consider and make change.

The Committee sought and gained perspectives of people most familiar with local government, of the public at large, and of experts who assist cities and towns with fundamental matters of governmental organization.

The Committee considered the various ways by which Natick (and other municipalities) may revise local forms of government, ranging from incremental change to a substantial overhaul.

The community of Natick has high expectations for local government, and a tradition of active civic engagement. The Committee is therefore mindful of the importance of structure and process to enable the people who volunteer or serve in professional capacities to meet these high expectations, as well as the importance of civic participation.

Over the course of our research and deliberations, which included outreach to people with varying levels of familiarity with Natick's government, we arrived at a series of recommendations intended to address the issues of greatest concern.

These recommendations include professionalizing and centralizing various executive functions of government, to ensure accountability and efficiency; continuing the trend towards appointed positions where the functions are primarily ministerial; and to encourage either reform or replacement of our legislative body, an institution that is central to Natick's civic identity yet is also the focus of the greatest concern by a cross-section of local stakeholders.

We also recommend that Natick pursue potential structural change through a Charter Commission in order to explore needed reforms under the authority of the public, to ensure the broadest possible base of support and accountability for the next phase of local government in Natick.

The Committee thanks the Select Board for the opportunity to serve.

1. Town Governance Study Committee History and Charge

A review of Natick's town government structure had been discussed by the Select Board over the course of several years before the Town Governance Study Committee (TGSC) was established and appointed by the Select Board in March 2022. In considering the need for the committee and its charge, Select Board members expressed views that the structure of town government in Natick may be an impediment to the efficient administration of the Town, and that the organization of Natick's local government may not be sufficiently responsive to changing conditions.

The creation of the TGSC was deferred by a staff leadership transition in 2020-2021. In the winter of 2022, the TGSC was established with the following charge:

Description

Purpose is to review the efficacy of the town's current organizational structure, including the form of government and by-laws and provide recommendations to the Select Board. The committee shall:

- *Study the town's form of government and governance*
- *Examine models of government in comparable communities*
- *Identify strengths and weaknesses in Natick's current government, and recommend any amendments to the charter, bylaws, and governing practices so as to improve the town's form of government and governance*
- *Facilitate public engagement on, and the public's discussion of the committee's work.*

Quarterly updates shall be provided to the Select Board throughout the work of the committee to ensure an iterative process with the community.

An interim report shall be submitted to the Select Board within 6 months from the organization of the committee.

Town Governance Study Committee Final Report

A final report of the committee's findings and any recommended amendments to the charter, bylaws and governing practices will be due to the Select Board by the end of the calendar year (2022).

Committee will consist of nine members at large appointed by the Select Board.

The committee shall have professional support including but not limited to a municipal government consultant, to advise and support its work.

Upon submittal of the final report to the Select Board the committee shall be considered discharged.

2. Process for Changing Local Government Structure in Natick

Natick's Home Rule Charter allows for certain changes to be considered and adopted locally. Under Article 7-6, the Natick Charter provides for a process to amend our bylaws and charter within certain parameters, including charter amendments that are subject to Town Meeting and voter approval. For changes beyond this scope, Massachusetts General Law offers two methods by which Natick or other communities may consider structural changes.

a. Charter Commission

One method is through a Charter Commission. This approach requires a minimum of 15% of Natick's registered voters to petition the Select Board to place a question on the ballot to establish a Charter Commission. On the same ballot candidates for the Commission will be listed, and if the majority of voters vote to establish a Charter Commission, nine members of the Commission will be elected. This Commission must follow a process and timetable set forth under state law, and a new Charter is then subject to voter approval. This process was used in Natick for the current Charter adopted in 1980.

The process for a Charter Commission is set out under [Massachusetts General Law Chapter 43B](#). Figure 1 summarizes this process.

Charter Commission Process

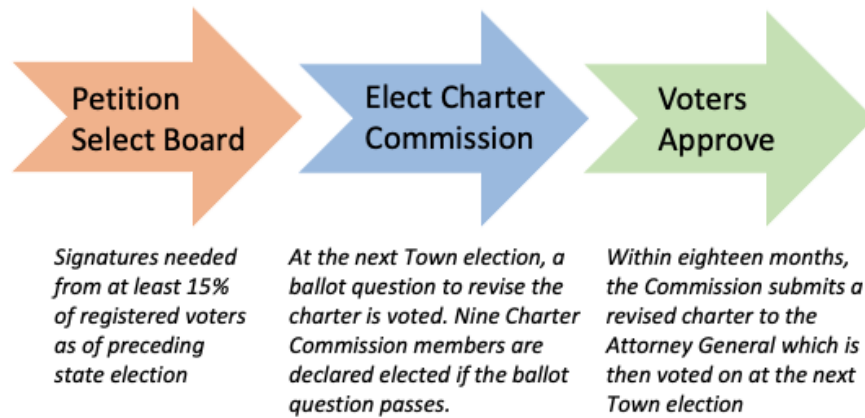


Figure 1: Charter Commission Process

b. Special Act

Alternatively, the Select Board may charge a committee with drafting a new Charter, which may then be brought to Town Meeting as a Home Rule Petition. If approved by Town Meeting, the Charter is then submitted to the Massachusetts State Legislature and subject to enactment as a Special Act, after which it must be approved by the voters at a Town election. Information about this process is provided in www.mass.gov/doc/chartadoptreviseamendpdf/download, and Figure 2 summarizes this process.

Special Act Process

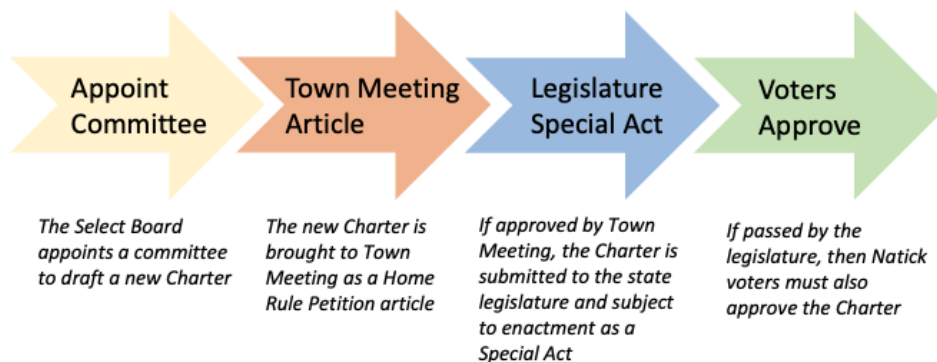


Figure 2: Special Act Process

c. Charter and Bylaw Review Committee

Under the Natick Charter a regular review of the Town's governance documents is undertaken by a Charter and Bylaw Review Committee (CBRC). Appointed by the Town Moderator, the CBRC is formed every five years:

"The town meeting shall establish the committee at least within five years of the time the previous committee was dissolved and, at any time, may vote to extend the term of the committee or the time by which the committee is required to submit a report." Natick Charter § 7-6 (a)

In recent years, the CBRC was established in Spring 2008 and dissolved in Spring 2010, and established in Fall 2015 and dissolved in Spring 2018. The current CBRC was established by Fall 2022 Town Meeting; its initial report to Spring 2023 Town Meeting is [linked as a resource](#) to this report. Town Meeting also appropriated up to \$50,000 for the CBRC to procure legal services.

The web page of the Charter and Bylaw Review Committee is available at the following link: [Town of Natick Charter and Bylaw Review Committee](#)

d. Contrast of the Two Committees Reviewing Local Governance

With the CBRC underway, as of January 2023 the Town has two committees with overlapping charges. The Town Governance Study Committee reports to the Select Board, while the Charter and Bylaw Review Committee is appointed by the Moderator to provide Charter and Bylaw updates for review/approval by Town Meeting.

Although the TGSC does not have a statutory role and its role is purely advisory, it was given an ambitious charge to consider the organization of local government in Natick.

3. TGSC Process

The process followed by the TGSC is summarized in Figure 3, and further described in this section.

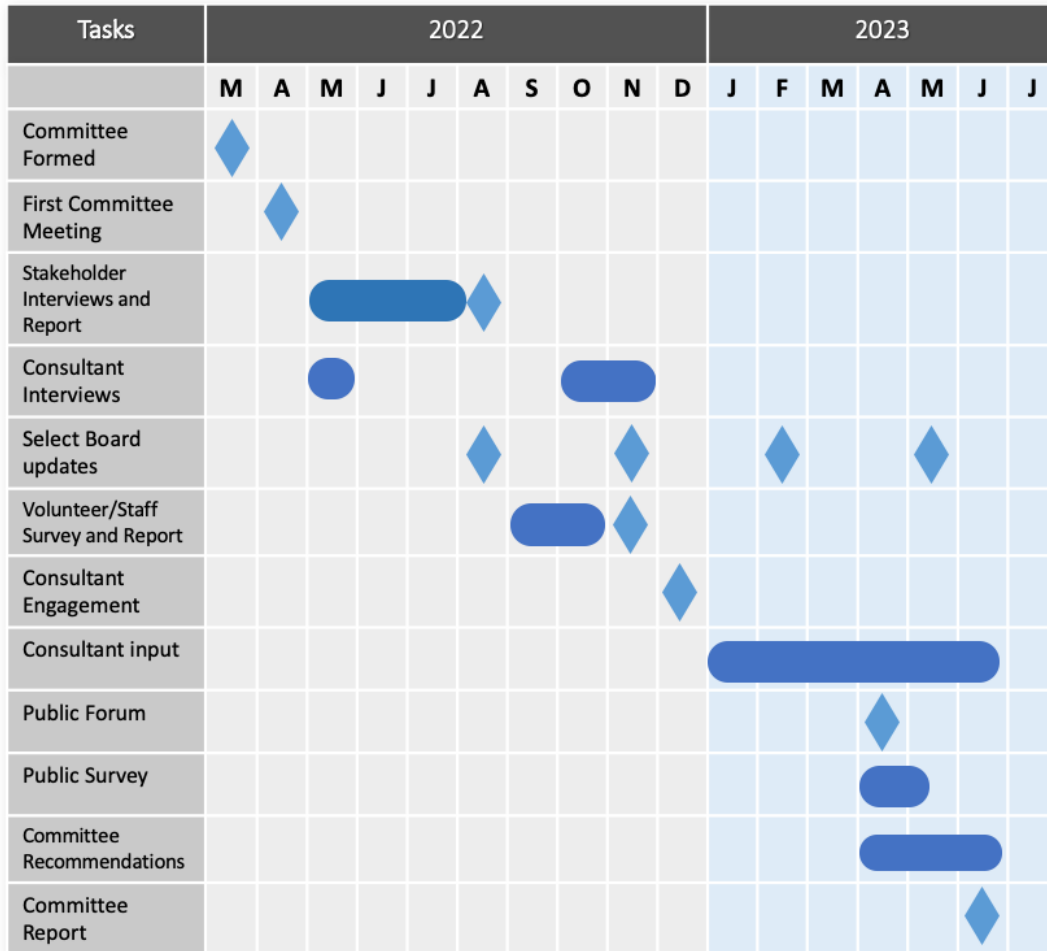


Figure 3 presents the timeline of TGSC's work



a. Stakeholder Interviews

Early in its process, the TGSC identified as a priority learning from stakeholders about the perceptions of our governing structure. This led to interviews with 48 stakeholders, including staff, volunteers and others who were particularly familiar with Natick's government.

Stakeholders were asked the following standard questions:

Town Governance Study Committee Final Report

1. *Do you have experience working/serving in other communities? If yes, how many and what was your role in each?*
2. *In your opinion, what aspects of our form of town government and governance work well?*
3. *What aspects of our form of town government structure and governance are not working well or could be improved? (Our committee has not been asked to focus on budget or staff limitations.)*
4. *Are these problems/limitations related to authorities of personnel/boards, are they due to inefficiencies, or are there other reasons?*
5. *What are your ideas for how these could be improved/reformed? What changes would you propose?*
6. *What do you feel strongly should NOT be changed?*
7. *Are there other areas that you think the study committee should specifically address (even if you don't have solutions in mind)?*
8. *What else does the committee need to know?*

b. Volunteer/Staff Survey

The TGSC then broadened its lens to survey individuals who were, or had recently been active in local government, such as current and former Town Meeting members, Town/School employees, and members of elected and appointed committees. This survey was completed electronically by 249 respondents. Some questions were multiple-choice whereas others were open-ended. The specific questions asked in this survey follow, along with the possible answers for multiple-choice questions.

1. *Do you currently live and/or work in Natick?*
 - a. I currently live in Natick
 - b. I don't currently live in Natick, but I work here
 - c. I formerly lived or worked in Natick
 - d. I have never lived or worked in Natick
2. *Are you a current or former Natick Town Meeting member, or a regular participant or observer of Town Meeting?*
 - a. I am a current Natick Town Meeting member
 - b. I am a former Natick Town Meeting member
 - c. I have never been a Natick Town Meeting member, but I regularly attend, observe or participate in Town Meeting
 - d. I have never been a Natick Town Meeting member, nor a participant or observer in Natick Town Meeting

Town Governance Study Committee Final Report

3. *If you are a current or former Town Meeting member, for how many years did you serve, or have you served?*
 - a. Fewer than 3 years
 - b. At least 3 years, but fewer than 6 years
 - c. 6 years or more
 - d. I have never served in Town Meeting
4. *What works well at Natick Town Meeting, in a few words?*
5. *What can be improved at Natick Town Meeting, in a few words?*
6. *If you are a former member of Town Meeting, please explain why in a few words.*
7. *Do you vote each year in local Natick elections, usually held in March?*
 - a. Yes
 - b. No
8. *What is your current voting precinct?*
Choices of Precincts 1-10 or "I am not a registered Natick voter"
9. *Which of these statements best describes your participation in Natick's local government?*
 - a. I am an active participant in local government, and I am not a Town employee or retiree
 - b. I am an active participant in local government, and I am a Town employee or retiree
 - c. I am not active in Town government, but I am a Town employee or retiree
 - d. I am not active in Town government, and I am not employed by, nor retired from the Town
 - e. Other
10. *Which of these statements best describes your familiarity with the structure of Natick's local government?*
 - a. I am very familiar with how Natick's local government is structured, such that I can explain it to others
 - b. I am somewhat familiar with the structure of our local government
 - c. I am not familiar with the structure of our local government
 - d. Other
11. *Which of the following statements best describes your overall view of the structure of Natick Town government, which includes an elected Town Meeting, an elected Select Board, a Town Administrator appointed by the Select Board, and other elected and appointed offices, boards and committees?*
 - a. I am very satisfied with the structure of Natick Town government and do not

Town Governance Study Committee Final Report

see significant need for change

- b. I am generally satisfied with the structure of Natick Town government and we need minor changes to the duties/responsibilities/authorities of Town officials or agencies
- c. I am generally dissatisfied with the structure of Natick Town government and we need significant changes to the duties/responsibilities/authorities of Town officials or agencies
- d. Other

12. *What aspects of the structure of Natick Town Government are working well?*

13. *What aspects of the structure of Natick Town Government are not working well?*

14. *What are the key benefits you would hope to achieve through a potential change to the structure of Town Government in Natick?*

15. *Which of these statements best describes your overall view of Natick Town government's performance?*

- a. I am very satisfied with the performance of Town government and I do not see significant opportunities for improvement
- b. I am generally satisfied with the performance of Town government and I see some opportunities for improvementc. I am generally dissatisfied with the performance of Town government and we need significant changes
- d. Other

16. *What aspects of the performance of Natick Town Government are working well?*

17. *What aspects of the performance of Natick Town Government are not working well?*

18. *What else would you like the Town Governance Study Committee to know?*

19. *What would you like to know about Natick's Town Government?*

20. *If you would like to be contacted by the Town Governance Study Committee, please provide your name, and a valid email address and/or telephone number.*

c. Consultant Engagement

Following the stakeholder interviews and volunteer/staff survey, the TGSC determined that a professional engagement would enhance its understanding of other municipal governments and enable the TGSC to complete its charge. Noting that funding had been proposed in the TGSC's creation, we interviewed several organizations who had assisted Massachusetts municipalities when considering their forms of government: The Collins Center at UMass Boston, Community Paradigm, and KP Law. We then prepared a Request for Quotes with the assistance of the Town's Procurement Officer, obtained Select Board review and approval, and advertised for services. The Town awarded a contract to Community Paradigm as the sole responsive bidder in late 2022.

From January through June 2023 the TGSC, with Community Paradigm's assistance, considered many functional aspects of local government structure, including executive, legislative, financial, elections, and operational. The TGSC also considered and endorsed a set of values and principles that should support our Town's governance and the TGSC's work.

d. Public Engagement

In addition to studying the town's form of government, examining models of government in comparable communities, and identifying strengths and weaknesses of Natick's current government, the charge for the TGSC included facilitating "public engagement on, and the public's discussion of the committee's work."

TGSC achieved this charge in several ways. All meetings (except for the first one) were held via Zoom with the Zoom link provided on the agenda, all were open to the public, and on many occasions members of the community not only attended but had the opportunity to share their thoughts and opinions.

Not long after the Committee was formed and in an effort to have full transparency, TGSC created a website (<https://sites.google.com/natickma.org/tgsc>), which includes meeting agendas, minutes, and recordings; resources such as all committee reports and materials from comparable towns' government studies; and contact information for the Committee.

Following the launch of the site the Committee had the opportunity to include a notice in the July 2022 property tax bills. This notice included information about why the Committee was formed, what the Committee had done so far, and a call to action for all residents to help by sharing what they think is working well and

Town Governance Study Committee Final Report

what could use improvements in our current governance structure. Approximately 40 people reached out based on the tax bill notice; several immediately shared feedback.

The TGSC conducted a public forum on April 10, 2023, which was held in person at Town Hall, available by Zoom, and broadcast by Pegasus. The goal of this forum was to present the Committee's work thus far as well as valuable information on the types of Town Governance models available in Massachusetts, provided by Community Paradigm. There was also an opportunity for the public to ask questions. The slides used in this forum are [linked as a resource](#) from this report.

A second survey by the Committee was administered in late April/early May 2023 and was intended for the general public (as opposed to the first survey, which primarily focused on past and current Town Meeting and Town committee members and current Town/School employees). The survey was promoted via the TGSC and Town websites, during the Public Forum, and via active Natick social media groups. The number of respondents to this survey was 88 individuals and the questions were as follows:

1. *Do you currently live and/or work in Natick?*
 - I currently live in Natick
 - I don't currently live in Natick, but I work here
 - I formerly lived or worked in Natick
 - I have never lived or worked in Natick
2. *Which best describes your participation in local government? (Please choose all that apply)*
 - I currently serve in Natick Town Meeting and/or on a Town committee
 - I previously served in Natick Town Meeting and/or on a Town committee
 - I have never served in Natick Town Meeting or on a Town committee
 - I currently or formerly worked for the Town of Natick or the Public Schools
3. *Do you vote each year in local Natick elections, usually held in March?*
 - Yes
 - No
4. *What is your **current voting precinct**? If you are not a voter in Natick, you may indicate that option.*
5. *Which of these statements best describes **your familiarity with the structure of Natick's local government**? (please choose one answer)*
 - I am very familiar with how Natick's local government is structured, such that I can explain it to others
 - I am somewhat familiar with the structure of our local government

Town Governance Study Committee Final Report

- I am not familiar with the structure of our local government
6. What aspects of the **structure** of Natick Town Government **are working well**?
7. What aspects of the **structure** of Natick Town Government **are not working well**?
8. Which of the following statements best describes your overall view of the **structure** of Natick Town government, which includes an elected Town Meeting, an elected Select Board, a Town Administrator appointed by the Select Board, and other elected and appointed offices, boards and committees?
- I am very satisfied with the structure of Natick Town government and do not see significant need for change
 - I am generally satisfied with the structure of Natick Town government and we need minor changes to the duties/responsibilities/authorities of Town officials or agencies
 - I am generally dissatisfied with the structure of Natick Town government and we need significant changes to the duties/responsibilities/authorities of Town officials or agencies
 - Don't know/not sure
9. If Natick were to consider a change to its form of government, which do you prefer? Please select no more than two options.
- Open Town Meeting (where any voter may participate), and an elected Select Board with a hired Town Administrator or Town Manager
 - Representative (elected) Town Meeting, and an elected Select Board with a hired Town Administrator or Town Manager
 - Elected Council (instead of Town Meeting) with a hired Manager
 - Elected Council (instead of Town Meeting) with an elected Mayor
 - Don't know/not sure
10. What are the key benefits you would hope to achieve through a change to the structure of Town Government in Natick?
11. What else would you like the Town Governance Study Committee to know?
12. What would you like to know about Natick's Town Government?
13. If you would like to be contacted by the Town Governance Study Committee, please provide your name, and a valid email address and/or telephone number.

e. Completion of the Committee's Work

In wrapping up its work, the TGSC voted to endorse a number of structural alterations, which are described in the Recommendations section of this report (Section 5). These recommendations call for changes to the Town's governance structure, and would require charter and bylaw changes.

4. TGSC Learning

a. Forms of government. There are four primary models of local government in Massachusetts:

- i. Open Town Meeting with Select Board/Professional Manager
- ii. Representative Town Meeting with Select Board/Professional Manager
- iii. Elected Council with Professional Management
- iv. Elected Council with Elected Mayor

The Four Basic Forms



COMMUNITY PARADIGM ASSOCIATES

Figure 4: The four basic forms of local government in Massachusetts

Town Governance Study Committee Final Report

These models represent a continuum ranging from widely distributed authority to concentrated administrative authority. Natick's form of government is currently model ii, Representative Town Meeting with Select Board/Professional Manager.

The history of local government over the years shows a trend towards more concentrated administrative authority; however, most communities in Massachusetts still use Town Meeting and Select Board (models i. and ii., above).

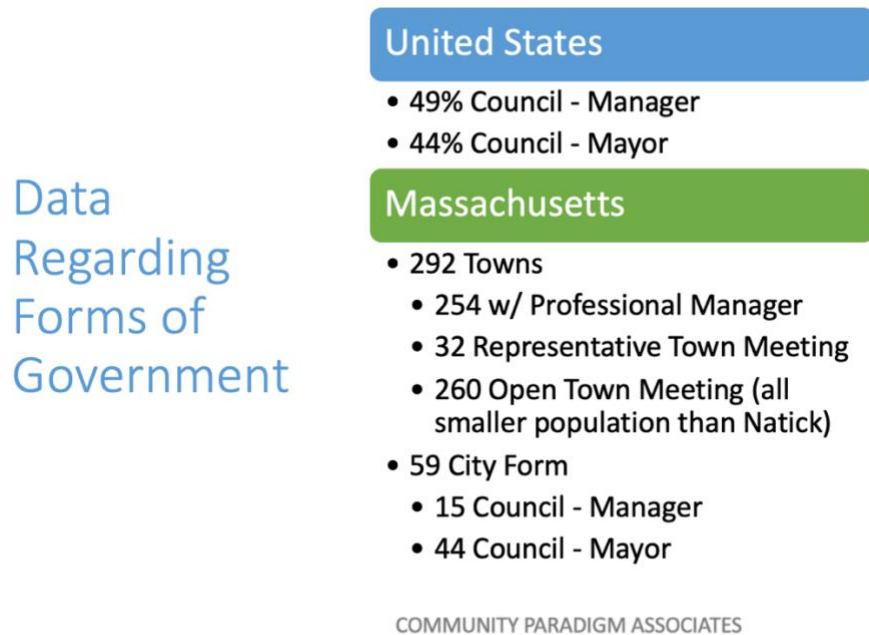
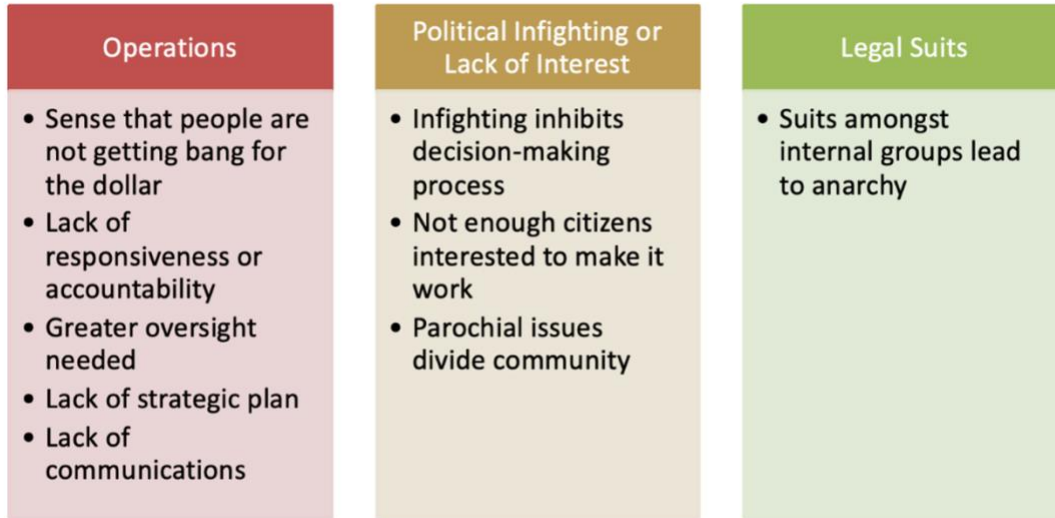


Figure 5: Utilization of forms of government in the US and Massachusetts

b. Comparable processes

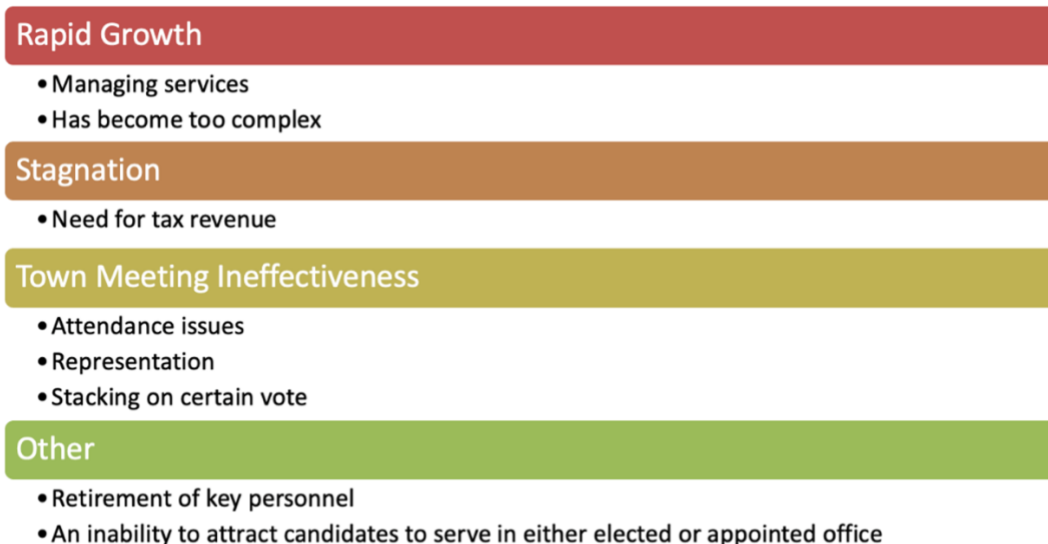
When communities are considering a change to their form of government, it is generally due to a groundswell for change due to perceived issues. Here are some of the challenges other communities in Massachusetts have faced:

Town Governance Study Committee Final Report



COMMUNITY PARADIGM ASSOCIATES

Figure 6: Common reasons for a desired change in local government structure



COMMUNITY PARADIGM ASSOCIATES

Figure 7: Additional reasons for a desired change in local government structure

The TGSC examined other towns that recently conducted reviews of their forms of government. Four towns—Amherst, North Attleborough, Framingham, and Wayland—were determined to be the most relevant due to populations similar to Natick (which is just over 37,000 as of the 2020 U.S. Census), proximity to Natick, or having identified concerns with their existing government structure applicable to Natick.

Town Governance Study Committee Final Report

Amherst (population 39,263 in the 2020 census)

In 2016, Amherst elected a Charter Commission to explore a change from a Representative Town Meeting/Select Board form of government. The Commission Report states:

Our discussions with residents revealed that many are concerned about Amherst's future. Residents mentioned a number of worrisome issues, including tax rates, housing, development, and several expensive Town building projects coming due at once. We need a form of government that can meet regularly, connect the dots, and keep up with the challenges we face. A Town Council that meets regularly and year-round, and is small enough to deliberate while representing all the voters, is the missing piece we need.

The Commission recommended a change to a Council-Manager form of government, which was approved by voters in 2018. According to the state's technical definition, Amherst has a city form of government; however, the municipality is still known as the Town of Amherst.

North Attleborough (population 30,834 in the 2020 census)

In 2017, North Attleborough elected a Charter Commission with the mission of developing a first-ever Home Rule Charter. Issues cited for adopting a charter included:

- Lack of accountability and central authority
- Budget process is cumbersome and too difficult to deal with and understand
- Perceived conflict of interest with elected and appointed officials serving in the Legislative body
- Challenge of potentially not having qualified candidates for critical elected positions
- Lack of government flexibility and ability to deal with issues in a timely manner
- Voter/Resident apathy

The Commission recommended a change from a Representative Town Meeting/Town Administrator form of government to a Town Manager appointed by a Town Council. The charter was approved by the voters in 2019. According to the state's technical definition, North Attleborough has a city form of government; however, the municipality is still known as the Town of North Attleborough.

Town Governance Study Committee Final Report

Framingham (population 72,362 in the 2020 census)

In 2016, Framingham elected a Charter Commission which recommended a change from Representative Town Meeting/Town Manager to a Town Council/Mayor format. The Commission report identified a number of significant issues with their current form of government. These included:

- An absence of accountability in our government structures;
- A structure that is a poor match for handling complex issues in a timely way;
- Decreasing community participation in elections;
- A lack of transparency and of clear ethical standards in parts of our government;
- The reality that currently, all parts of Framingham are not fairly or equally represented in elections and decision-making.

The charter, which resulted in Framingham becoming a city, was approved by the voters in 2017.

Wayland (population 13,943 in the 2020 census)

At their Annual Town Meeting in 2021, Wayland voted a Special Act (Article 22) to change their form of government from Board of Selectmen/Town Administrator to Select Board/Town Manager. Under the Act, the Town Manager is given authority and responsibility for managing the Town in four areas: administration, finances, personnel, and facilities/property. In a summary of the Act, issues with the current structure were identified:

Over the decades there have been changes in the complexity of municipal government with increased regulations, financial requirements, and public scrutiny. The level of volunteer work cannot and should not be sustained...Previous Town Administrators have reported that their position has all the responsibility, but not the necessary accountability for many departments...More than 40 boards and committees source ideas and projects and set priorities for staff. There is little coordination of functions, efforts, or priorities among boards and committees.

The Special Act was subsequently adopted by the Massachusetts State Legislature and signed by the Governor in 2022. This legislation was not subject to ratification by Wayland voters.

c. High level findings

This section provides information on the contributors, processes used, and timing of each of the data reports prepared by the TGSC, followed by a combination of high-level findings from the stakeholder interviews, the volunteer/staff survey, and the community survey. For additional details see Appendices A, B, and C.

The **Stakeholder Interview Report** was submitted to the Select Board on August 18, 2022. The information for this report was collected via interviews between 1 or 2 members of the TGSC and various Town stakeholders (e.g., the Town Administrator, the Town Clerk, the Superintendent of Schools, the Chief of Police, etc.). The questions were intended to be open-ended, not lean in any direction, and allow the respondents to talk about the things they thought were working well vs not working well related to Natick's Town Government. The standard questions asked are provided in Section 3a Stakeholder Interviews.

The **Volunteer/Employee Survey Report** was submitted to the Select Board on November 10, 2022. It contained results from an online survey that was sent to a total of 547 individuals who were either Town Meeting members who had served in 2019, 2020, 2021 and/or 2022, or various Town committee members. The survey was also sent, via the Select Board office and the School Department, to all Town and School employees. The questions in this survey were a bit more focused than those used in the Stakeholder Interviews but still left room for open-ended answers. The questions asked are provided in Section 3b Volunteer/Staff Survey. This survey broadened the funnel of input but was still largely made up of people who are involved and/or experienced with Town Government in Natick.

The **Public Survey Report** was submitted to the Select Board on June 28, 2023. It contained results from a second online survey that was offered to the public. The questions in this survey were similar to those used in the Volunteer/Employee Survey, with less focus on Town Meeting as this was intended for the general public. This survey was publicized as described in Section 3d Public Engagement and the questions asked are provided there.

The remainder of this section summarizes the combined results from the three sources of data collected and reported: Stakeholder Interviews, Volunteer/Staff Survey, and Public Survey.

Looking at Natick's government overall, some respondents considered it to be an effective and accessible form of government, while others considered it to be inefficient, too slow, and/or the structure bloated or with too many layers.

Town Governance Study Committee Final Report

Some individuals want citizen involvement/oversight to be retained and possibly expanded, to better control the effects of special interests and concentration of power in our government. Others believe that Natick's growth and current demands on municipal government call for a more streamlined and modernized approach.

Focusing on the executive branch of Natick's government, respondents generally thought that Natick offers both quality and a breadth of services, professional staff are knowledgeable and good at what they do, and Select Board members are accessible. While some reported that Natick did well with engagement, communication and transparency, others thought that accountability and transparency were lacking, communication among department heads/staff and to the public should be better, and that cross-board and inter-department collaboration could be improved. In particular, the relationship between the Town and School administrations was called out by some as working well, while others felt it needed improvement. (This difference in perception may be due to the individuals holding the two leadership positions at different times, rather than based on a structural assessment.) The financial management/budget process was found lacking by some respondents.

A number of respondents thought that the power and authority of the Town Administrator and senior staff are too limited and not always well defined. We also heard positive comments about the role of volunteers in Natick governance -- that many respondents think it's an important, and perhaps unique, element in Natick—though we also heard about the need to find a balance between volunteer and staff management, to clarify lines of authority and fine-tune the relationship between volunteers and staff, and to eliminate overlap across different volunteer boards and committees.

The largest number of comments received were related to Town Meeting, the Legislative branch of Natick's government. The opportunity for all to be heard was a plus mentioned by a number of respondents, and some providing comments in 2022 stated that the efficiency of Town Meeting had much improved recently. Many respondents favored keeping a representative Town Meeting. But there were numerous negative comments about Town Meeting from a variety of respondents. Areas of concern/for improvement in Town Meeting reported in the stakeholder interviews, volunteer/staff survey, and/or public survey include the following:

- It is inefficient and takes too long; too much of a time commitment.

Town Governance Study Committee Final Report

- There are too many members, too many vacant seats; members do not represent their precincts.
- It lacks diversity and membership does not reflect town demographics.
- It is ineffective and acts merely as a rubber stamp; a member's ability to effect change is limited.
- It is dysfunctional.
- Certain members hold too much power; members should generally be better informed and more engaged.

Other negatives about Natick's Town government were mentioned by smaller numbers of respondents. For a more comprehensive list than this report subsection provides, please see Appendices A, B, and C.

The TGSC also sought input that differentiated between the structure of government and its performance. These aspects are related, but distinct. In general, people were more satisfied with the performance of our Town Government than they were with its structure. In the volunteer/employee survey, over 70% were satisfied with the current structure. By contrast, in the public survey as many people were dissatisfied with the structure as were satisfied. In the public survey, most respondents favored an elected council if Natick were to consider a change in its form of government.

Note: a number of comments were offered about specific services provided by the Town and the adequacy or inadequacy of those services. As our charge was not focused on evaluating specific services, we have not included those in our reports.

d. Potential areas of improvement

Based on the feedback received from staff, volunteers, and the public, and the perspectives of TGSC members, a number of areas in Natick's Town government could potentially be improved.

- i. More and clearer authority could be given to the Town Administrator and key management. In some instances, authority held by the Select Board could be transferred to the Town Administrator. The charter prohibits the Select Board from being involved in the day-to-day administration of the Town and making these types of authority changes could correct such confusion.

Town Governance Study Committee Final Report

- ii. Positions requiring specific expertise that are currently elected could be changed to appointed. As was done with the Town Clerk's position through a town-wide vote earlier this year, changing certain positions from elected to appointed could professionalize these roles.
- iii. Several management positions are subject to appointment by the Select Board as well as annual evaluation of their work, but report to the Town Administrator or key management. Changing the appointing authority to the Town Administrator would be of benefit to Natick's government functions.
- iv. The recent addition of a Town Communications Director should lead to better communication with the public. Success with improved communication should lead to more engaged and informed residents, with a goal of increasing representation in elected offices as well as voters participating in our local elections.
- v. Town Meeting should be modified to be more effective and efficient; alternatively, Natick could choose to move from a Town Meeting to a Town Council form of government. As currently constituted, there is often no competition for election to Town Meeting and a number of seats are consistently unfilled. Once elected, some members choose not to attend some or all of the Town Meeting sessions. If Natick chooses to preserve Town Meeting, decreasing the number of Town Meeting seats could lead to more competition for election.

5. TGSC Recommendations

The TGSC offers the following recommendations to the Select Board and provides directional guidance for future governance for Natick. Some of the TGSC's recommendations are focused on changes that could be implemented by either bylaw changes, which only require Town Meeting approval, or charter changes, which would require approval by both Town Meeting and Natick's registered voters. (Both charter and bylaw changes require review/approval by the Massachusetts Attorney General's office following Town Meeting approval.) Other recommendations, such as possible replacement of Town Meeting, are longer-term and are expected to require a new Charter.

Town Governance Study Committee Final Report

a. Values and principles. The TGSC has endorsed a set of nine values and principles for local governance based on the research and recommendations of the National Civic League in the development of the Model City Charter. The full text is [linked as a resource](#) in this report. The TGSC believes that these core values and principles provide a foundation for modern, accountable, and efficient local governance:

- i. Promote a citizen-based representative governance structure.
- ii. Provide for accountability through appropriate checks and balances to operations.
- iii. Value and encourage institutional knowledge and continuity among policy leaders and Town staff.
- iv. Promote an organizational structure that supports effectiveness, efficiency, economy, and financial accountability.
- v. Support regional collaborations for issues that overlap municipal boundaries.
- vi. Continue and promote a non-partisan governing structure.
- vii. Promote civic engagement, participation, and partnering with residents.
- viii. Promote a governing structure that encourages diversity, social equity, environmental justice and inclusion for all community members.
- ix. Foster a governance structure that provides for integrity in all actions.

b. Executive

The TGSC has voted the following recommendations with regard to the Executive function of Natick's local government. Unless otherwise indicated, these recommendations would require modifications to Natick's Town Charter and/or bylaws.

i. Support centralization of appointment authority under the Town Administrator.

A number of respondents in both the stakeholder interviews and the stakeholder survey noted that the appointment of some key Town personnel by the Select Board, while most are appointed by the Town Administrator, is problematic. The Select Board is an elected board of volunteers, who are restricted under the Charter from involvement in the day-to-day operations of the Town and thus cannot appropriately

Town Governance Study Committee Final Report

supervise individuals whom they appoint. The Town has attempted to work around this in some cases by establishing a *de facto* reporting structure to the Town Administrator or other senior personnel, but the TGSC heard reports that this is not working well. In order to resolve these issues, the TGSC suggests that the Town consider transferring some, and perhaps all, of these appointing authorities to the Town Administrator.

ii. Recommend that authority to reorganize Town departments be centralized in the Executive branch.

Currently, Town Meeting approval is required for reorganization of Town departments. This creates delay in any necessary reorganization, e.g., due to key personnel changes and skill sets, and involves the Legislative (Town Meeting) arm of local government in internal operations, which are under the authority of the Executive function.

iii. The Personnel Board process should be amended such that it is exclusively advisory to the town administration for actions and policies to be carried out through the Executive branch.

Natick's Personnel Board is required to present much information to Town Meeting about positions and salary ranges in the Personnel Pay Plan (which does not include union personnel), yet these types of issues in other communities are generally under the purview of the Executive branch of the local government rather than the Legislative arm.

iv. Consistent with the Town's action to move the Town Clerk from an elected position to an appointed one, consideration (for a change to appointed) should be given to other elected roles, such as the Board of Assessors, Board of Health, Constables, and Recreation and Parks Commissioners.

Natick currently elects its Board of Assessors, Board of Health, Constables, and five of the nine Recreation & Parks Commissioners. For several of these specialty boards the Town has had difficulty identifying candidates with the appropriate qualifications who live in our community, and often there is either little or no competition for these elected positions. In addition, by one commonly-used criterion for identifying which positions should be elected, these currently elected officials perform functions that

Town Governance Study Committee Final Report

are mostly ministerial in nature (with actions often governed by laws and regulations), rather than being tasked with setting policy that reflects community values. As such, they are better suited to being appointed instead of elected.

c. Legislative

The TGSC has voted the following recommendation with regard to the Legislative function of Natick's local government.

- i. **Town Meeting needs to be reformed or replaced, and the Town needs a public process that leads to a decision about its Legislative body.**

The TGSC consensus is that as currently constituted, preparation for Town Meeting requires an extraordinary investment of time and resources, particularly of our professional staff and Finance Committee members. Preparing for Spring and Fall Annual Town Meetings is a year-long process.

Town Meeting members and the public often consider the number and length of Town Meeting sessions excessive. Town Meeting members are often unprepared and may not represent their constituents. More recently the time commitment has led to significant turnover and loss of institutional knowledge. In addition, we note that there are often non-competitive elections, with some seats unfilled, as well as limited diversity of representation.

d. Elections

The TGSC has voted the following recommendation with regard to Elections required for Natick's local government. Unless otherwise indicated, this recommendation would require modifications to Natick's Town Charter and/or bylaws.

- i. **Recommend that we eliminate preliminary elections in our municipal election process.**

The TGSC discussed the recent history of preliminary elections in Natick. The most recent preliminary election took place in 2008, required substantial additional work by not only the affected candidates but also the Town Clerk's team, and resulted in the number of Select

Town Governance Study Committee Final Report

Board candidates being decreased only from 5 to 4. We also believe that the potential requirement for a preliminary election has discouraged a number of potential candidates from running for public office. Community Paradigm is aware of only two other towns that use preliminary elections, and in one case their purpose is to serve as a partisan primary.

e. Operational

The TGSC has voted the following recommendations with regard to the Operational function of Natick's local government. Unless otherwise indicated, these recommendations would require modifications to Natick's Town Charter and/or bylaws.

- i. **Recommend that the details of our governing documents relative to finance and operations are aligned with the principles articulated in the charter sections, on the Select Board's limitations on day-to-day administration.**

For the sake of clarity, to promote confidence both within and outside the organization, and to promote sound decision making about finances and operations, the TGSC encourages language in the charter and bylaws to track with the governing principles of the town. Furthermore, greater clarity is needed to differentiate between the policymaking roles of the chief elected officials and the operational responsibilities of staff.

- ii. **Our governing documents should elevate effective and consistent communications and public engagement.**

Public engagement is key to a democratic society, and communication is critical to engaging the public. With the decline in the availability and readership of newspapers, it has become necessary to find new ways to reach the public. The addition of a Communications Director for the Town, and the planned restart of the Citizens' Leadership Academy, will likely lead to progress in these areas. To further demonstrate the Town's focus on these areas, the TGSC recommends that the expectation for communication and public engagement be included in the Charter and/or bylaws.

- iii. **Adopt a policy or practice to require formal, periodic review of appointed, non-statutory committees to ensure that their charge, term, and composition are still necessary and appropriate in the**

view of the appointing authority, with consideration to potential duplication of effort and/or overlapping jurisdiction.”

Natick is well served by volunteers, and has many appointed committees. There is not, however, a formal process to ensure that committees are still required, or are functioning as intended.

f. Process

The TGSC recommends that Natick initiate a potential change to its form of government through a Charter Commission.

There are significant benefits to considering a change, and to doing so through the participatory process that a Charter Commission provides. While there is not a unanimous consensus on the TGSC for a specific form of government (e.g., Council-Manager or Representative Town Meeting/Select Board/Professional Manager), the impediments to efficient, representative and responsive administration of government in Natick under the current structure justify a thorough and deliberate evaluation of alternative models. In addition, the process by which a Charter Commission is established, and its recommendations considered, is inherently more representative, inclusive, and open to public participation than any other method available to the community, including a Special Act or changes through the Charter and Bylaw Review Committee.

Only through a careful examination of our government structure can the Town act on the TGSC's recommendation to reform or replace Town Meeting (Section 5.c). And where Town Meeting as an institution may be considered for replacement, it is unrealistic to expect Town Meeting to approve a new Charter, should the Select Board pursue fundamental change through a Special Act.

The additional recommendations of the TGSC (Executive, Elections, and Operational) can also be carefully considered through a Charter Commission.

It should be noted that the bar for a Charter Commission to create a new Charter is intentionally high. To start, it will require over 3600 registered voter signatures for a Commission to be placed on the ballot. A majority of those voting in that particular election must then vote Yes for a Charter Commission, and nine people must be elected on that same ballot to serve on the Commission. Once the Charter Commission has developed its proposed Charter within the required 18-month timeframe, a majority of those voting in an election must vote in favor of the new Charter.

6. Appendices

- A. [Stakeholder interview report](#)
 - B. [Volunteer/Staff Survey report](#)
 - C. [Public Survey report](#)
-

7. Resources

- [Town Governance Study Committee web site](#)
- [Town Governance Study Committee public forum presentation](#)
- [Town Governance Study Committee values and principles](#)
- [Community Paradigm Work Plan \(2/15/2023\)](#)
- [Community Paradigm Administrative Authority \(3/27/2023\)](#)
- [Community Paradigm Communications and Citizen Engagement \(4/4/2023\)](#)
- [Forms of Local Government \(Massachusetts Municipal Association, 2016\)](#)
- [Review of Local Government Structures \(Division of Local Services, 2016\)](#)
- [Changing Local Government Structure \(Department of Housing and Community Development, 2008\)](#)
- [Framingham Charter Commission final report](#)
- [North Attleborough Charter Commission Preliminary Report](#)
- [Amherst Charter Commission Final Report](#)
- [Wayland Town Manager special act legislation](#)
- [Charter and Bylaw Review Committee report to Spring 2023 Town Meeting](#)

Appendix A: Stakeholder Interview Report

Town Governance Study Committee Stakeholder Interview Report August 18, 2022

Introduction

The Natick Town Governance Study Committee (TGSC) was appointed by the Select Board on March 16, 2022, with the following stated purpose: “[The TGSC] Purpose is to review the efficacy of the town’s current organizational structure, including the form of government and by-laws and provide recommendations to the Select Board. The committee shall:

- Study the town’s form of government and governance
- Examine models of government in comparable communities
- Identify strengths and weaknesses in Natick’s current government, and recommend any amendments to the charter, bylaws, and governing practices so as to improve the town’s form of government and governance
- Facilitate public engagement on, and the public’s discussion of the committee’s work.”

The TGSC is currently focused on performing research to identify limitations and flaws in our Town government and governance. We are now developing plans to investigate and identify possible changes that could improve or eliminate some or all of these limitations and flaws.

The TGSC has met on April 4, April 11, May 4, May 16, May 23, June 9, July 13, August 4, August 10, and August 15.

This report covers the information-gathering process used to date, provides a breakdown by topic of most frequent responses received, and describes next steps for the committee.

Prior to Collecting the Information

Early in our process, we discussed what aspect(s) of our charge should be addressed first. With input from Michael Ward, Director of the Collins Center at UMass-Boston and Michael Dutton, Chair of the Massachusetts Municipal Managers Association’s Form of Government Committee, the TGSC agreed to undertake key stakeholder interviews to better understand what specific problems Natick may seek to solve in our governance structure or process, prior to considering solutions and studying other forms of municipal governance. We agreed that it was necessary to identify the areas and functions that could be improved before looking into different forms of municipal government that could diminish or eliminate some or all of these problems. Although many if not all of our committee members had opinions about what might be current problems, we recognized that our views are limited, whereas obtaining feedback from key

employees and key volunteers would give us a more comprehensive sense of the issues Natick faces in its governance.

The Information Collection Process

The TGSC decided to perform interviews and collect written information as an initial phase of learning what Town officials, whether employees or elected or appointed leaders, think about the functioning of our Town government. We created a list of 45 key stakeholders; some of whom are current or past town or school employees in leadership positions, while others are current or past elected or appointed volunteers in leadership positions. For this first group, two TGSC committee members were assigned to interview each person on this list, using the following standard list of questions.

- Do you have experience working/serving in other communities? If yes, how many and what was your role in each?
- In your opinion, what aspects of our form of town government and governance work well?
- What aspects of our form of town government structure and governance are not working well or could be improved? (Our committee has not been asked to focus on budget or staff limitations.)
- Are these problems/limitations related to authorities of personnel/boards, are they due to inefficiencies, or are there other reasons?
- What are your ideas for how these could be improved/reformed? What changes would you propose?
- What do you feel strongly should NOT be changed?
- Are there other areas that you think the study committee should specifically address (even if you don't have solutions in mind)?
- What else does the committee need to know?

Note that these questions are open-ended and do not suggest or ask about any specific good or bad aspects of Natick's current form of governance. The committee did not wish to bias any of the respondents by making suggestions. For example, the committee did not ask about Town Meeting, or any Town agencies in particular. All topics mentioned in the Results section of this document were brought up by those being interviewed, not by the interviewers.

Although two members of the TGSC were assigned to each interview, sometimes one of the two assigned interviewers was unable to participate and thus that interview was conducted by one TGSC member. Interviewers individually documented their findings; interviews were not recorded.

The committee subsequently added 16 more stakeholders to the list of those from whom we were requesting feedback. These individuals were emailed the standard questions and offered

the opportunity to either provide their responses in writing, or request an interview with one or two committee members.

Responses to Date

As of July 18, 2022, a total of 61 individuals have received the list of standard questions being asked by the committee in this initial round of information collection. Of these, as of August 11, 2022, 47 have provided responses to the questions either during an interview or in written form, 3 have indicated they are unavailable to respond, interviews are being scheduled for 2-3 others, 1 has promised written feedback, and the remainder have not yet let us know if they are willing to provide feedback. (Note that most of the individuals in this last group were added to the list in mid-July and may just need more time.)

When stratified by Employee versus Volunteer, the breakdown of those invited and those responding is:

of (past or present) Employees who were asked to provide feedback: 27

of (past or present) Employees who provided feedback to date: 22

of (past or present) Volunteers who were asked to provide feedback: 34

of (past or present) Volunteers who provided feedback to date: 25

If additional responses are received from key stakeholders, this report may be updated.

The key findings have been consolidated in the following text and tables. Due to the open-ended nature of the questions asked, responses varied widely and respondents each used their own terminology. However, when possible, responses have been grouped to show trends.

Much of the information obtained has been stratified into two source groups: Employees (past and present) and Volunteers (elected/appointed and past/present). Due to the relatively small number in each of the following subgroups, no attempt has been made to stratify between past and present employees, past and present volunteers, or elected and appointed volunteers.

We recognize that the contents of this report were obtained from people who are already closely involved in Natick government and may not represent the perspectives of those who are less or not involved. The committee is working on opportunities for others to provide input.

What is Working Well in Natick Government and Governance?

The following paragraphs collect positive feedback received from a variety of the responding stakeholders. The comments are not exact quotes, but are faithful to the comments made.

The term volunteerism was often used by respondents when assessing what is working well. Community engagement was seen as a strength, with Natick considered to be very community minded. Resident volunteers were seen as sophisticated and interested, active and knowledgeable, taking the time to contribute and creating an incredible ethic of volunteerism and high level of civic engagement and community spirit. Some found it easy to participate in Natick town government, with lots of opportunities for residents to volunteer. Volunteers were described as dedicated to working on projects with a good skill set.

Accessibility, transparency and openness were also noted by many. A number of respondents commented that our government is generally accessible. There is generally visibility and accountability for more consequential decisions. Respondents thought the town is incredibly well-run, with high expectations and dedication, based on a commitment of all parties to doing what's right for the town. The community was thought to be generally supportive of town administration, and to appreciate public dialogue and discourse.

Town Hall was seen as radiating positive energy and a sense of custody/ownership, which generates trust and attracts volunteers and collaboration. Numerous respondents commented on the Town's professional staff, describing them as extraordinarily talented, solid, hard-working, competent, professional, bringing long-term experience, well-organized, well-paid, and well-staffed. Leaders were noted to set a good tone, to like serving the community and people, and to have a healthy working relationship with the boards/committees with whom they work. Relationships across departments and among staff were often described as collaborative and working well. In particular, the Town Administrator and School Superintendent were repeatedly reported as having a great working relationship with each other as well as professional staff.

Aspects of Town Governance with Multiple Comments for Improvement

Stakeholders interviewed or providing written feedback in response to the list of standard questions (see Page 2) offered a wide variety of comments and perspectives. In culling through those responses, we observed that many individuals commented on Town Meeting and Authorities of Town Employees, with smaller numbers of individuals commenting on Planning/Zoning and the Finance Committee. These comments have been consolidated into tables for each of these topics. Similar comments have been combined when it seemed appropriate.

How the Information Is Presented in this Report

The following sections are divided into topics. For each, there is a brief description of the topic followed by one or more tables showing the number of respondents (stratified into Employees and Volunteers) who made a particular type of comment. The information shown in the tables is reflective of common themes and does not include items that were only mentioned by 1 respondent. We have chosen to not include the single-respondent comments in this initial report in order to start narrowing the focus of this research and also to prevent any potential and impactful confirmation bias in subsequent interviews/written feedback. These items may be added at a later date as new information is learned and could become part of a final set of recommendations from the committee.

Please note that hashmarks in the tables do NOT represent Votes; they represent number of respondents offering the particular Comment. Respondents were providing their thoughts when replying to the open-ended questions listed on Page 2 of this report; specific questions were not asked.

Town Meeting

The largest number of comments to date have focused on Town Meeting. As Table 1 shows, respondents reported a variety of concerns with Town Meeting. Only concerns expressed by 2 or more respondents have been listed.

Table 1: Town Meeting Specific Problems

Town Meeting Problems	# of Employee Respondents	# of Volunteer Respondents
Too many nights/sessions; process is slow	////	### //
Decrease size; too many people involved	///	### /
Members may not represent their community; no regular way for community to reach out to TM members	/	////
Too much minutiae	/	///
TM members don't have to be well informed; not knowledgeable or qualified to understand financial statements, etc.	/	///
Some members feel obligated to speak; small minority drives debate	//	/

Town Meeting Problems	# of Employee Respondents	# of Volunteer Respondents
TM model too slow, not responsive, and creates false sense of engagement		///
Lack of diversity among TM membership	///	
Provide basic information/expectations; submit questions & obtain answers prior to start of TM		///
People miss many sessions with no accountability; poor attendance; no means of removal from office	/	//
TM most ineffective way to do zoning/planning	//	
SB should play a larger role in TM	//	
Town dept heads req to attend every TM session	//	

Interestingly, although a number of problems were reported, many of the respondents reporting problems commented that the most recent sessions of Town Meeting were much improved. This may at least partially explain why, as shown in Table 2, the Volunteer respondents who commented on whether or not Town Meeting should be retained, favored keeping Town Meeting, whereas the opinions offered by Town Employees were more distributed. **Note that the table title “Town Meeting – Keep or Change?” was not asked as a question or suggested; all responses tallied below were volunteered by those being interviewed.**

Table 2: Town Meeting – Keep or Change?

Opinion	# of Employee Respondents	# of Volunteer Respondents
Keep (representative) TM	### /	### ### ///
Neutral opinion/ gave pros & cons	###	/
Negative but did not say to abolish	///	///
Favors Town Council	//	//

In summary, a number of people responding like Town Meeting as Natick’s form of government, but many feel it needs improvement.

Specific Authorities of Town Employees, Including the Town Administrator

A number of stakeholders, both employees and volunteers, provided comments related to the authorities of employees. Some of these comments were specific to the authorities of the Town Administrator, whereas others were more focused on authorities of department heads. A number of comments were related to board/committee authorities versus employees.

Table 3 provides the types of authority issues suggested by stakeholders. Table 4 is more specific as it relates to the current position of Town Administrator.

Table 3: Specific Authorities of Town Employees

Authority that Should Be Changed	From Whom To Whom?	# of Employee Respondents	# of Volunteer Respondents
Staff reporting structure not always clear	Depends on the position/department	### /	
Various authorities (not specified)	SB to TA	### /	
Procurement, Contracts – sign off	SB to TA &/or Department heads for some	###	
Staff or Committees with overlapping authority	Depends on specific staff or committees and issue	////	/
Focus SB on policy, give day-to-day (tactical) authorities to TA/staff	From SB to TA (or their designee)	///	/
Align responsibility with authority	Depends on specifics		////
Reporting for Facilities Management	From dual to TA	//	
Paying bills	SB, not specified to whom	//	
Time clock	Paper should change to electronic	//	
School finance dept should be responsible for dept finances, not Comptroller	Comptroller to School Finance Department	//	
Contrast between authorities of Police Chief and Fire Chief positions (not referring to individuals)		//	

Authority that Should Be Changed	From Whom To Whom?	# of Employee Respondents	# of Volunteer Respondents
Evaluate and clearly define authorities (general)	Primarily focused on SB/TA		//
TA should evaluate Public Safety dept heads	SB to TA		//
Authority to do licenses	SB to TA		//
Water bill appeals	SB to TA		//
Board members do not understand their purview	Not specific		//

Table 4: Authority of Town Administrator

Opinion	# of Employee Respondents	# of Volunteer Respondents
Change Title to Town Manager (assumes more authority)	### //	//
Give more authority, title change not mentioned	### /	//
Pros & cons – TA to TM		///

Planning/Zoning

Comments were received on a variety of aspects related to planning/zoning in Natick. Comments made by more than one respondent have been consolidated in Table 5.

Table 5: Planning/Zoning

Issue/Suggestion	# of Employee Respondents	# of Volunteer Respondents
Reconsider FinCom role on zoning articles; have zoning committee review zoning articles instead of FinCom	//	///
TM zoning articles, mostly Citizens' Petitions, not thought through; PB sends articles to TM that are not ready; zoning TM articles need to be vetted, perfected, explainable	//	//
Reform/revise zoning by-law; too nitpicky, confusing; codify zoning by-law. Change Zoning by-law to handle	///	/

Issue/Suggestion	# of Employee Respondents	# of Volunteer Respondents
items like signs/lights administratively.		

Finance Committee

Employee and volunteer respondents both provided feedback about the Finance Committee, and these comments are summarized in Table 6. Note that there are some commonalities among comments about Town Meeting (Table 1), Planning/Zoning (Table 5), and Finance Committee (Table 6).

Table 6: Finance Committee

Issue/Suggestion	# of Employee Respondents	# of Volunteer Respondents
Consider reducing # of FinCom members	//	### //
FinCom review of zoning articles – is this useful? Have a separate committee?	//	//
Use joint appts of moderator, SB and possibly TA for FinCom members	/	//
Decrease # of FinCom meetings; too much prep time req of staff	//	
Concerns about FinCom offering a recommendation on every article; FinCom is a misnomer.		//
Create separate capital/infrastructure committee	/	/

General

A variety of comments on other topics were made by the respondents. At this point, the only one we have identified as being mentioned by multiple respondents relates to the need/desire for better communication between boards/committees.

Next Steps

The TGSC plans to approach next steps from several perspectives in parallel.

Collection of Information from the Natick Public

Collection of information around issues in Natick's form of government will continue. A few additional key stakeholders may respond to our prior request for feedback and those responses will be reviewed and combined with the information in this version of this document.

The committee is in the process of developing a survey for current and former Town Meeting members. Our goal is to obtain their feedback on not only Town Meeting, but also other aspects of our current form of government and the governance of our community. Our plan is to distribute this survey in the fall, probably September.

The same or a similar survey is expected to be offered to members of the Natick public. The details of this survey's content are currently under discussion, and methods of distributing it broadly to the public are being considered.

The committee has also included in the July property tax bills a notice of opportunity to provide input to our work. To date, 36 people have offered to provide feedback. We expect to begin reaching out to those respondents this fall, either using the above-mentioned public survey or through phone calls or emails.

We recognize that the tax bills are only received by Natick property owners, and it is important to more broadly advertise the opportunity to provide feedback. We anticipate offering at least one public forum at which members of the public may offer their comments. This is expected to take place after we have had the opportunity to evaluate the findings from at least the Town Meeting member survey.

Identifying Possible Changes to Address Problems

Now that we have identified an initial set of problems, in parallel with additional information collection the committee intends to begin identifying changes that could potentially minimize or correct these problems. This will involve delving more deeply into the areas that received the most common feedback to understand their causes (e.g., Town Meeting, authorities of the Town Administrator and other department heads, etc.), and to study the experience and forms of government in other communities that might be applicable to Natick. This is expected to include additional interviews and/or requests for written information, both with stakeholders in Natick as well as people and organizations outside of Natick who have experience with the specific topics. The committee plans to request the use of a consultant for this aspect of the work, and will return to the Select Board for approval as soon as an appropriate consultant has been identified. We feel that an experienced consultant can provide perspective and

knowledge of the specifics of other municipal governments. We intend to begin this process in the fall.

Providing Information about the TGSC's Work

To facilitate wider knowledge of our committee and its work, we created a web page at <https://sites.google.com/natickma.org/tgsc>, which provides basic information about the committee, including agendas and meeting minutes, and will be built out in the coming months. We also have a committee-specific email address at naticktowngovernance@gmail.com. We encourage members of the community to visit the website and/or reach out via email if you would like more information or to provide feedback.

Appendix I. Individuals Holding the Following Positions Were Offered the Opportunity to Provide Information to the TGSC (listed in alphabetical order)

Affordable Housing Trust Fund Board Chair
Assistant Superintendent of Schools for Finance
Bacon Free Library Director
Bacon Free Library Board of Trustees Chair
Board of Health Chair, current and former
Collector/Treasurer
Conservation Commission Chair
Council on Aging Board Chair
Deputy Town Administrator, Finance
Deputy Town Administrator, Operations
Director of Assessing
Director of Community and Economic Development, current and former
Director of Facilities
Director of Public Health
Director of Public Works
Director of Senior Center and Community Services
Finance Committee Chair, current and former
Fire Chief
Historic District Commission Chair
Historical Commission Chair
Morse Institute Library Board of Trustees Chair
Morse Institute Library Director
Open Space Advisory Committee Chair
Planning Board Chair and recommended members
Police Chief
Recreation & Parks Commission Chair
Recreation & Parks Director
School Committee Chair, current and former
Select Board members, current and former
Superintendent of Schools
Town Administrator, current and former
Town Clerk
Town Comptroller
Town Counsel, current and former
Town Moderator

Appendix B: Volunteer/Staff Survey Report

Town Governance Study Committee Survey Report November 10, 2022

Introduction

The Natick Town Governance Study Committee (TGSC) was appointed by the Select Board on March 16, 2022, with the following stated purpose: “[The TGSC] Purpose is to review the efficacy of the Town’s current organizational structure, including the form of government and by-laws and provide recommendations to the Select Board. The committee shall:

- Study the Town’s form of government and governance
- Examine models of government in comparable communities
- Identify strengths and weaknesses in Natick’s current government, and recommend any amendments to the charter, bylaws, and governing practices so as to improve the Town’s form of government and governance
- Facilitate public engagement on, and the public’s discussion of the committee’s work.”

The TGSC is currently focused on performing research to identify strengths and weaknesses in our Town government and governance. We are continuing to develop plans to identify possible changes that could improve these strengths and eliminate some or all of these weaknesses.

The TGSC met on April 4, April 11, May 4, May 16, May 23, June 9, July 13, August 4, August 10, August 15, August 31, September 7, September 21, October 12, October 19, October 26, November 3, November 9 and November 10, 2022.

This report covers the process and results of the “Natick Town Governance Survey” sent out to existing and former Natick Town Meeting members and Town committee members along with Town and school employees in September 2022. This report will also describe next steps for the committee.

Survey Outreach

While the committee’s future outreach will include the general public, at this stage of our process we are focused on engaging with people most involved in local government, and the sample used for this particular survey reflects this focus.

The Town Clerk’s office provided lists, including emails when available, of Town Meeting members from 2019, 2020, 2021 and 2022. The Select Board’s office provided a list of Town committee members, including email addresses when available; most of those on this list are current committee members but some were past members. The Town Meeting and committee lists were combined and duplicates removed. TGSC members provided some email addresses

that were missing from the combined list. The final list contained 547 names with email addresses.

Access to the survey via a web link, and information about the purpose of the survey, was emailed to these 547 individuals on September 8, 2022. A few emails were returned as not deliverable; when possible another email address was identified for that person and the email was resent. A reminder email (also containing the link) was sent to the entire list of 547 on September 28, 2022.

The original email, containing the web link, was provided to the Select Board and School Department offices on September 8, 2022. On September 9, 2022, the Select Board office sent the email to all Town employees who have Town email addresses. During the following week, the School Department sent the survey information with the web link to its employees in its weekly newsletter to staff.

Survey Questions

The survey had a total of 20 questions. Some of the questions were conditionally shown to respondents based on their answers. If a respondent did not answer that they were a current or former Town Meeting member (question 2), they wouldn't get the questions that were specifically about what worked and didn't work well about Natick Town Meeting (questions 3-6).

When a question was presented as multiple choice rather than open-ended, the possible answers are listed below the question.

1. *Do you currently live and/or work in Natick?*
 - a. I currently live in Natick
 - b. I don't currently live in Natick, but I work here
 - c. I formerly lived or worked in Natick
 - d. I have never lived or worked in Natick
2. *Are you a current or former Natick Town Meeting member, or a regular participant or observer of Town Meeting?*
 - a. I am a current Natick Town Meeting member
 - b. I am a former Natick Town Meeting member
 - c. I have never been a Natick Town Meeting member, but I regularly attend, observe or participate in Town Meeting
 - d. I have never been a Natick Town Meeting member, nor a participant or observer in Natick Town Meeting
3. *If you are a current or former Town Meeting member, for how many years did you serve, or have you served?*
 - a. Fewer than 3 years
 - b. At least 3 years, but fewer than 6 years
 - c. 6 years or more

- d. I have never served in Town Meeting
- 4. *What works well at Natick Town Meeting, in a few words?*
- 5. *What can be improved at Natick Town Meeting, in a few words?*
- 6. *If you are a former member of Town Meeting, please explain why in a few words.*
- 7. *Do you vote each year in local Natick elections, usually held in March?*
 - a. Yes
 - b. No
- 8. *What is your current voting precinct?*
 - a. Precincts 1-10 or "I am not a registered Natick voter"
- 9. *Which of these statements best describes your participation in Natick's local government?*
 - a. I am an active participant in local government, and I am not a Town employee or retiree
 - b. I am an active participant in local government, and I am a Town employee or retiree
 - c. I am not active in Town government, but I am a Town employee or retiree
 - d. I am not active in Town government, and I am not employed by, nor retired from the Town
 - e. Other
- 10. *Which of these statements best describes your familiarity with the structure of Natick's local government?*
 - a. I am very familiar with how Natick's local government is structured, such that I can explain it to others
 - b. I am somewhat familiar with the structure of our local government
 - c. I am not familiar with the structure of our local government
 - d. Other
- 11. *Which of the following statements best describes your overall view of the structure of Natick Town government, which includes an elected Town Meeting, an elected Select Board, a Town Administrator appointed by the Select Board, and other elected and appointed offices, boards and committees?*
 - a. I am very satisfied with the structure of Natick Town government and do not see significant need for change
 - b. I am generally satisfied with the structure of Natick Town government and we need minor changes to the duties/responsibilities/authorities of Town officials or agencies
 - c. I am generally dissatisfied with the structure of Natick Town government and we need significant changes to the duties/responsibilities/authorities of Town officials or agencies
 - d. Other
- 12. *What aspects of the structure of Natick Town Government are working well?*

- 13. What aspects of the structure of Natick Town Government are not working well?*
- 14. What are the key benefits you would hope to achieve through a potential change to the structure of Town Government in Natick?*
- 15. Which of these statements best describes your overall view of Natick Town government's performance?*
 - a. I am very satisfied with the performance of Town government and I do not see significant opportunities for improvement
 - b. I am generally satisfied with the performance of Town government and I see some opportunities for improvement
 - c. I am generally dissatisfied with the performance of Town government and we need significant changes
 - d. Other
- 16. What aspects of the performance of Natick Town Government are working well?*
- 17. What aspects of the performance of Natick Town Government are not working well?*
- 18. What else would you like the Town Governance Study Committee to know?*
- 19. What would you like to know about Natick's Town Government?*
- 20. If you would like to be contacted by the Town Governance Study Committee, please provide your name, and a valid email address and/or telephone number.*

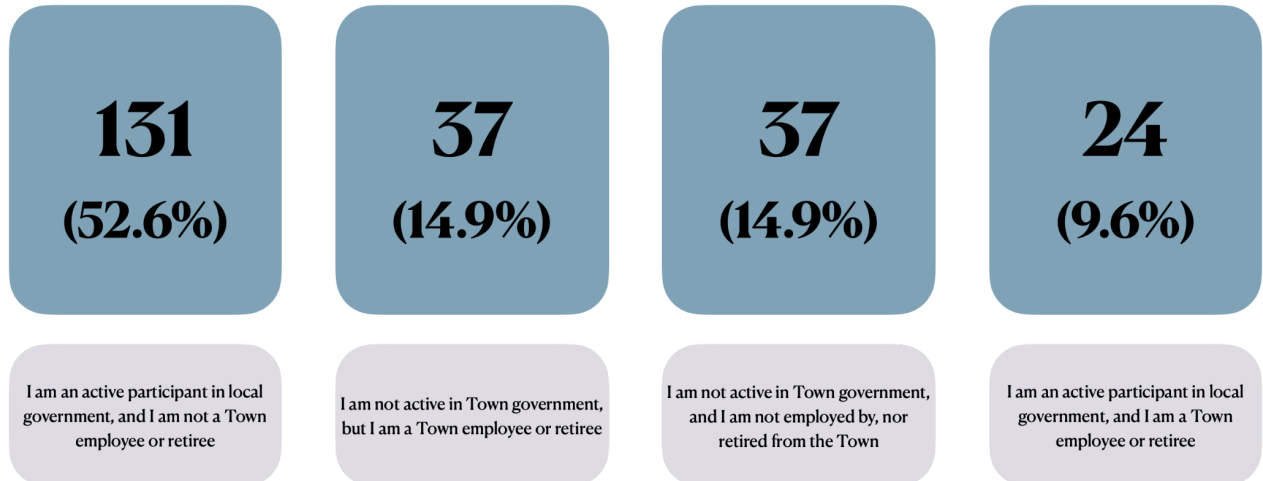
Survey Response Demographic

The survey received **249** unique respondents. Not every respondent answered each of the questions. Of the 249 respondents, 214 are registered Natick voters. As the survey was sent to Town and School employees, along with some former Natick Town Meeting and committee members, it was expected that some percentage of respondents would not be currently registered to vote in Natick.

Table 1: Respondents by Natick Precinct

Precinct	Count	Percentage
1	4	1.61%
2	20	8.03%
3	23	9.24%
4	22	8.84%
5	18	7.23%
6	27	10.84%
7	25	10.04%
8	28	11.24%
9	19	7.63%
10	28	11.24%
Not registered to vote in Natick	35	14.06%

Figure 1: Government Participation* (249 responses)



* The remaining 8% are split among 20 other answers; respondents were given the opportunity to explain an "Other" response.

Figure 2: Residence and Voting (249 responses)

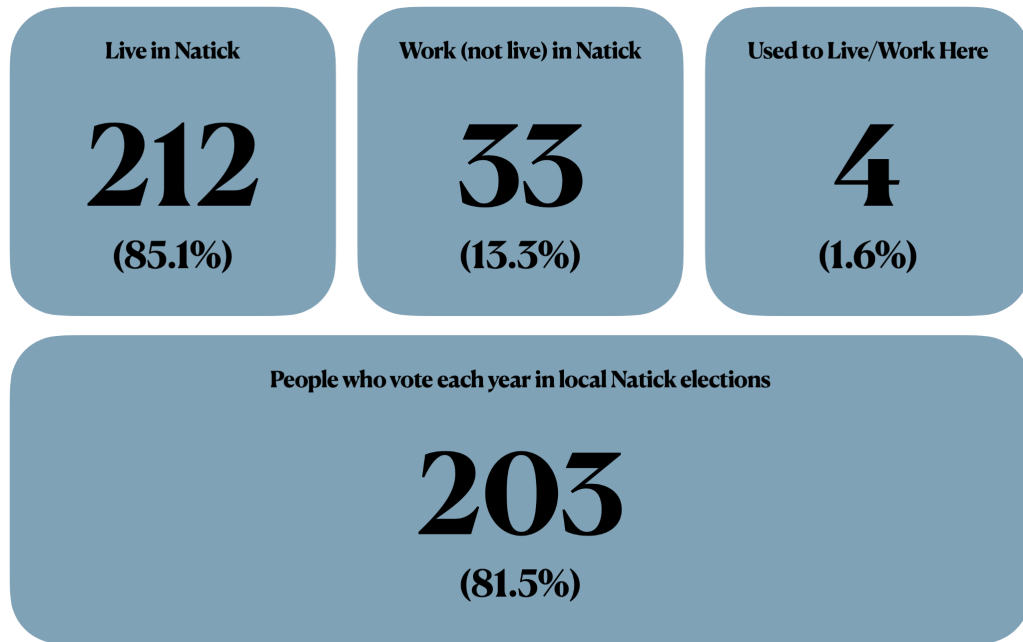


Figure 3: Town Meeting Participation (249 responses)

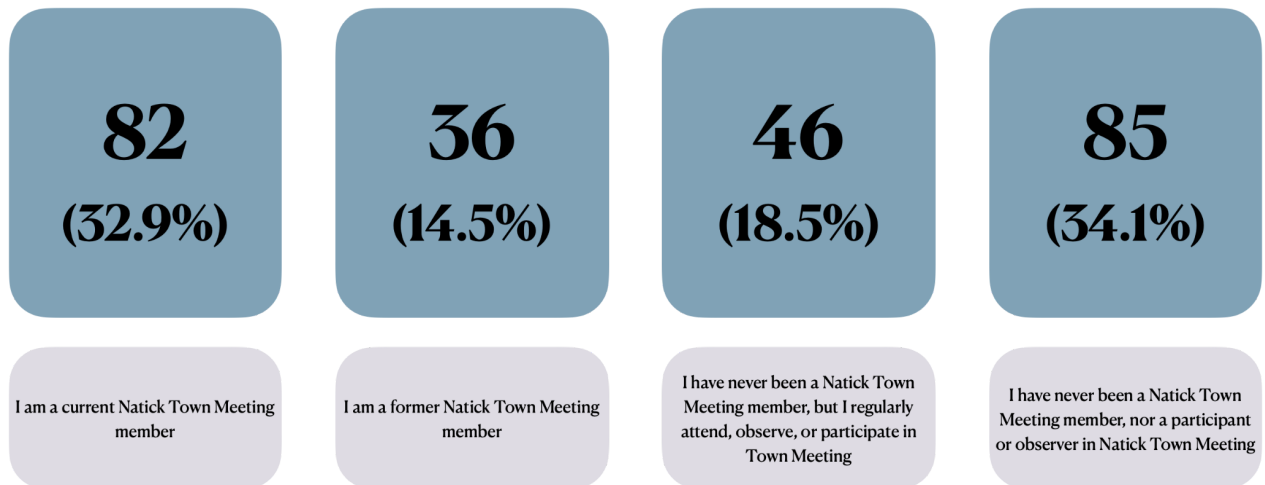


Figure 4: Town Meeting Experience (164 responses)

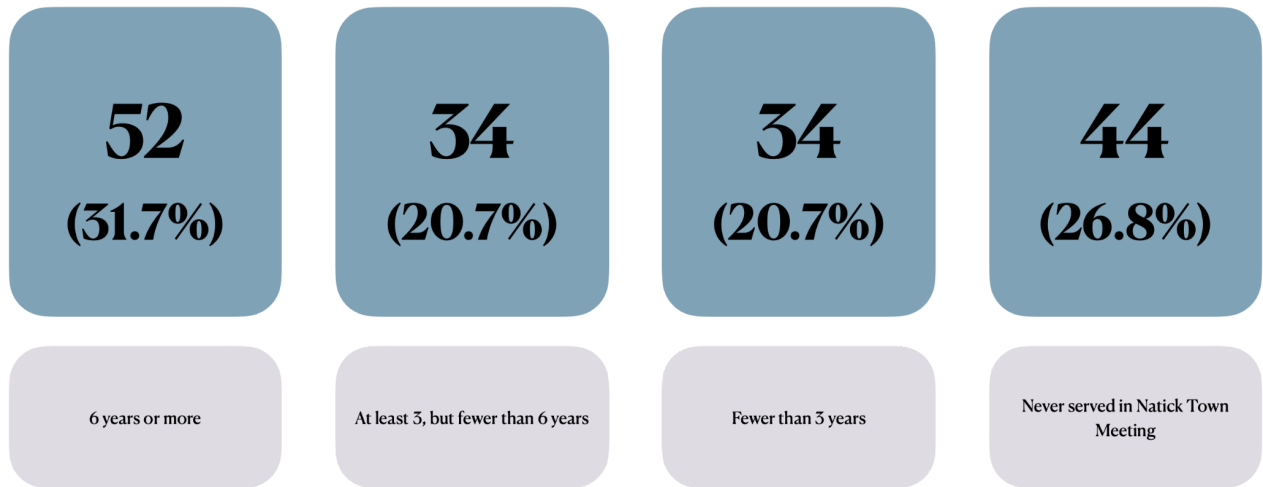


Figure 5: Town Government Familiarity (247 responses)

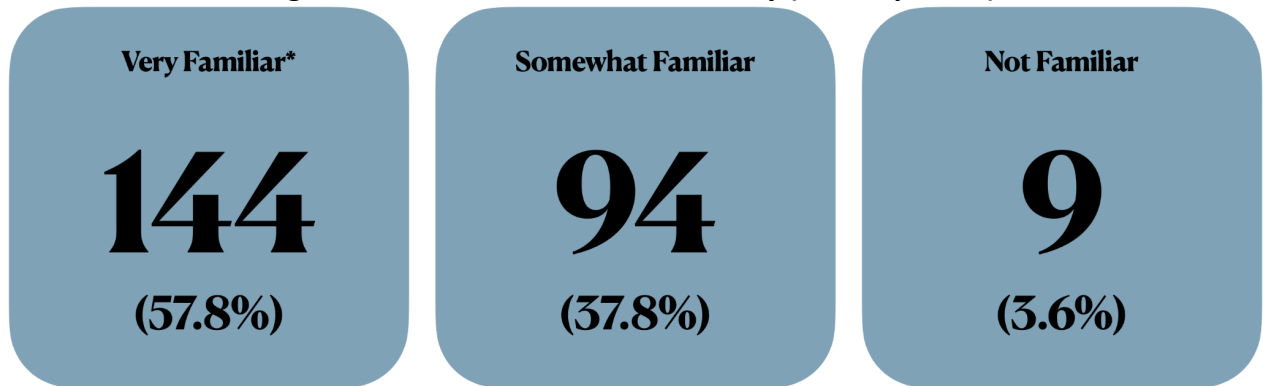


Figure 6: Performance of Town Government (249 responses)

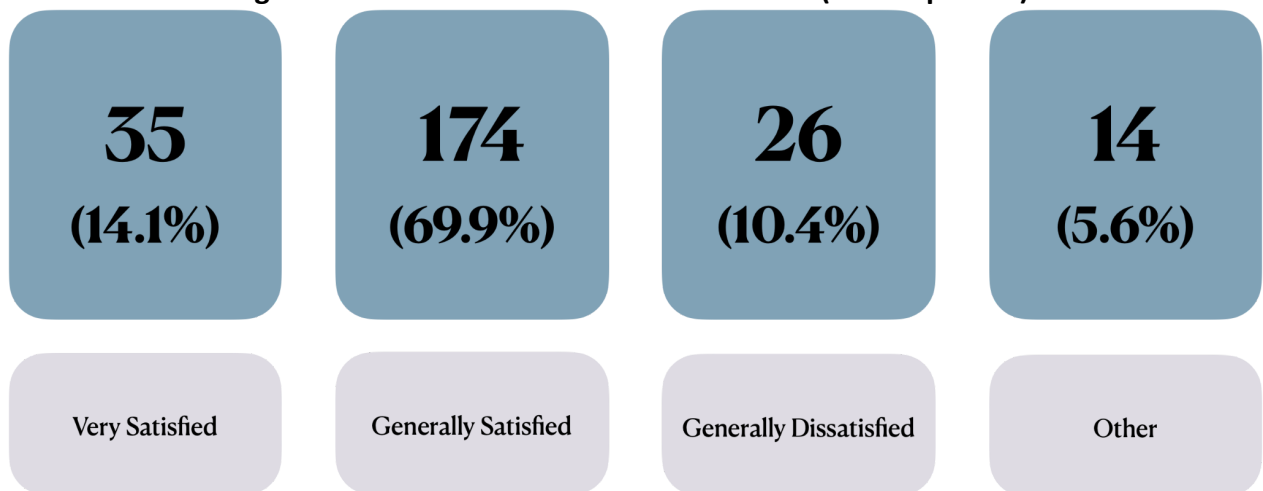
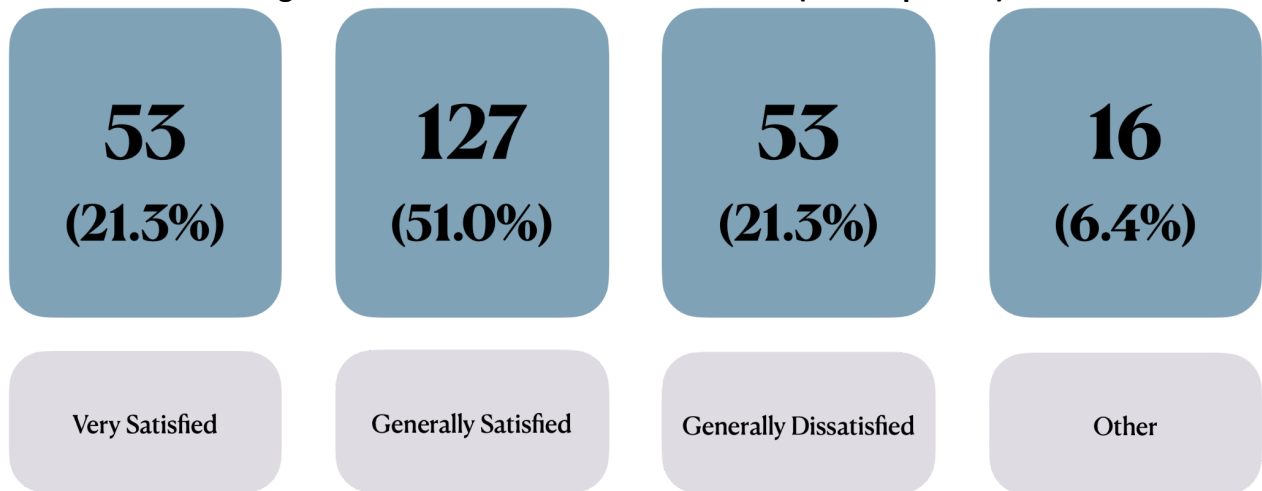


Figure 7: Structure of Town Government (249 responses)



Quantitative Analysis

The committee approached the analysis of the survey responses from two directions: quantitatively (for the fixed answer questions) and qualitatively (for the open-ended questions). In this section, we will present correlations observed between both structure/performance of Town government and familiarity with Town government.

In the following figures, numbers separated by a /, e.g., 33/18, represent All Respondents / Town Meeting Respondents.

We discerned no significant differences in satisfaction with performance or structure as a function of relative familiarity with the Town government.

Figure 8 presents results for respondents who said they are very or somewhat familiar with Town government and very satisfied, satisfied, or dissatisfied with the PERFORMANCE of Town government.

Figure 8: Performance Satisfaction (249 responses)

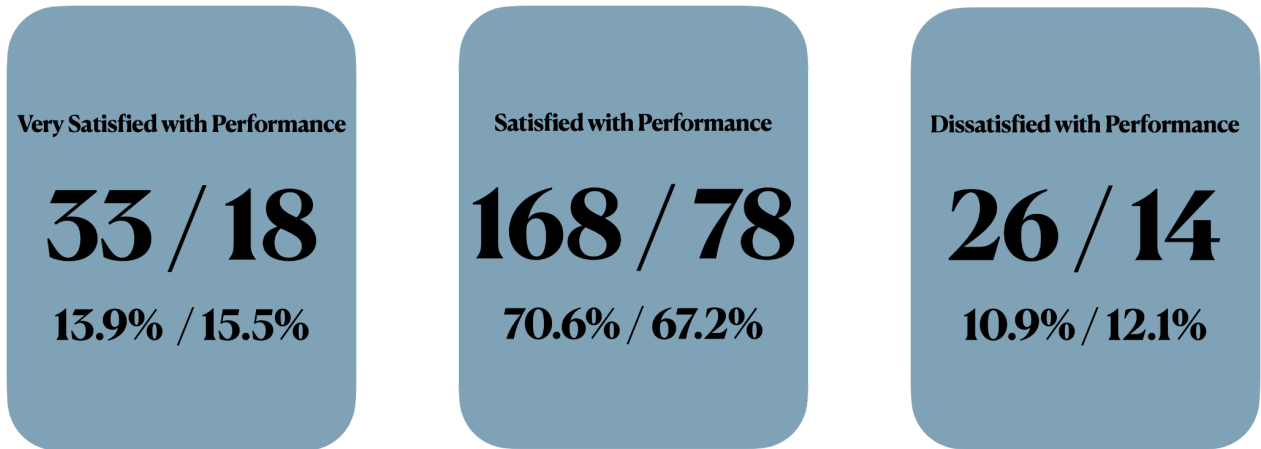


Figure 9 presents results for respondents who said they are very or somewhat familiar with Town government and very satisfied, satisfied, or dissatisfied with the STRUCTURE of Town government:

Figure 9: Structure Satisfaction (249 responses)

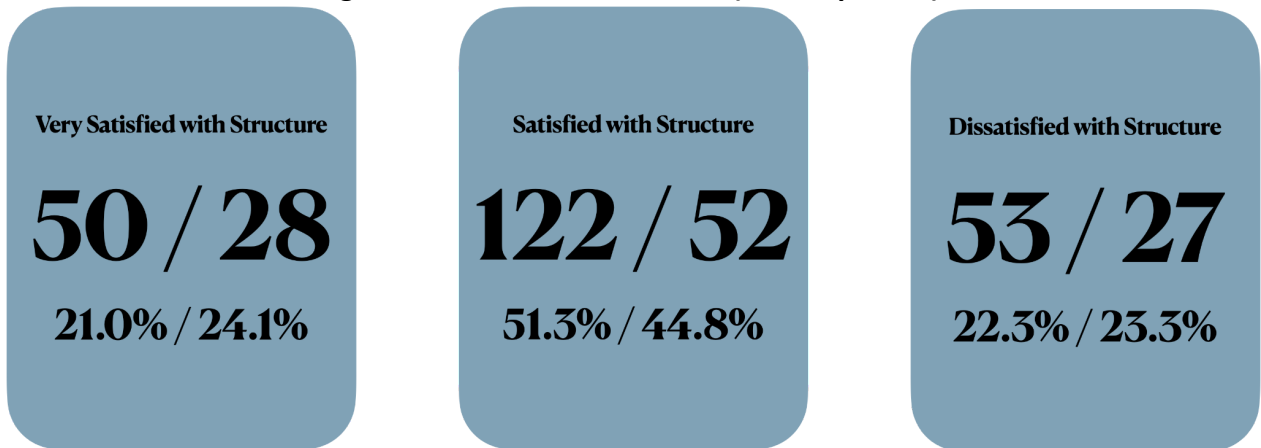
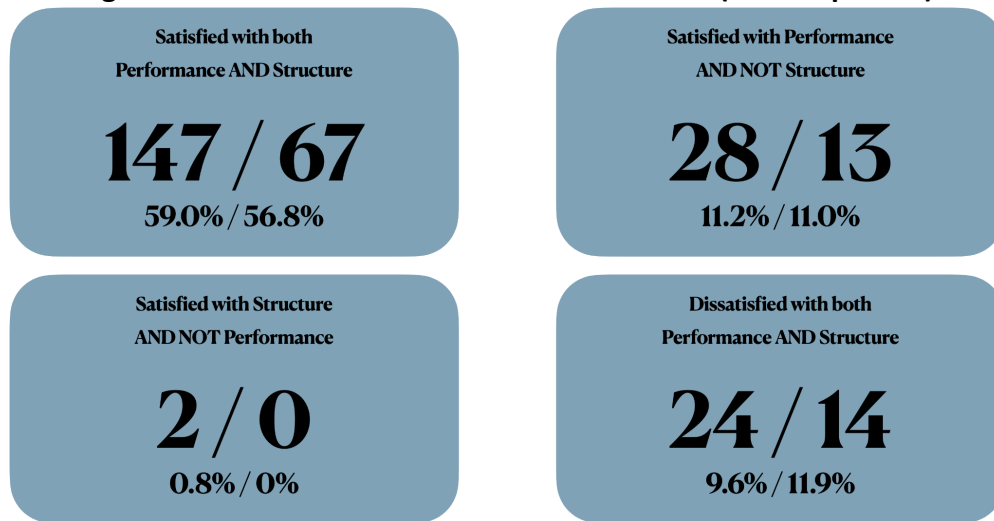


Figure 10: Performance to Structure Correlation (249 Responses)



Qualitative Analysis of Town Meeting

The survey included 3 questions specifically for people who are current or former members of Natick Town Meeting. These questions asked what works well with Town Meeting, what could be improved about Town Meeting, and, if the respondent was a former member of Town Meeting, why were they no longer a Town Meeting member. As is the case with many open-ended questions, the answers cover a wide spectrum. For the purposes of this report, we have focused on the themes that were mentioned by multiple respondents. While each respondent's feedback is important and valued, for the purpose of analysis, we are looking for trends and patterns.

What works well at Natick Town Meeting:

Of the 249 total responses to the survey, there were 140 responses to this particular question.

The top three themes observed in responses for this question all have similar response percentages. The theme mentioned most frequently, by 26% of the respondents, was that people believe there is an opportunity for all to be heard. The respondents believe that volunteers can influence the Town's direction, which results in better decisions and more transparency.

The next theme, mentioned by roughly 24% of the respondents, was the efficiency of Town Meeting. People made specific references to the use of a consent agenda as an example of improved efficiency. As noted later in this report, efficiency is nevertheless an area that many respondents believe needs improvement.

The third theme, raised by roughly 22% of respondents, is the amount and quality of informative materials, presentations, and debate available to Town Meeting members. These

respondents felt that they are well prepared for decision making and have access to the information they need in order to make educated decisions.

After these three, other themes that came up less frequently but multiple times included specific references to the Town Moderator (and the way he runs the meetings), the voting system, remote access, and finally, the civility of the Town Meeting community (6% of the respondents).

What can be improved at Natick Town Meeting:

Of the 249 total respondents to the survey, there were 144 responses to this particular question.

In any community and in any survey, there will be opposing viewpoints and this survey is no exception. By far, the number one theme from respondents to this question was the efficiency of Town Meeting. Roughly 57% of all respondents to this question made reference to a need for improved efficiency with Town Meeting. Specific examples include: limiting or streamlining debate, offering better and/or fewer presentations, members doing more work in advance, better and/or more materials available to members in advance of the meetings, less “nitpicking” and less “rewriting of articles on the floor.”

The next most commonly mentioned theme, but at a significantly lower frequency than was observed with efficiency, has to do with Town Meeting members themselves: attendance, preparedness, lack of qualification, and some who are generally uninformed. This type of theme was included in approximately 7% of the answers to this question.

The next themes were similar in frequency, all showing up in roughly 4.5-6% of the responses: these included references to more civility from the Town Moderator, better training of members, expansion of virtual/hybrid participation, a desire to focus more on priority articles, and encouraging new members to run for Town Meeting.

For former Town Meeting members, why former?

Of the 249 total respondents to the survey, 36 responded to this particular question. Many of these responses are fairly negative in nature, which is not surprising as these responses are from people who have chosen to no longer participate in Town Meeting. A small number of these respondents are former Town Meeting members because they retired or moved out of Natick.

The top theme mentioned in response to this question, raised by roughly 41% of the respondents, was the lack of efficiency. The examples given include the number of meetings, how long meetings are (partially due to repetitive or unnecessary debates), and too much grandstanding amongst members. Multiple people said they are no longer serving because they felt their time was not being well spent.

The next theme, from roughly 22% of the respondents, is that their votes didn’t matter — that participation in Town Meeting made no difference. This group of people made references to the

amount of perceived power that the Finance Committee has and that the “real town work is done elsewhere.”

From roughly 17% of the respondents to this question, the next theme was a lack of respect towards Town Meeting members. These people felt there were other members who were rude, inconsiderate, and in some cases sexist. They also made reference to “veteran members” getting more of a voice, along with aggressive cliques, as well as the performance of the Town Moderator.

Qualitative Analysis of Town Government Performance

The two open-ended questions in the survey that related specifically to the **performance** of Natick’s Town Government asked what aspects are working well and what aspects are not working well. As with Town Meeting, we have focused largely on answers and themes that came up multiple times. While each respondent’s feedback is important and valued, for the purpose of analysis, we are looking for trends and patterns.

As a reminder, from the quantitative data above, roughly 84% of all respondents to the survey said they were satisfied or very satisfied with the performance of Natick’s Town government.

What people think is working well in terms of performance:

Of the 249 total responses to the survey, there were 126 responses to this particular question.

The services Natick provides was the theme that appeared most often in these answers. Answers made reference to a variety of different aspects of Natick’s Town services including, but not limited to, our libraries, the Department of Public Works, and public safety. This type of answer made up around 19% of all the answers for this question.

The next theme, appearing in roughly 16% of the answers, was related to engagement, communication, and transparency. Respondents specifically called out the way the Town handled the PFAS water situation and the South Natick Dam/Spillway process. There were also multiple comments about opportunities for citizens to weigh in and participate.

The 3rd ranked theme, that was reported in roughly 10% of the answers, had to do with cross-board and inter-department collaboration. There were specific call-outs to the Natick Public Schools working well with Town Administration along with multiple comments about how Town personnel are approachable and respond quickly. With a similar number of responses, the Natick Public Schools were specifically listed as an area that was performing well.

From here, the number of responses for each of the following themes drops off quite a bit but these were submitted multiple times and as such, are worth mentioning here. Respondents stated that the Town’s professional staff are good at what they do and knowledgeable in their roles. Five people specifically called out Natick’s Town Administrator, Jamie Errickson, as performing well. The budget process (and financial responsibility in general) along with efficient

boards and committees also each appeared in roughly 4% of the answers.

What people think is not working well in terms of performance:

Of the 249 total responses to the survey, there were 139 responses to this particular question.

Appearing in 15% of the answers, the slowness and inefficiency of Natick's Town Government was the theme that appeared the most. People made reference to how long decisions take to get made and how long progress seems to take.

Each showing up in 12% of the answers, general communication and Town Meeting were the next most reported themes. As a reminder, communication is a theme that also turned up as part of what was working well. In the not-working-well answers, there were references to general communication (people not knowing what was going on in town) as well as communication between department heads and their staff.

For the answers that referenced Town Meeting not performing well, there were a bit more specific answers. There is likely some overlap, in terms of an individual's perception of how to answer these survey questions, between this and an earlier question that asked about what could be improved with Natick Town Meeting specifically. In this performance question, people commented that Town Meeting is too slow and too long. People also commented that attendance wasn't good and that there were members who weren't properly informed about what they were debating/voting on. Multiple people commented that outcomes seemed like foregone conclusions and that a small group of Town Meeting members, the "same old faces," did most of the talking.

Financial management in town was referenced in 7% of the not-working-well answers. There were specific references to the budget process as well as references to the efficiency of the treasurer's and comptroller's offices. Similar to communication showing up for some as working well and others as not working well, the budget process was sometimes reported as working well and other times not working well.

The Zoning Board of Appeals and the Planning Board were specifically mentioned in about 6% of the answers as not performing as well as they could be. In roughly 5% of the answers, there were references to inter-department collaboration, lack of representation, or lack of transparency (e.g., Town website, financial reports, agendas & minutes).

Qualitative Analysis of Town Government Structure

The three open-ended questions in the survey that related specifically to the **structure** of Natick's Town Government asked what aspects are working well, what aspects are not working well, and what potential benefits could come from a change. We have once again focused largely on answers and themes that came up multiple times. While each respondent's feedback is important and valued, for the purpose of analysis, we are looking for trends and patterns.

As a reminder, from the quantitative data above, roughly 84% of all respondents to the survey said they were satisfied or very satisfied with the performance of Natick's Town government.

Aspects of the structure of Natick Town Government people think are working well:

Of the 249 total responses to the survey, there were 166 responses to this particular question; 89 of which were current or former Town Meeting members.

The most common theme (31% of respondents) was a general appreciation for the expertise of those holding official roles (employees and volunteers). Many respondents noted that the current Town Administrator and a Deputy Town Administrator are dedicated, hard-working, professional, and collaborative. It was also shared that the Town Administrator has a good working relationship with department heads, allowing for increased cooperation. The Select Board was also brought up many times as what is working well, especially its current size and that members offer varying points of views. Several shared that members of committees are skilled and that committees offer the opportunity for citizen participation.

The next theme that surfaced, from roughly 16% of the respondents, was general transparency, responsiveness, and opportunity for input and involvement from citizens. Many noted that the televised/virtual meetings offered opportunities for more citizens to take part in Town government and that in general if you want to learn something it can be found online or by calling Town officials. The current structure invites public participation and offers opportunities for participation and for residents to be heard, especially since representatives are often "our neighbors." It was also highlighted that members of the Select Board and committees are accessible, willing to answer questions, explain processes, and allow for public input on major decisions.

There were other varying sentiments in what was working well. Some stated everything is great. Many applauded the efforts of our School Department, DPW, Police, Fire, Town Offices, Health Department, Council on Aging, etc. A few shared that Town Meeting is working well and that there are plenty of checks and balances.

Aspects of the structure of Natick Town Government people think are not working well:

Of the 249 total responses to the survey, there were 172 responses to this particular question; 90 of which were current or former Town Meeting members.

The most prevalent (and most descriptive) feedback around what is not working well in Town Government, from roughly 21% of respondents, was Town Meeting. The reasons given for why Town Meeting isn't working well include: too slow, too cumbersome, inefficient, discourages new people from joining, too many members (and low participation among members), lack of diversity (age and ethnicity), members represent themselves and not their districts, members have no accountability, dominated by a few, not nimble, and it is laborious/grueling for Town employees.

Following closely behind Town Meeting in what was not working well, from roughly 17% of

respondents, was the role and structure of committees. Many noted there were too many, overlapping responsibilities, and a lack of communication and coordination. Some are overwhelmed, and several believe the Finance Committee is too large, too much “in the weeds,” and has too much power.

According to approximately 9% of the respondents, the level of participation from “regular” residents was also highlighted as not working well. There was not enough communication to residents (some noting the website is inefficient and hard to navigate), Town Meeting members do not talk to their constituents, there was not enough publicity about opportunities to get involved, too many uncontested races, hard to get involved (especially for working parents), and low voter turnout.

While in the prior question’s responses many applauded the work of the Town Administrator and the Select Board, here respondents raised some of the ways in which their roles are falling short. Many noted the TA position should have more authority and more resources and that it seems to be responsive to the will of Town Meeting. For the Select Board, people noted that it was too much work for volunteers to take on, it was too involved in day-to-day decisions (i.e., doing work that a hired Town Administrator could do); and it is not representative by nature (as only people with extra time could take on that voluntary role).

Additional issues that survey participants raised was that Town government was too slow; that it is the same people making all the decisions (not enough new people); that whether a position is elected, hired, or appointed should be evaluated (specifically related to the Zoning Board of Appeals, Finance Committee, Planning Board, and Town Clerk and noting that appointing positions could lead to homogeneity); and that there is an overreliance on volunteers.

Key benefits people hope to achieve through a potential change to the structure of Town Government in Natick:

Of the 249 total responses to the survey, there were 164 responses to this particular question; 91 of which were current or former Town Meeting members.

The most overwhelming benefit to a potential change in the structure of Town Government, mentioned by roughly 18% of respondents, was for more efficiency. This was especially true when it comes to decision making. There is also a strong desire for faster, more stream-lined decisions and quicker turn-around on important matters (16% of respondents). Other areas that would benefit from greater efficiency include use of time (staff and volunteer), Town Meeting, committees, meeting procedures, Planning, and Zoning.

The next highest benefit (14% of respondents) would be an increase in participation from residents, more diversity, and more representation.

Other benefits respondents hoped to achieve were more transparency, more accountability, and less staff burnout (10% of respondents combined).

It’s worth noting there were a few respondents (5%) who felt there would be no benefits from

changing the structure.

Summary & Conclusions

When the TGSC conducted its initial interviews with Town employees and volunteers and then subsequently planned and sent out the survey referenced in this report, the goal was to get the pulse of the people who are, in general, the most involved, and in theory, have the most experience, in Town government. The interviews and the responses to this survey are not intended to be a “vote” by the participants but rather a way for the committee to find out what people think is working and not working, and what suggestions they might have for potential changes to Natick’s Town government.

What is clear from these data is that the survey respondents feel more satisfied with the performance of Natick’s Town government than they do the structure. There were consistent themes across all aspects of the survey about the speed with which decisions are made. There is clearly also a desire for more efficiency of some of the boards, committees, and Town Meeting itself. As it relates to the current structure of Town Meeting, the data show that people feel like Town Meeting is too much of a time commitment, that it moves too slowly, and an individual’s ability to impact change in that forum is limited based on a variety of factors outlined above.

The goal of this survey report is not to recommend moving away from the Town Meeting form of government or to recommend moving towards a different form of government. The scope of any potential change is what the committee will explore next.

Next Steps

As anticipated in the committee’s charge, we are currently bringing forward a consulting scope of work, and have interviewed several possible consultants, in order to bring relevant outside expertise to this process.

We will also hold at least one public forum once a consulting partner has been engaged.

Additional Information about the TGSC’s Work

To facilitate wider knowledge of our committee and its work, we created a web page at <https://sites.google.com/natickma.org/tgsc>, which provides basic information about the committee, including agendas and meeting minutes, as well as links to relevant information at the state and local level, including comparable efforts in other Massachusetts towns. This web site will be maintained as the work of the committee continues. We also have a committee-specific email address at naticktowngovernance@gmail.com. We encourage members of the community to visit the website and/or reach out via email if you would like more information or to provide feedback.

Appendix C: Public Survey Report

Town Governance Study Committee

Public Survey Report

Introduction

This report covers the process and results of the “Natick Town Governance Survey: Public Survey.” Having previously surveyed existing and former Natick Town Meeting members and Town committee members, as well as Town and school employees (see Town Governance Study Committee Survey Report, dated November 10, 2022) in April 2023 the TGSC reached out to all interested members of the general public with a set of similar questions about the strengths and weaknesses in our Town government and governance, to help bring greater focus on possible changes that could improve these strengths and eliminate some or all of these weaknesses.

Survey Outreach

The TGSC prepared an [on-line survey](#) with 13 questions that substantially overlap with, but are not identical to, those that were asked in the previous survey. The survey was made available to be completed by anyone from April 10, 2023, until May 5, 2023. It was promoted to the public by a notice on the Town of Natick website home page, social-media posts, flyers in public Town buildings, notices in online news pages such as the Natick Report, and during the April 10, 2023, Community Forum Presentation, which was held in person at Town Hall, live-streamed on Zoom, broadcast on Pegasus, made available as a recording on the TGSC web-site, and replayed on Pegasus.

Printed copies of the survey were also made available at the Select Board office in Town Hall and could be picked up at the Spring Annual Town Meeting and at the Community Forum Presentation; the TGSC did not receive any responses in this format. The introduction to the survey noted that it was “intended for all residents, taxpayers and others with an interest in Natick's local government.” Respondents were informed that all of their responses would remain confidential unless they chose to provide identifying information (see Question 13).

Survey Questions

The survey's 13 questions are presented in this section. When a question was presented as multiple choice rather than open-ended, the possible answers are listed below the question. Where a question was prefaced with explanatory information intended to help the respondent, that has been included as well.

Q1. Do you currently live and/or work in Natick? (please choose one)

- I currently live in Natick
- I don't currently live in Natick, but I work here
- I formerly lived or worked in Natick
- I have never lived or worked in Natick

Please tell us about your participation in Natick Town government.

Why we are asking this question: In 2022, the Town Governance Study Committee sought input from Town Meeting members and others who are involved in Natick local government.

This survey is intended for the general public, so we ask the following question to help ensure that we are reaching the intended population.

Q2. Which best describes your participation in local government? (please choose all that apply)

- I currently serve in Natick Town Meeting and/or on a Town committee
- I previously served in Natick Town Meeting and/or on a Town committee
- I have never served in Natick Town Meeting or on a Town committee
- I currently or formerly worked for the Town of Natick or the Public Schools

Q3. Do you vote each year in local Natick elections, usually held in March?

- Yes
- No

Q4. What is your current voting precinct? If you are unsure, contact the Town Clerk at 508-647-6430. If you are not a voter in Natick, you may indicate that option.

- Enter a number from 1-10: ____
- I am not a Natick voter

Now we have some questions about your views on the structure of Town government in Natick. By structure, we mean the organization of local government, including the roles and responsibilities of Town agencies.

Q5. Which of these statements best describes your familiarity with the structure of Natick's local government? (please choose one answer)

- I am very familiar with how Natick's local government is structured, such that I can explain it to others
- I am somewhat familiar with the structure of our local government
- I am not familiar with the structure of our local government
- Other: _____

Q6. What aspects of the structure of Natick Town Government are working well?

You may comment on any aspect of our governance structure, including the Legislative branch (Town Meeting) and/or the Executive branch (Select Board/Town Administration).

Q7. What aspects of the structure of Natick Town Government are not working well?

You may comment on any aspect of our governance structure, including the Legislative branch (Town Meeting) and/or the Executive branch (Select Board/Town Administration).

Q8. Which of the following statements best describes your overall view of the structure of Natick Town government, which includes an elected Town Meeting, an

elected Select Board, a Town Administrator appointed by the Select Board, and other elected and appointed offices, boards and committees?

For this question, we are interested in your views on the structure of our local government, regardless of whether or not you approve of the performance or the decisions of the people or agencies.

- I am very satisfied with the structure of Natick Town government and do not see significant need for change
- I am generally satisfied with the structure of Natick Town government and we need only minor or no changes to the duties/responsibilities/authorities of Town officials or agencies
- I am generally dissatisfied with the structure of Natick Town government and we need significant changes to the duties/responsibilities/authorities of Town officials or agencies
- Don't know/not sure

Q9. If Natick were to consider a change to its form of government, which do you prefer?

(Please select no more than two options.)

There are materials available at the Study Committee's web site if you would like more information: <https://sites.google.com/natickma.org/tgsc> As a reminder, this is for a survey, and is not an actual vote on changing the structure of Town government.

- Open Town Meeting (where any voter may participate), and an elected Select Board with a hired Town Administrator or Town Manager
- Representative (elected) Town Meeting, and an elected Select Board with a hired Town Administrator or Town Manager (form of government we have now)
- Elected Council (instead of Town Meeting) with a hired Manager
- Elected Council (instead of Town Meeting) with an elected Mayor
- Don't know/not sure

Q10. What are the key benefits you would hope to achieve through a change to the structure of Town Government in Natick?

Your comments and questions about the Natick Town Governance Study Committee.

We're interested in what you have to say, and what you'd like to know about Natick's Town Government or this committee.

Q11. What else would you like the Town Governance Study Committee to know?

You may also send an email to naticktowngovernance@gmail.com.

Q12. What would you like to know about Natick's Town Government?

Q13. If you would you like to be contacted by the Town Governance Study Committee, please provide your name, and a valid email address and/or telephone number.

Although 12 respondents did complete Question 13 with identifying information, the TGSC received no additional responses at the e-mail address provided in Question 11.

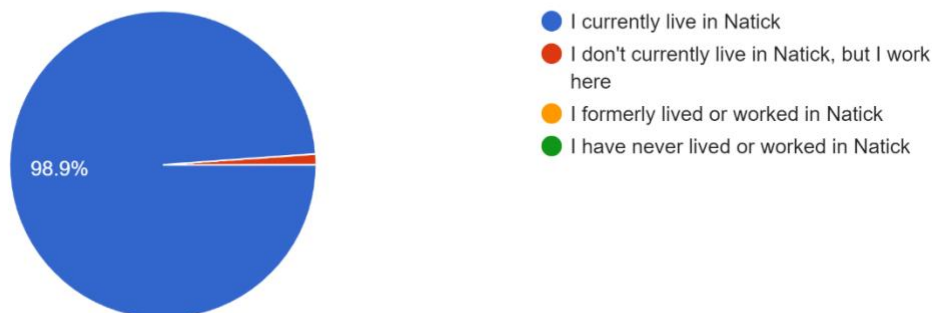
Survey Responses

The survey received 88 responses, all through the web-site. Although it appears that two sets of answers were virtually identical, we treat each response as if it came from a unique respondent. Nevertheless, the TGSC urges caution in assessing the results reported below, given the very small number of respondents in comparison to the universe of people invited to complete the survey, as well as the fact that there may be some overlap between respondents to this survey and those to our previous survey.

Answers to the multiple-choice questions break down as follows (note that, as indicated above, some questions allowed for more than one answer, such as Q5 and Q9):

Q1. Do you currently live and/or work in Natick?

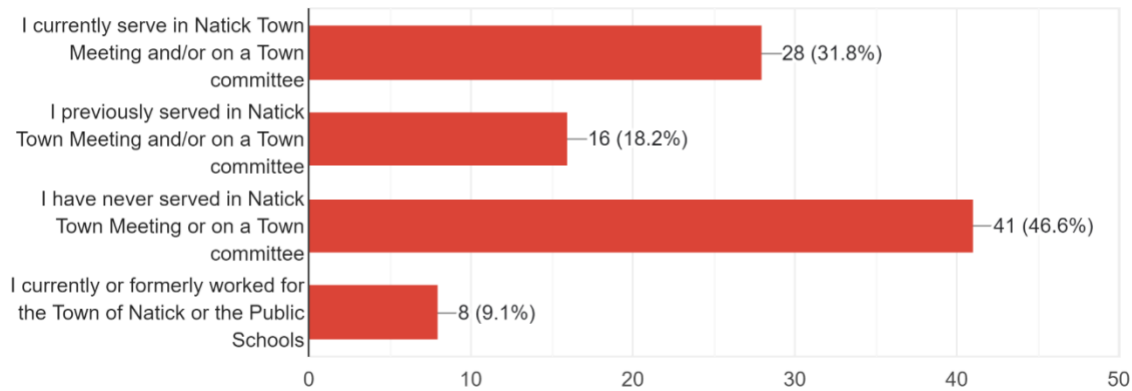
88 responses



1.1% of respondents said they don't currently live in Natick but do work here. No one responded who formerly lived or worked in Natick or never lived or worked in Natick.

Q2. Which best describes your participation in local government? (Please choose all that apply)

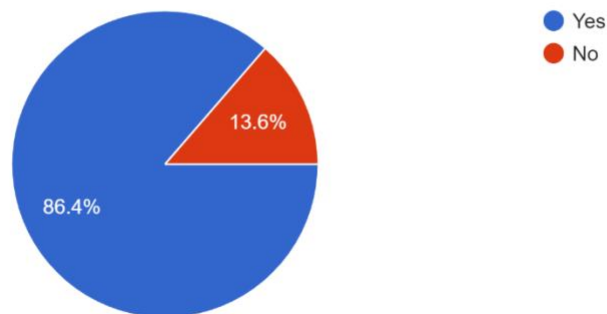
88 responses



Here, the first number beside a response represents the raw number of respondents choosing it, followed by the percent they represent among all respondents to this question.

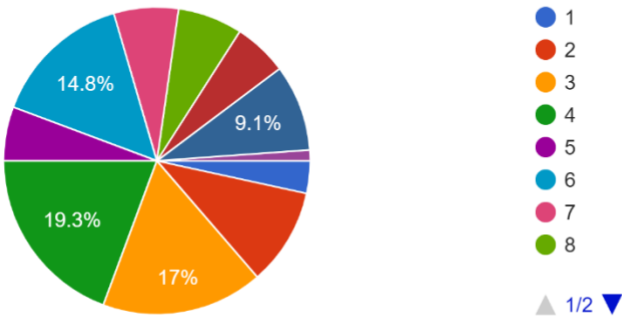
Q3. Do you vote each year in local Natick elections, usually held in March?

88 responses



Q4. What is your current voting precinct? If you are unsure, visit this web site at the Secretary of the Commonwealth. If you are not a voter in Natick, you may indicate that option.

88 responses



** Precincts 9 (dark red) & 10 (dark blue), as well as "I am not a Natick registered voter" (lavender) are included in the data but not shown in this legend, with all options presented in clockwise order.*

Q5. Which of these statements best describes your familiarity with the structure of Natick's local government? (please choose one answer)

88 responses



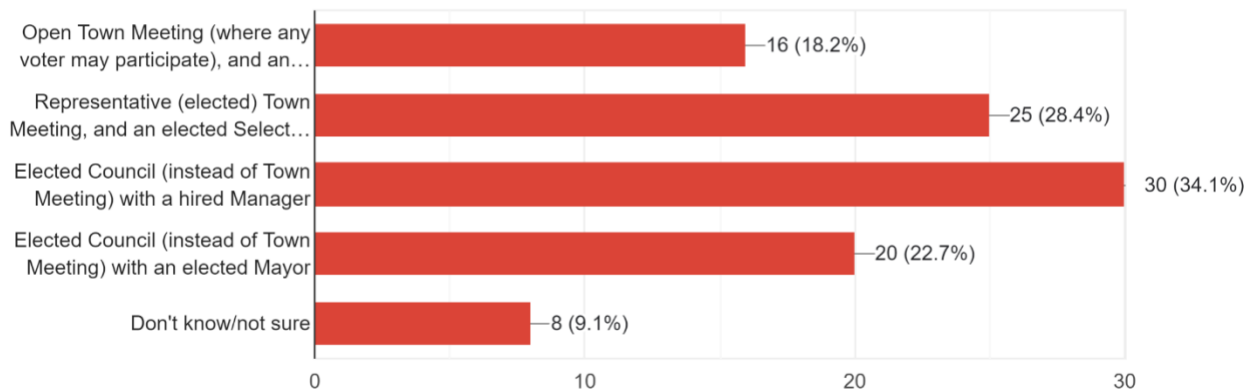
Q8. Which of the following statements best describes your overall view of the structure of Natick Town government, which includes an elected Town Meeting or the decisions of the people or agencies.

88 responses



Q9. If Natick were to consider a change to its form of government, which do you prefer? Please select no more than two options. There are more options on changing the structure of Town government.

88 responses



Here, the first number beside a response represents the raw number of respondents choosing it, followed by the percent they represent among all respondents to this question. (Note that the full text accompanying the question, which is not displayed in its entirety above the chart, read, "There are materials available at the Study Committee's web site if you would like more information:

<https://sites.google.com/natickma.org/tgsc> As a reminder, this is for a survey, and is not an actual vote on changing the structure of Town government.")

Before turning to the narrative responses, it is worth adding here that the TGSC attempted an analysis of possible correlations among the responses to Questions 2 (participation in Town government), 5 (familiarity with the structure of Town government), 8 (satisfaction with that structure), and 9 (preferred form of government for Natick).

With the caveat that the sub-set of respondents choosing any given answer is even smaller than that for the survey as a whole, it appears that the 41 respondents who never participated in government were significantly less likely to express familiarity with the governance structure and more likely to offer no opinion as to their satisfaction with it. They were slightly more likely to make no choice as to form of government, though 36 of them did give a preference. No other correlations stood out from the data derived from these four questions.

For the questions that called for narrative answers—specifically Questions 6 (what is working well), 7 (what is not working well), 10 (key benefits of a potential change in form of government), and 11 (what else the TSGC should know)—we grouped the responses, by theme, into three categories:

- What is working well
- What is not working well
- What needs to be fixed

Note that this approach combined answers given across all these four questions, as the responses didn't all fall neatly into relevant questions. For example, some respondents used Question 6 as an opportunity to give thoughts on what is and/or is not working well. We then attempted to tabulate the number of responses, while breaking each theme into sub-themes. Because the limited response we received argues for treating these results as anecdotal evidence rather than representative data, we offer the following summary as a narrative, rather than providing raw numbers for each type of response.

Among the responses received as to what is working well in Natick town government, we most frequently heard about the Town Administrator or the administration generally, the Select Board, and the executive branch as a whole. Similar numbers cited Town Meeting or the legislative branch (which is effectively the same thing)—or, conversely, said that nothing or very little is working well. A handful of respondents singled out individual departments or committees, or referred to all or most aspects generally. The largest cohort, however—about 40% gave no answer.

Regarding what is not working well, the clear plurality pointed to Town Meeting (or, again, the legislative branch). Far fewer cited, in decreasing order of responses, the Select Board, the Town Administrator or administration, town communications, the Planning Board, and the School Committee. More than 75% of survey respondents completed this question (and more than 80% did so for the following question).

Finally, a review of suggestions on what needs to be fixed indicates that the primary complaints are power being too concentrated among too few people, inefficiency, and a dearth of participation. Less frequently, respondents called for better representation, greater accountability, or more transparency in government; less spending or taxation, and improved communications. A few proposed salaries or stipends for the Select Board (or for its equivalent replacement). Town Meeting again garnered a good number of comments, on the need for more efficiency or effectiveness, or a fix for its dysfunction. A few suggested its outright replacement—though a few responded that it should be retained.

Th
SELECT BOARD
TOWN OF NATICK

MEETING MINUTES

Meeting Conducted in the Edward H. Dlott
Meeting Room and via Zoom
December 12, 2023
7:00 PM

PRESENT: Bruce T. Evans, Chair; Kathryn M. Coughlin, Vice Chair; Richard Sidney, Clerk; Paul R. Joseph.

ALSO PRESENT: Deputy Town Administrator, Operations, Jon Marshall; Town Counsel, Karis North

ABSENT: None

Chair Evans called the meeting to order at 7:03 PM.

The Chair announced that this meeting is currently being recorded by Natick Pegasus for future viewing.

The Pledge of Allegiance was recited, and a moment of silence was observed for all those who serve.

PUBLIC SPEAK

Paul Griesmer, Town Meeting member for Precinct 7 and Chair of the Charter and Bylaw Review Committee (hereinafter referred to as the CBRC), addressed the Board during public speak. Mr. Griesmer read a statement as to why the members of the CBRC are not present at this meeting tonight.

In summary, Mr. Griesmer stated that he “learned” of the meeting on Friday, December 8, 2023, and this did not allow him enough time to schedule and post a meeting per the Open Meeting Law. After consulting with Special Counsel, he was advised that there could be a violation of the Open Meeting law if four or more members of the CBRC attended this meeting and entered into discussions. Mr. Griesmer wanted to be clear that the lack of participation from any of the members of the CBRC at this meeting should not be misconstrued as lack of interest.

The next scheduled meeting of the CBRC is Tuesday, December 19, 2023, at 6:00 PM, in the Select Board meeting room. At that time, the CBRC will be asking the Moderator to present the floor amendments received so that they can start an initial public working session on those citizen amendments. Mr. Griesmer added that the CBRC is committed to its role and obligations under the Town Charter to review the provisions of the Charter and Bylaws and make a report with recommendations concerning any proposed amendments or revisions.

Julian Munnich spoke during Public Speak. Mr. Munnich’s concern is that the issue of a Special Town Meeting would be discussed at Select Board meetings. Mr. Munnich stated that he is discouraged that the Select Board agendas for this meeting and tomorrow night’s meeting do not include an agenda item for a Special Town Meeting. The reason that there was an abrupt end to the Fall Town Meeting was due to time concerns and that a solution to that was to “instantaneously” pick up with a Special Town Meeting. Mr. Munnich is requesting that at the next possible “posting” that this body follow-through with what Town Meeting had been told to expect.

Michael Hickey spoke during Public Speak. Mr. Hickey stated that he reviewed the tape from Town Meeting to see what had been communicated by the Chair of the Select Board. Mr. Hickey stated the following: "The Chair noted that there had already been, by that time, robust discussion of a number of proposed amendments, that there was a long way to go, and we were six sessions into Town Meeting. The Chair specifically noted that an alternative could be to consider referring to sponsor the rest of Article 25, 26 and 33 with, and I quote, the prospect of reconsidering them at Spring Annual Town Meeting or at Special Town Meeting this winter. Proponents would resubmit perhaps incorporating the changes made based on discussions of amendments that had taken place up to that point. The Chair noted that this approach would give us additional time to evaluate these amendments should Town Meeting choose." The Chair made the only commitment which I believe he can make which is to put the topic on an upcoming agenda which was November 15, 2023, for discussion and possible decision. The Chair did exactly what was committed to at Town Meeting: He scheduled a meeting of the Board for discussion on November 15, 2023. At that meeting, the Chair framed what the Board was there to discuss and not to discuss. The Chair also recapped that Town Meeting had passed A-H and referred the balance to the sponsor to allow more time for consideration. The Chair also acknowledged that he needed to know what the CBRC's plans were and invited open discussion and further meetings. He also thought that Town Meeting members should hear from the Select Board on these Articles. The Chair also stated that we should be less concerned about how quickly we move on these Articles but instead be more concerned about getting them right."

DISCUSSION AND DECISION

1. Review Natick Charter Amendments

Chair Evans stated that it is the intention of the Board to work with the CBRC to determine what, if any, changes are warranted to the amendments of the special act. He further stated that he has been trying to schedule a meeting with the Chair of the CBRC, Mr. Griesmer, but was unable to do so. On Thursday, Chair Evans was able to communicate with one of the members of the CBRC and subsequently met with Mr. Griesmer the following day on Friday.

Expectations for the discussion: We are going to review the entirety of Article 25 amendments A through U with no Q. The Board will discuss the amendments individually. Some amendments, such as Amendment A which have a "global replace" of Town Administrator with Town Manager we can dispense with rather quickly.

The Chair will ask for public comments on the proposed amendment but will only allow comments on content of the proposed amendment itself. If there are no objections or concerns raised by the Board or the public, the Select Board will take a vote to support the amendment. If concerns arise out of a discussion, those concerns will be noted and passed on to the CBRC to be considered in a future meeting.

Only Town Meeting can modify the amendments that were voted at Town Meeting and that process would require rescission of their earlier vote followed by a new vote.

Amendment A

Global replace of Town Administrator with Town Manager

Chair Evans moved for the global replace of Town Administrator with Town Manager, seconded by Mr. Sidney., the Board voted 5-0-0 in support of Motion.

Amendment B

Amends Charter Sections 2-6(c) & 2-6(d) Vacancies – to fill Town Meeting vacancies using an elected official, the moderator, instead of an appointed position, the Town Clerk.

Flagged for comment: Section 2-6(c) The lists so prepared and maintained shall at all times be subject to the review and approval of the Town Moderator or the Town Moderator's designee. The Town Moderator may prepare and maintain such lists in the event of failure of the Town Clerk to prepare and maintain the same on a timely basis.

Ms. Coughlin has noted concern over the wording "*review and approve*".

A question/comment from Richard Jennett, Town Meeting member, was why the Clerk would not be able to appoint Town Meeting members, but instead would have to hand that over to the Moderator. Could that be a collaborative effort?

On a motion by Ms. Coughlin, seconded by Ms. Pope, the Board voted 5-0-0 to table the discussion and vote on Amendment B.

Amendment C

Section 2-12 (c) Proceedings of Town Meetings – Quorum

The context of the Amendment is to adjust the Town Meeting quorum to be based on "filled seats".

Chair Evans read into the record an email from Cody Jacobs, Town Meeting member, who could not be present this evening. The full email is attached to this evening's agenda.

Ms. North, Town Counsel: Under the General Laws, the quorum is 50% of the Board as constituted. If there is a 7-person Board it is 4. The exception is the Conservation Commission where it is 50% plus one of the seats filled. So, for the Select Board, Planning Board, Zoning Board, etc., it's 50% plus one of the Board as constituted.

Karen Adelman Foster, resident, commented on the idea of a "floating quorum". Her concern would be that the vacancies would not be equally distributed amongst all of the precincts. She added that "vacancies are concentrated in Precinct 1, the population of which the Federal government officially considers an environmental justice population by virtue of its being composed of 40% or more of so-called minorities." Ms. Adelman-Foster's concern is that Amendment C does not us to stop worrying about vacancies in a precinct with a significant minority population.

Joshua Ostroff, Town Meeting Member, Precinct 6, made a comment to the Board that he had voted against Amendment C and his thoughts are that the size of Town Meeting should be addressed.

Carol Gloff, Town Meeting member, Precinct 7. Ms. Gloff stated that after reviewing Amendment C, she believes that it could work because you could be “adjusting the number of seats that are filled every night of Town Meeting which could then adjust the need for the quorum.” She stated that she believes it could be done on a rolling basis, but it would take a lot of work that “somebody” has to take care of. She believes that the disadvantages outweigh the advantages.

Brinley Vickers, Town Meeting member, Precinct 8, stated that, in her opinion, this Amendment should be deleted as there is no way to amend it at this point in its current form.

Ms. Coughlin stated that the demographic is changing, and we cannot demand participation, only encourage it. We live in a democracy, and we cannot, through law, address participation.

On a motion by Mr. Sidney, seconded by Ms. Coughlin, the Board voted 5-0-0 to table this vote and sending comments to the CBRC,

Amendment D

Section 2-11 Town Meeting Warrants

(b) Ms. North: On Section 2-11(b), any citizen(s) petition received that meets the requirement must be put on the Warrant. The Charter can direct how we handle other types of Articles. The best practice is that if an Article is received from an individual or body, than it should go on the Warrant.

Michael Hickey, Precinct 9 commented that as the Select Board is the chief policy making agency of the Town, the Board could always take a “voted” position and write to the legislature (including our delegation), that would hear, consider, or deliberate on any portion of what has already been acted upon

7(g) Multiple Member Body

Mr. Sidney’s concern is that this definition excludes committees appointed by the Select Board.

Mr. Joseph stated that sometimes we try to fix a problem that we don’t have. We have elected representatives and Boards in this Town that serve in Executive roles that are not the Select Board. In his opinion, to handcuff them arbitrarily just to protect “our” dominion does not make sense. “Less is sometimes more”.

Ms. North, Town Counsel: Ms. North stated that she will be discussing the process to submit the Articles from Town Meeting to the legislature. with the Town Clerk Ms. North does not believe that these have already been submitted. Amendments A-H have already been voted on at Town Meeting. It would take an act at Town Meeting to change them and a rescission of that prior vote regardless of whether they have gone to the legislature or not.

Joshua Ostroff, Town Meeting member, Precinct 6 commented that he did not understand what this amendment was trying to solve. “To bring something to Town Meeting without going before the appointing authority before is generally not good politics.” He further stated that although he appreciates the intent, it may be delving too far into the weeds to be productive.

On a motion by Mr. Sidney, seconded by Ms. Coughlin, the Board voted 5-0-0 to approve the 2-11(b) amendment with a change eliminating the language “any eligible” and striking the recommended change under 7(g)

Amendment E

Section 2-10 Participation by Non-Town Meeting Members

(a) Representatives of Town Agencies

Ms. Coughlin: Her only concern is that the Town Moderator is compelling attendance as opposed to the Town Administrator instead of them working collaboratively.

Ms. Adelman Foster, resident, made a comment to the Board that talking about “intent” when creating or changing Charter language is not desirable. It is very important that “what is meant is what the law literally says.” She acknowledged that having all department heads attend every meeting appears to be a waste of time, but to do it this way is inappropriate. She further added that she would encourage the Board to table this discussion and refer it to the CBRC for further review.

On a motion by Mr. Sidney, seconded by Mr. Evans, the Board voted 5-0-0 to table the discussion and send comments to the CBRC.

Amendment F

Section 3-1 (8) – Add a clause within the preliminary elections’ section in the event rank choice voting is available in the future.

On a motion by Mr. Sidney, seconded by Mr. Evans, the Board voted 5-0-0 to support Amendment F as is.

Amendment G

Section 3-1(f)

Mr. Sidney read aloud a note from the Finance Committee which stated the following: “This amendment addresses the changes in the Town’s Charter and the ability the Select Board and the Town Administrator to call or compel certain individuals for consultation. This amendment seeks to clarify that this power should not assent to the Moderator or the Moderator appointees including members of the Finance Committee or other individuals from the legislative branch of the government.”

Mr. Evans asked Town Counsel if this means that the Select Board cannot compel people to be there but can only request that people be there.

After reading the amendment, Ms. North stated that it is not clear to her that the Select Board would still have the ability to even request the Moderator for consultation based on this language.

Mr. Joseph posed the following question: Does the language as proposed in this amendment preclude the convening of the Financial Planning Committee because that body is basically defined to include two members of the Finance Committee and that is a strategic body designed to contemplate the financial future of this community in a collaborative format? It does not because they are appointed by the Moderator. Ms. North noted that it is only excluding the Town Moderator. It does not exclude any multiple-member body which the Financial Planning Committee would be. After a few moments of research, Ms. North continued the conversation and stated that the definition of multiple member body excludes Town Meeting Committees so it could if there were pushback.

On a motion by Mr. Sidney, seconded by Ms. Coughlin, the Board voted 5-0-0 to refer back to the CBRC and revert back to the language of April 23, 2023, Charter language.

Amendment H

Section 3-12 Recreation and Parks Commission

- (b) Powers and Duties – clarify advisory role of the Recreation and Parks Commission to advise both the Select Board and Town Manager

On a motion by Ms. Coughlin, seconded by Mr. Sidney, the Board voted 5-0-0 to support Amendment H as is.

Amendment I

Section 3-10 Town Moderator

Addition of new sub-section (c) – Provide for the Town Moderator to appoint a Deputy Moderator, to preside over representative town meeting in the absence of the moderator.

Mr. Joseph stated that he was going to abstain from taking any vote on this amendment.

Ms. North, Town Counsel, wanted to be clear that the Town Moderator's appointment is only to appoint a Deputy Town Moderator. The Town Moderator's appointment does not make that person automatically become the Moderator or the incumbent. That is an elected position. Ms. North further clarified. "If there is a vacancy and a need for a short-term Moderator, it becomes the Clerk. In the absence of the Clerk, it becomes the Chair of the Select Board or senior member present and lastly the Justice of the Peace."

Todd Gillenwater, Town Meeting Member, Precinct 5 and a member of the Finance Committee. Mr. Gillenwater stated that one of the precipitating issues that the CRBC became involved in was the change in the Clerk from an elected position to an appointed position. The definition of the Clerk's job specifically excludes them from serving as the temporary Moderator. In Mr. Gillenwater's experience, several times over the years the Town Clerk has had to step in to serve as a temporary Moderator due to unforeseen events. There is a certain amount of training that is required to serve in this role even temporarily.

Ms. Adelman-Foster, resident, stated that, having a Deputy Town Moderator is a great idea, but having the Town Moderator appoint that person is not a great idea. Because the Town Moderator has power over an incredibly

powerful body (Town Meeting), arguably, the Town Moderator is the most powerful position in Town. A simple fix could be allowing the Town Clerk to run Town Meeting in the Town Moderator's absence.

Carol Gloff, Town Meeting member, Precinct 7, stated that in 2007 there was a tie vote in the election of Town Moderator. The Select Board then took a vote and chose the incumbent. Some Town Meeting members were uncomfortable with the decision that the Select Board made that final decision. She further stated, "the Charter or By-law, not sure which, was then changed, so that now if that were to happen again, the Town Meeting would be choosing the Moderator and not the Select Board." Her suggestion is that perhaps we could have Town Meeting to decide on who the Deputy Town Moderator should be.

Todd Gillenwater, Town Meeting Member, Precinct 5 and a member of the Finance Committee. Mr. Gillenwater was asked if he knew why there had been any issue with appointing the Town Clerk as Deputy Moderator. Mr. Gillenwater responded that he did recall that there had been concerns about "undue influence and separation of powers." The thought was that an appointee of the Town Administrator running Town Meeting could have the potential of undue influence and having "their agenda put through."

Richard Jennett, Town Meeting member, Precinct 7, stated that if we are really looking at separation of powers, I would agree that allowing Town Meeting to appoint the Deputy Town moderator would make the most sense.

Ms. North, Town Counsel stated that in section 3.1 of the Charter g(1) Filling of Vacancies, there is a section that specifically talks about failure to elect or a vacancy in the office of Town Moderator, Town Meeting fills that at the next session and until that vacancy is filled or until the next election the Town Clerk serves as presiding officer. That language is already in the Charter and has not been "proposed" for change.

On a motion by Mr. Evans, seconded by Mr. Sidney, the Board voted 4-0-1 to have Town Meeting be the Appointing Authority.

Mr. Joseph abstained

Amendment J

Section 3-2 Select Board

(b) Powers and Duties

There was consensus amongst Board members to delete the last sentence of the Amendment beginning with ...Nothing in this section shall be construction to authorize...and ending with administration of any town agency.

Michael Hickey, resident, stated that he believed that this was one of the most deeply concerning of the Amendments and he would urge the Board to slow down and further review this Amendment. In his opinion, this is best example, either intentional or unintentional, of what he sees as the dilution of Executive Board authority and purview that has served the Board well.

Joshua Ostroff, Town Meeting member, Precinct 6 stated that there are times where the Select Board needs to exercise leadership. The perfect example would be in the case of the pandemic when the School Committee and the Board of Health were convened by the Chair in ways that could have run afoul of this Charter had we adopted it.

He further stated that it is important for the Charter to state what the powers are, however, as elected officials can often be guilty of thinking they may have more authority than they actually do. In his opinion, this amendment “kneecaps us”.

On a motion by Mr. Sidney, seconded by Mr. Joseph, the Board voted 5-0-0 to recommend to the CBRC to eliminate the entire change except for the deletion of the last sentence of 3-2(b), paragraph 1

Amendment K

Section 4-4 – Removal and Suspension

Ms. North, Town Counsel, answered a question that had been posed by Ms. Coughlin as to why this is in the Charter instead of in the Town Administrator’s contract. The simple answer is that the Charter existed before a Town Administrator Contract.

Ms. Coughlin stated that if the Board were to terminate a Town Administrator, she would want all five members of the Board to be available either in person or hybrid with their names attached to a vote. Board members should be accountable for their decisions.

Ms. North, Town Counsel, wished to clarify that provision (f) is being added not stricken. She further added that any defense an employee will make after termination is that they did not have a performance review or that they had positive performance reviews. This language gives the Select Board more flexibility in their personnel decisions.

On a motion by Mr. Sidney, seconded by Mr. Joseph, the Board voted 4-0-1 to support the preamble changes and remove paragraph (f).

On a motion by Ms. Coughlin, seconded by Mr. Sidney, the Board voted 5-0-0 to adjourn the meeting at 10:12 PM.

Richard Sidney, Clerk

Select Board Meeting Minutes Approved by the Select Board on _____

All documents used at this Select Board meeting are available at:



Jon Marshall <jmarshall@natickma.org>

Article 25 Motion C

1 message

Cody Jacobs <cjacobsnatick@gmail.com>
To: Selectmen <Selectboard@natickma.org>

Tue, Dec 12, 2023 at 11:07 AM

Dear Members of the Board,

I am unable to make it to the Select Board's meeting tonight but I wanted to share some feedback about the Charter & By-Law Review Committee's proposed charter changes.

While I agree with the vast majority of the changes proposed by the committee and appreciate their work, I want to urge the Select Board not to support reducing the quorum requirement for Town Meeting ("Motion C"). I was initially supportive of this change but after learning more and reflecting on it, I have come to strongly oppose it.

As you know, Town Meeting currently requires a quorum of 50%+1 of the number of seats in Town Meeting. Since the number of seats is set by our Charter at 180, that means a quorum is 91. Motion C would change it so that a quorum is reached when there are 50%+1 of the number of filled seats--so it would remove vacant seats from the calculation of considering what a quorum is (example: if there were 120 filled seats and 60 vacancies, a quorum would be 61).

While seemingly innocuous and even appealing, this change is unprecedented as far as we've heard--the CBRC has not identified another legislative body that operates with a "floating" quorum like that. And this is for good reason--quorum requirements, while annoying, are an important safeguard to ensure that a sufficient cross-section of the body, and, by extension, the public is represented in a meeting. This is especially pernicious in our Town Meeting where one precinct (precinct 1) is already very underrepresented relative to the other precincts.

According to the most current data available on the town website, there are 9 vacancies in precinct 1 and no vacancies in any other precinct. This means, under the current system, if 91 people show up to town meeting, all else being equal, you would expect 4.55 representatives from precinct 1 to be present. If the quorum were calculated under the new system, it would be 86. With 86 people, you would expect 4.3 representatives from precinct 1 to be present. While that difference doesn't seem like a lot, it is still a step in the wrong direction for an already unfair system (every other precinct has twice as many reps as precinct 1) and of course would grow worse as more vacancies appear.

The appeal of Motion C is obvious--Town Meeting clearly has a problem with getting a sufficient quorum to operate as we saw vividly during the debate on this very issue when a proposal to delete Motion C was defeated by only 5 votes in a vote where the body was lacking a quorum (86 total members voted). But the solution is not to lower the quorum requirement, it should be to reduce the number of Town Meeting Members--something we can only do through a special act (or charter commission). Reducing the number of town meeting members would not only make reaching a quorum easier but would *strengthen* the voice of precinct 1 by lessening the difference in voting representatives between it and all other precincts.

The CBRC says that it rejected this idea because it would result in "losing a lot of good volunteers" but that is both factually debatable, at best, and based on a fundamental misunderstanding of Town Meeting's purpose. As a factual matter, it isn't clear that reducing the number of members would result in losing a lot of good volunteers because the whole reason we have this problem in the first place is that many Town Meeting Members do not show up to most or even all nights of Town Meeting. The CBRC said in front of the Finance Committee and in other forums that it had "data" showing that different people show up every night so there really is a lot of participation, but it has never made that data publicly available and the experience of this most recent Town Meeting--where we regularly were close to or below the quorum requirement--undermines that claim.

But much more fundamentally, that answer really misunderstands what Town Meeting is. Town Meeting is not a "volunteer opportunity"--it is a system of government. Its role is not to provide as many opportunities for people to volunteer as possible, but rather is to represent *everyone* in town, including people who don't have the time or even the desire to participate in town meeting itself. Having people who want to serve in Town Meeting but were unable to would actually show the system was *working* because it would mean there were competitive elections where voters who *don't* serve in Town Meeting would have a real voice in how our town is governed.

I realize Motion C already passed and has been sent to the legislature as a special act proposal, but I have no doubt that the legislature will closely follow the Select Board's deliberations on this and I hope that you will decline to support Motion

C.

Thank you very much,

Cody Jacobs

--

Cody Jacobs (he/him)

Finance Committee

Brown School Council

Town Meeting Member, Precinct 2

Town of Natick

cjacobsnatick@gmail.com

ITEM TITLE: Special Town Meeting - scheduling, topics, logistics
ITEM SUMMARY:
