

TOWN OF NATICK

Meeting Notice

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

Natick Finance Committee

PLACE OF MEETING

School Committee Meeting Room, 3rd
Floor, Natick Town Hall 13 East Central
St.

DAY, DATE AND TIME

September 5, 2019 at 7:00 PM

MEETING AGENDA

Posted: Tuesday, September 3 at 9:00 AM

1. **Call to Order**
 - a. Pledge of Allegiance & Moment of Silence
 - b. Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing
 - c. Review of Meeting Agenda and Ordering of Items
2. **Announcements**
3. **Public Comments**
 - a. Committee policy & procedures available via this link and also at the meeting location
4. **Meeting Minutes**
5. **2019 Fall Town Meeting Warrant Articles - Public Hearing**
 - a. Article 8: PEG Access and Cable Related Fund
 - b. Article 10: Unpaid Bills
 - c. Article 36: Amend Article 2 Section 10-c of the Charter
 - d. Article 37: Report from Town Meeting Practices and Rules Committees
 - e. Article 38: Amend the Town of Natick By-Laws: Create New Standing Committee
6. **Committee and Sub-Committee Scheduling**
7. **Committee Discussion (for items not on the agenda)**
8. **Adjourn**

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

SUBMITTED BY

ITEM TITLE: Pledge of Allegiance & Moment of Silence
ITEM SUMMARY:

ITEM TITLE: Advisement of Pegasus Live Broadcast and Recording for On-Demand Viewing
ITEM SUMMARY:

ITEM TITLE: Review of Meeting Agenda and Ordering of Items

ITEM SUMMARY:

ITEM TITLE: Committee policy & procedures available via this link and also at the meeting location
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Finance Committee Policy and Procedures for Public Comments	2/21/2019	Exhibit

Finance Committee Policy & Procedures for Public Comments:

Public Comments at the start of the meeting:

- *A time not to exceed 4-5 minutes per resident/taxpayer and/or 15 minutes in total time for all resident/taxpayer speakers, to allow for brief resident/taxpayer comments on topics within the scope of the Committee charge but not on the current agenda*
- *There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*

Public Comments on a specific agenda item:

- Following the sponsor presentation, the Finance Committee enters into discussion with questions and answers from the sponsor and others as determined by the Chair. This is not a time that residents and taxpayers ask questions or offer comments.
- Upon the completion of the discussion/Q&A period, as determined by the Chair, the committee moves in to citizen comments. The same policy as stated above is used.
 - *A time not to exceed 4-5 minutes per resident/taxpayer to allow for brief resident/taxpayer comments on topics within the scope of the agenda item before the Committee at that point in time*
 - *There is no debate or discussion between the resident/taxpayer and the sponsor/presenter or the committee except as determined by the Chair*
 - *Any question is to be directed to the Chair and only the Chair will decide whether to allow the question or just ask that it be recorded in the minutes.*

Procedural guidance for public comments:

- Once being recognized by the Chair please go to the podium, stand close to the microphone and speak loudly
- You must introduce yourself by stating your full name and your address in Natick
- It's requested the speaker not use the names of any individual. You may refer to the person's title, or use the expression "a previous speaker...)
- The committee is interested in hearing your comments of a substantive and material nature in regard to the subject matter before the committee. The Chair will politely encourage you to stay on topic and to quickly make the point
- If you're running out of time, the Chair will advise you that you have 30 seconds left at which time you will need to wrap things up.

ITEM TITLE: Article 8: PEG Access and Cable Related Fund

ITEM SUMMARY:

ITEM TITLE: Article 10:Unpaid Bills

ITEM SUMMARY:

ITEM TITLE: Article 36: Amend Article 2 Section 10-c of the Charter

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 13 2019 SATM - Town Meeting Rules Committee- Enabling language	9/2/2019	Exhibit
FinCom Q&A- Response w/o motion	9/2/2019	Exhibit
Article 36 - Motion	9/2/2019	Exhibit
Article 36 - Redline document	9/2/2019	Exhibit
FinCom Questions to TMRC	9/5/2019	Exhibit
TMRC Meeting Agenda Links	9/5/2019	Exhibit
P Griesmer Email #1	9/5/2019	Exhibit
P Griesmer Email #2	9/5/2019	Exhibit

ARTICLE 13
Establish Town Meeting Practices and Rules Committee
(Town Moderator)

To see if the Town will vote to establish a special committee, which shall be appointed by the Town Moderator. Said committee shall be called the Town Meeting Practices and Rules Committee (TMPRC). The TMPRC shall 1) review current Town Meeting practices and rules and other related processes, 2) advise Town Meeting of any recommendation modifying, adding or deleting Town Meeting practices, rules and/or related processes, 3) suggest modifications to the Natick By Laws relative to findings under items 1) and 2), and 4) update and make changes to the Town Meeting Member Handbook for Town Meeting approval. The TMPRC shall consist of no more than seven (7) members, including the Town Moderator and Town Clerk as ex officio members. Unless otherwise authorized by Town Meeting, the TMPRC shall complete its charge upon presenting a report to 2020 Spring Annual Town Meeting. Or otherwise act thereon.

Warrant Article Questionnaire Non-Standard Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 36	Date Form Completed: 9.01.19
Article Title: Amend Article 2 Section 10 c of Charter	
Sponsor Name: Town Meeting Practices and Rules Commiteee	Email:tmprcgiesmer@gmail.com

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	(Type response here) Please see attached motion and attached redline copy of charter
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	(Type response here) The article seeks to amend the charter to conform to the actual practices of town meeting and to restore the charter section to its original meaning. Currently Article 2 section 10 c is best explained in conjunction with Article 2 sections 10 a and 10 b. Section 10 a and 10 b specify that representatives of town agencies and town employees have the right to speak but not to make motions or vote. Town meeting has for years applied the same to residents and taxpayers. Section 10 –c regarding residents and taxpayers however says that they have subject to rules adopted from time to time have the right to participate but not to vote. Everyone at Town Meeting is subject to the rules which regulate procedure but do not create or withdraw rights. People only get to do four things at Town Meeting: observe, speak, make motions and vote. The last three constitute participation. The charter is open to the interpretation and implication that residents and taxpayers could be or are allowed to make motions. The proposed amendment changes the language to be consistent with sections 10 a and 10 b and to have the charter reflect the actual practice of Town Meeting. In addition, the proposed change provides a definition of “taxpayer” which is only used for this subsection. The proposed change is consistent with the original context of the Charter from 1980 when taxpayers were those persons or entities that owned real or personal property that was subject to valuation and assessment by the assessor. Since then the Town has added local option hotel and meals taxes. A taxpayer of the town could in theory be anyone paying such

Warrant Article Questionnaire Non-Standard Town Agency Articles

	<p>taxes. The original sense of the charter involved only those who lived here or owned property here. The proposed change clarifies and restores this original sense.</p> <p>Motor vehicle excise tax is not included because motor vehicles are not valued by the assessor. Most people have their vehicle registered where they live and so would be a resident. However, the state allows vehicles to be garaged in towns other than one's town of residence. Hence the exclusion effects only non residents.</p> <p>The provision pertaining to payment to the town treasurer collector also maintains the focus on actual taxpayers. Various non profits own real property that is valued and 'assessed'.</p>																											
3	<p>Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting? No</p>																											
Response	<p>Type response here)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 25%;">Warrant Period</th><th style="width: 25%;">Other Committees</th><th style="width: 25%;">FinCom Action</th><th style="width: 25%;">Town Meeting</th></tr> <tr> <td>FTM 2016</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2016</td><td></td><td></td><td></td></tr> <tr> <td>FTM 2015</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2015</td><td></td><td></td><td></td></tr> <tr> <td>Prior</td><td></td><td></td><td></td></tr> </table> <p>Comments:</p>				Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016				FTM 2015				SATM 2015				Prior			
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FTM 2016																												
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4	<p>Why is it required for the Town of Natick and for the Town Agency sponsor(s)?</p>																											
Response	<p>(Type response here)</p> <p>It's not required but it is prudent.</p>																											
5	<p>Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?</p>																											
Response	<p>(Type response here)</p> <p>No</p>																											

Warrant Article Questionnaire Non-Standard Town Agency Articles

6	<p>Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?</p> <p>Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?</p>
Response	<p>(Type response here)</p> <p>No</p>
7	<p>How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?</p>
Response	<p>(Type response here)</p> <p>Fits very well with established practices of Town Meeting.</p>
8	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p>
Response	<p>(Type response here)</p>
9	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> • Interested parties were notified in a timely way and had a chance to participate in the process • Appropriate Town Boards & Committees were consulted • Required public hearings were held
Response	<p>(Type response here)</p> <p>Met with the assessor and he treasure collector to confirm the way the valuation, assessment and collection processes works and what is and what is not subject to each such process.</p>
10	<p>Since submitting the article have you identified issues that weren't initially considered in the</p>

Warrant Article Questionnaire
Non-Standard Town Agency Articles

	development of the proposal?
Response	(Type response here) No
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	(Type response here)

Motion for Article 36

Move to amend Article 2 Section 10-c Residents and Taxpayers of the Town of Natick Home Rule Charter by:

Deleting the words “participate in the proceedings” and

Inserting in their place the word “speak” and

Inserting “make motions or to” after the words “but shall have no right to” and

Inserting a new sentence after the word “vote.” as follows:

“For the purposes of this sub section 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.”

So that Article 2 Section 10-c now reads

“(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 sub section 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 2-10 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. 2-4 April 2019

(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 sub section 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.

**Re: Town Meeting Procedures and Rules Committee**

1 message

Patrick Hayes <phayes.fincom@natickma.org>
To: Paul Griesmer <tmprcgriesmer@gmail.com>

Wed, Sep 4, 2019 at 7:09 PM

Paul,

Some questions that hopefull can be answered in advance of tomorrow night:

1. For the article specific to the committee report, is there a draft report that the Finance Committee will receive in advance so we have an understand of what you anticipate presenting to Town Meeting?
2. Will that presentation provide some detail on what other procedures and rules the committee is contemplating as recommended changes to the Town Meeting Handbook?
3. If not in the report the FinCom will receive, what document(s) might shed light on what is probably a long list of potential rules changes, procedural changes and such for Town Meeting, when in session?
4. When did the committee vote the **MOTIONS** for each article and what was the quantum of the vote?

There may be more questions but these are the ones that I've gotten so far.

Thank you...

Patrick

On Mon, Sep 2, 2019 at 1:42 PM Paul Griesmer <tmprcgriesmer@gmail.com> wrote:

Patrick,

Here are the links to all of the agendas; all duly posted on the bulletin board and the website.

Website Links to All Town Meeting Practices and Rules Committee Agendas

Posted on Website under "Main Calendar" - the Town IT people have yet to grace us with a heading of Town Meeting Practices and Rules Committee or give us a web page for posting minutes.

<https://www.natickma.gov/calendar.aspx?eid=6913><https://www.natickma.gov/calendar.aspx?eid=6829><https://www.natickma.gov/calendar.aspx?eid=6782><https://www.natickma.gov/calendar.aspx?eid=6779><https://www.natickma.gov/Calendar.aspx?EID=6749&month=6&year=2019&day=2&calType=0><https://www.natickma.gov/Calendar.aspx?EID=6724&month=6&year=2019&day=2&calType=0>

Get you what minutes I've got or have them forwarded to you.

We have a rotating recording secretary function.

On Mon, Sep 2, 2019 at 12:45 PM Patrick Hayes <phayes.fincom@natickma.org> wrote:

Paul,

I've looked for the committee's meeting agenda's and meeting minutes on line and so far I'm not finding the meeting minutes and using the calendar search functionality from the meeting calendar page on the Town website, I'm not finding the agendas either.

Can you please forward ALL agenda's for the committee from the initial meeting onward and please also forward all Meeting Minutes either in draft or final and approved. Please note any meeting minute document that is still in draft so the Finance Committee is aware of the difference.

It would be helpful to receive these documents as soon as possible in order to be distributed to members and posted on in NovusAgenda in advance of the public hearing.

--

Patrick Hayes
(508)-333-4994 (m)**Finance Committee Chairman**

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member-----
West Natick Fire Station Building Committee Member-----
Town Meeting Member

--

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**Re: Town Meeting Procedures and Rules Committee**

1 message

Paul Griesmer <tmprcgriesmer@gmail.com>

Mon, Sep 2, 2019 at 1:42 PM

To: Patrick Hayes <phayes.ficom@natickma.org>

Cc: moderator <moderator@natickma.org>, Linda Wollschlager <lwollschlager.ficom@natickma.org>, Bruce Evans <bevans.ficom@natickma.org>, Cathleen Collins <cmcollins1@verizon.net>, harrietm18@comcast.net, arosenman18@comcast.net, dugpondcschell@gmail.com

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Patrick Hayes
(508)-333-4994 (m)**Finance Committee Chairman***-Planning Governance Sub-Committee Chair*-----
Financial Planning Committee Member-----
West Natick Fire Station Building Committee Member-----
Town Meeting Member

**GMail not working**

1 message

Paul Griesmer <pgriesmer@comcast.net>

Wed, Sep 4, 2019 at 11:25 PM

To: phayes.fincom@natickma.org

Patrick

Gmail isn't working on the reply back to your email with some answers to your questions .

I copy pasted your email and the answers below in the hope Comcast is working.

"Patrick

Thanks

Answers below.

On Wed, Sep 4, 2019 at 7:10 PM Patrick Hayes <phayes.fincom@natickma.org> wrote:

Paul,

Some questions that hopefull can be answered in advance of tomorrow night:

1. For the article specific to the committee report, is there a draft report that the Finance Committee will receive in advance so we have an understand of what you anticipate presenting to Town Meeting?

The Report is not written yet. There is a summary document of issues we identified but it tells half the story. We had three other articles drafted and voted unanimously to hold off on them. We held off on those because of

The votes on the ones we sponsored were all 5-0-0. Each article draft (except the committee report) was accompanied by redlined changes to the existing charter or bylaws or new sections.

1. Will that presentation provide some detail on what other procedures and rules the committee is contemplating as recommended changes to the Town Meeting Handbook?

The report will present matters we considered and what are thought processes were. However, nothing that might be proposed at Spring Town Meeting will go into a revised handbook unless and until it is voted at Town Meeting. The work on the handbook is being focused on changes made to state law and the charter since the last handbook.

A draft handbook will not be used as a vehicle to propose changes.

1. If not in the report the FinCom will receive, what document(s) might shed light on what is probably a long list of potential rules changes, procedural changes and such for Town Meeting, when in session?

There is a list of possible changes but needs to be accompanied by pros , cons and alternatives. Some things are easy goals but very difficult to write. I'll give some examples here. First the principal: Town meeting functions best when FinCom has an opportunity to vet everything thoroughly. Town meeting does not function well if FinCom has been bypassed in whole or in part.

We considered a mandatory conditions precedent ByLaw that would require FinCom to consider anything before town meeting can take it up. This is to force sponsors to go through the process and put all their cards on the table. We considered a provision for Town Meeting to waive the mandatory condition requirement in an article (by 4/5ths) to allow a safety valve for extraordinary circumstances. FinCom bring shut out of the appraisal info on the \$40,000 to complete the \$7.6 million on the rail trail was an example. Another was where Town Meeting has met numerous nights and needs to finish. But the idea was to "force" sponsors through the FinCom process and provide a strong deterrent otherwise. Sponsors would have to be ready on time. There is strong agreement on the TMPRC for something like this.

However it easy when there has been absolutely no consideration. It's much trickier to write when something has been considered through FinCom and then significant new information emerges or the proposal changes or some board comes forward with further info. Translated that means FinCom did not get to consider "all matters of business within any article of Town Meeting".

So how to deal with new information ? There was strong (5-0-0 strong) that new information after or bypassing FinCom is an issue and problem.

But how to define new information? One can't just say new information. A \$4,000 change to a \$1,000,000 budget proposal is new but it's not compelling. Changing a \$1,000,000 budget to \$4,000 is new information and very compelling.

The COA making a pitch at TM against something that the BOS want is new information if COA didn't go before FinCom but that's debate in one sense that is the essence of TM.

On the other hand the BOS bringing brand new information to TM to support or salvage a TA proposal that was opposed by the SC or PB is different. The TA and BOS are essentially the same entity.

This was most challenging example to try and write: dealing with new information that emerges AFTER FinCom has heard something. It's very easy to say new information must be heard by FinCom first but that can also create timing issues.

So we want to present these types of issues in the report to give Town Meeting a sense of what's been considered in order to give them time to provide feedback. (Unless the TMPRC sponsored an article, we're not pushing anything. We're really only studying.)

On the issue of new information we think one answer might be to have it be a point of order with the ruling up to the Moderator as to whether the point is compelling. (Somewhat similar to reconsideration.) If the Moderator ruled to uphold the point of order, then the options for TM would be No Action, Postpone to a time certain (to allow info to be considered) or Waiver. Waiver if voted might (and emphasis on might) come with no limit on questions from members - because TM would then have to be both TM and FinCom. (The reason state law requires town's to have FinComs is because TM becomes unwieldy if it has to do all the diligence).

We also discussed being careful defining new information so that it would not be used by town agencies to derail proposals on procedural grounds for example a town agency not showing up at FinCom on a citizen petition but instead throwing all sorts of new info in front of TM. The town agencies work for the Town and need to show up at FinCom. But how to write this? That's a challenge. Perhaps it's not compelling if it should have been raised earlier?

The bottom line is that material or significant new information is viewed as a problem and one that's getting worse not better.

Another issue is new elements of fiscal procedures to be included in the budget message such as opeb, pension, stabilization etc. . These things didn't exist in 1980 when the charter was written. There is no reason TMM should have to ask these as questions.

We discussed an updated budget message for Fall Town Meeting especially around key actuals vs estimates for things such as new growth and health insurance. The non ex finance committee members were aghast that we have burned: outright lost \$1,000,000 total in two of the last five years just in new growth true up.


But the fiscal procedures are a charter change and require very careful wording. They might even require allowing certain specifics to be in a ByLaw.

We also discussed TMM not getting questions answered. It seems that silence is a tool that has been used instead of answering certain questions. The charter is clear that TM is to get the info it needs. So if it's an in scope question it needs an answer. We discussed a procedure that would require the Moderator to recess to get the answer or require postponement until the answer was provided.

But we also don't want that weaponized with some people being 'cute' by holding questions and asking things that have no fast answer or asking things when they know the knowledgeable person isn't there.

We discussed allowing TMM to email the moderator in advance - sufficiently for the moderator to get the answer. Then if it wasn't forthcoming it would clearly be on purpose and that could suspend matters until the answer was obtained.

We also discussed that the moderator should answer the question if he/she knows the answer. Calling on people when you could answer it is a waste of time and creates an opportunity for improper debate to accompany the answer. Better for the moderator to give the answer and then seek confirmation or further clarification. Meeting might move faster.

We had a lot of discussion about handouts, supplements, etc. People have no place to put this stuff so binders might work. We also discussed not voting anything that was received that night in the table and having at least 48 or 72 hours advance distribution for TMM to be required. There is strong  agreement that voting motions right after they are received can be a real problem.

Brand new information like dog zoning last spring or the free cash fiasco last fall are easy examples. But what about minor edits? This is essentially the same type of issue and challenges as new information.

We discussed the need to get copies of motions to TMM in writing - even to the point of having the copier on at the high school. Some motions such as 'referral to the PB' is pretty easy. Others are longer and are better understood when distributed. But how to define the circumstance that requires this when it's needed?

There is ongoing discussion about the consent agenda. This is probably the only issue where the committee is split.

But these are not really issues to debate or vet at FinCom because they are literally a preliminary work in process with absolutely no proposal. The report will be looking for feedback from TMM's for their perspective and reaction.

1. When did the committee vote the MOTIONS for each article and what was the quantum of the vote?

The redlined changes were the basis for the article votes. They preceded the articles. The literal change this word before that word and insert this sentence stuff was drafted afterwards directly from the redlined copies. We scheduled a meeting for this evening to go over the questionnaire answers and proof that the motions captured the redline copies we used to write and vote the articles.

Hope this helps.

There may be more questions but these are the ones that I've gotten so far.

Thank you...

Patrick "

Best Regards

Paul Griesmer

Sent from my iPhone

**Re: Town Meeting Procedures and Rules Committee**

1 message

Paul Griesmer <tmprcgriesmer@gmail.com>
To: Patrick Hayes <phayes.fincom@natickma.org>

Thu, Sep 5, 2019 at 1:44 PM

Some other items:

We discussed the role of representative town meeting including and perhaps especially under the charter Articles 1, 2, 6 and 7 of the charter compared to elected boards and committees under Article 3 of the charter or any committee created by ByLaw.

Article 1 provides a division of powers :

“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 board of selectmen. The legislative powers of the town shall be exercised by a representative town meeting.”

Article 2 establishes the overall powers and duties of town meeting including a catch all provision:

“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.”

This is different than what is attempted in the ByLaws

Article 3-2 of the charter says:

“(b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office in the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen 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 board of selectmen, 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 board of selectmen 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 words “ chief policy making agency of the town” are key and can only be understood in the context of the definitions in Article 7.

Article 7 defines “town agency” as:

“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.”
and defines “multiple member body” as

“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.”

Representative Town Meeting is NOT a town agency. So the Selectmen’s power is chief among all the town agencies - ie within the administrative branch - but is NOT superior to representative town meeting.

The recurring statements the the Selectmen are “the policy makers” or are “the chief policy makers” are not accurate. Whenever Representative Town Meeting needs to vote on something the representative town meeting is the policy maker. Period.

We discussed having the Moderator review these key provisions of the charter at Town Meeting so that everyone understands their roles. These roles are alternatively forgotten, not understood , and sometimes even distorted.

We also observed that the BOS cannot take away , intrude on or usurp the powers of other elected bodies such as planning board , school committee, library trustees, etc because these have powers given to them that include all possible powers under state law, etc.

We discussed that Article 10 Section 1 of the ByLaws is arguably if not in fact incorrect. This ByLaw section states “In accordance with Section 3-2 of the Charter, the Board of Selectmen shall be responsible for the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these by-laws.”

This is a competing but subordinate catch all provision that can only apply within the administrative branch. It not only doesn’t say that but it also ignores the duty of the Selectmen to coordinate policy with other elected officials.

We actually drafted a warrant article to fix this but will probably wait until spring.

The implications of this are several - including town meetings appreciation of its role and the appreciation and respect of that role by all parts of the administration. Significantly, it elevated the Finance Committee's standing as the main advisor to and due diligence arm of Town Meeting. Getting applicants for Finance Committee might be easier if everyone's roles were clearly understood.

We also discussed whether a point of order might be created to address inaccurate or incomplete answers to questions from town agencies. This is under consideration with a goal of getting Town Meeting accurate and complete information but not creating a tool that could be abused. More to come or maybe not.

There is some consideration of regulating the seating arrangement at Town Meeting so that neither the Selectmen nor the TS face Town Meeting but must face the moderator like everyone else. All persons have the same right to speak but this seating arrangement has been misused for a variety of non verbal and verbal communications including signs and hand signals - all of which are outside the moderators field of vision.

The seating arrangement also appears inconsistent with Town Meeting time.

On Wed, Sep 4, 2019 at 11:09 PM Paul Griesmer <tmprcgriesmer@gmail.com> wrote:
Patrick

Thanks

Answers below.

On Wed, Sep 4, 2019 at 7:10 PM Patrick Hayes <pahayes.fincm@natickma.org> wrote:
Paul,

Some questions that hopefull can be answered in advance of tomorrow night:

1. For the article specific to the committee report, is there a draft report that the Finance Committee will receive in advance so we have an understand of what you anticipate presenting to Town Meeting?

The Report is not written yet. There is a summary document of issues we identified but it tells half the story. We had three other articles drafted and voted unanimously to hold off on them. We held off on those because of

The votes on the ones we sponsored were all 5-0-0. Each article draft (except the committee report) was accompanied by redlined changes to the existing charter or bylaws or new sections.

1. Will that presentation provide some detail on what other procedures and rules the committee is contemplating as recommended changes to the Town Meeting Handbook?

The report will present matters we considered and what are thought processes were. However, nothing that might be proposed at Spring Town Meeting will go into a revised handbook unless and until it is voted at Town Meeting. The work on the handbook is being focused on changes made to state law and the charter since the last handbook.

A draft handbook will not be used as a vehicle to propose changes.

1. If not in the report the FinCom will receive, what document(s) might shed light on what is probably a long list of potential rules changes, procedural changes and such for Town Meeting, when in session?

There is a list of possible changes but needs to be accompanied by pros , cons and alternatives. Some things are easy goals but very difficult to write. I'll give some examples here. First the principal: Town meeting functions best when FinCom has an opportunity to vet everything thoroughly. Town meeting does not function well if FinCom has been bypassed in whole or in part.

We considered a mandatory conditions precedent ByLaw that would require FinCom to consider anything before town meeting can take it up. This is to force sponsors to go through the process and put all their cards on the table. We considered a provision for Town Meeting to waive the mandatory condition requirement in am article (by 4/5ths) to allow a safety valve for extraordinary circumstances. FinCom bring shut out of the appraisal info on the \$40,000 to complete the \$7.6 million on the rail trail was an example. Another was where Town Meeting has met numerous nights and needs to finish. But the idea was to "force" sponsors through the FinCom process and provide a strong deterrent otherwise. Sponsors would have to be ready on time. There is strong agreement on the TMPRC for something like this.

However it easy when there has been absolutely no consideration. It's much trickier to write when something has been considered through FinCom and then significant new information emerges or the proposal changes or some board comes forward with further info. Translated that means FinCom did not get to consider "all matters of business within any article of Town Meeting".

So how to deal with new information ? There was strong (5-0-0 strong) that new information after or bypassing FinCom is an issue and problem.

But how to define new information? One can't just say new information. A \$4,000 change to a \$1,000,000 budget proposal is new but it's not compelling. Changing a \$1,000,000 budget to \$4,000 is new information and very compelling.

The COA making a pitch at TM against something that the BOS want is new information if COA didn't go before FinCom but that's debate in one sense that is the essence of TM.

On the other hand the BOS bringing brand new information to TM to support or salvage a TA proposal that was opposed by the SC or PB is different. The TA and BOS are essentially the same entity.

This was most challenging example to try and write: dealing with new information that emerges AFTER FinCom has heard something. It's very easy to say new information must be heard by FinCom first but that can also create timing issues.

So we want to present these types of issues in the report to give Town Meeting a sense of what's been considered in order to give them time to provide feedback. (Unless the TMPRC sponsored an article, we're not pushing anything. We're really only studying.)

On the issue of new information we think one answer might be to have it be a point of order with the ruling up to the Moderator as to whether the point is compelling. (Somewhat similar to reconsideration.) If the Moderator ruled to uphold the point of order, then the options for TM would be No Action, Postpone to a time certain (to allow info to be considered) or Waiver. Waiver if voted might (and emphasis on might) come with no limit on questions from members - because TM would then have to be both TM and FinCom. (The reason state law requires town's to have FinComs is because TM becomes unwieldy if it has to do all the diligence).

We also discussed being careful defining new information so that it would not be used by town agencies to derail proposals on procedural grounds for example a town agency not showing up at FinCom on a citizen petition but instead throwing all sorts of new info in front of TM. The town agencies work for the Town and need to show up at FinCom. But how to write this? That's a challenge. Perhaps it's not compelling if it should have been raised earlier?

The bottom line is that material or significant new information is viewed as a problem and one that's getting worse not better.

Another issue is new elements of fiscal procedures to be included in the budget message such as opeb, pension, stabilization etc. . These things didn't exist in 1980 when the charter was written. There is no reason TMM should have to ask these as questions.

We discussed an updated budget message for Fall Town Meeting especially around key actuals vs estimates for things such as new growth and health insurance. The non ex finance committee members were aghast that we have burned: outright lost \$1,000,000 total in two of the last five years just in new growth true up.

But the fiscal procedures are a charter change and require very careful wording. They might even require allowing certain specifics to be in a ByLaw.

We also discussed TMM not getting questions answered. It seems that silence is a tool that has been used instead of answering certain questions. The charter is clear that TM is to get the info it needs. So if it's an in scope question it needs an answer. We discussed a procedure that would require the Moderator to recess to get the answer or require postponement until the answer was provided.

But we also don't want that weaponized with some people being 'cute' by holding questions and asking things that have no fast answer or asking things when they know the knowledgeable person isn't there.

We discussed allowing TMM to email the moderator in advance - sufficiently for the moderator to get the answer. Then if it wasn't forthcoming it would clearly be on purpose and that could suspend matters until the answer was obtained.

We also discussed that the moderator should answer the question if he/she knows the answer. Calling on people when you could answer it is a waste of time and creates an opportunity for improper debate to accompany the answer. Better for the moderator to give the answer and then seek confirmation or further clarification. Meeting might move faster.

We had a lot of discussion about handouts, supplements , etc. People have no place to put this stuff so binders might work. We also discussed not voting anything that was received that night in the table and having at least 48 or 72 hours advance distribution for TMM to be required. There is sting agreement that voting motions right after they are received can be a real problem.

Brand new information like dog zoning last spring or the free cash fiasco last fall are easy examples. But what about minor edits? This is essentially the same type of issue and challenges as new information.

We discussed the need to get copies of motions to TMM in writing - even to the point of having the copier on at the high school. Some motions such as 'referral to the PB' is pretty easy. Others are longer and are better understood when distributed. But how to define the circumstance that requires this when it's needed?

There is ongoing discussion about the consent agenda. This is probably the only issue where the committee is split.

But these are not really issues to debate or vet at FinCom because they are literally a preliminary work in process with absolutely no proposal. The report will be looking for feedback from TMM's for their perspective and reaction.

1. When did the committee vote the **MOTIONS** for each article and what was the quantum of the vote?

The redlined changes were the basis for the article votes. They preceded the articles. The literal change this word before that word and insert this sentence stuff was drafted afterwards directly from the redlined copies. We scheduled a meeting for this evening to go over the questionnaire answers and proof that the motions captured the redline copies we used to write and vote the articles.

Hope this helps.

There may be more questions but these are the ones that I've gotten so far.

Thank you...

Patrick

On Mon, Sep 2, 2019 at 1:42 PM Paul Griesmer <tmprcgriesmer@gmail.com> wrote:
Patrick,

Here are the links to all of the agendas; all duly posted on the bulletin board and the website.

Website Links to All Town Meeting Practices and Rules Committee Agendas

Posted on Website under "Main Calendar" - the Town IT people have yet to grace us with a heading of Town Meeting Practices and Rules Committee or give us a web page for posting minutes.

<https://www.natickma.gov/calendar.aspx?eid=6913>

<https://www.natickma.gov/calendar.aspx?eid=6829>

<https://www.natickma.gov/calendar.aspx?eid=6782>

<https://www.natickma.gov/calendar.aspx?eid=6779>

<https://www.natickma.gov/Calendar.aspx?EID=6749&month=6&year=2019&day=2&calType=0>

<https://www.natickma.gov/Calendar.aspx?EID=6724&month=6&year=2019&day=2&calType=0>

Get you what minutes I've got or have them forwarded to you.

We have a rotating recording secretary function.

On Mon, Sep 2, 2019 at 12:45 PM Patrick Hayes <phayes.fincom@natickma.org> wrote:
Paul,

I've looked for the committee's meeting agenda's and meeting minutes on line and so far I'm not finding the meeting minutes and using the calendar search functionality from the meeting calendar page on the Town website, I'm not finding the agendas either.

Can you please forward ALL agenda's for the committee from the initial meeting onward and please also forward all Meeting Minutes either in draft or final and approved. Please note any meeting minute document that is still in draft so the Finance Committee is aware of the difference.

It would be helpful to receive these documents as soon as possible in order to be distributed to members and posted on in NovusAgenda in advance of the public hearing.

--

Patrick Hayes
(508)-333-4994 (m)

Finance Committee Chairman

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member

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Patrick Hayes
(508)-333-4994 (m)

Finance Committee Chairman

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member

ITEM TITLE: Article 37: Report from Town Meeting Practices and Rules Committees
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
FinCom Q&A Response with Motion	9/2/2019	Exhibit

Warrant Article Questionnaire Non-Standard Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 37	Date Form Completed: 9.01.19
Article Title:	
Sponsor Name: Town Meeting Practices and Rules Committee	Email: tmprcgriesmer@gmail.com

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	<p>(Type response here)</p> <p>Motion A:</p> <p>“ Move to hear and to discuss the report of the Town Meeting Practices and Rules Committee created under Article 13 of Spring 2019 Annual Town Meeting.</p> <p>Motion B:</p> <p>“Move to appropriate the sum of \$5,000 from free cash for the purpose of creating copies of a revised draft Town Meeting Member Handbook for Spring 2020 Annual Town Meetings Consideration.”</p>
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	<p>(Type response here)</p> <p>The purpose is to report on numerous items considered by the committee to improve the functioning of town meeting and the work of various committees which precedes town meeting and upon which town meeting depends.</p> <p>The committee would like to present its findings and obtain feedback from Town Meeting members.</p>
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?
Response	Type response here) NO

Warrant Article Questionnaire Non-Standard Town Agency Articles

	Warrant Period	Other Committees	FinCom Action	Town Meeting	
	FTM 2016				
	SATM 2016				
	FTM 2015				
	SATM 2015				
	Prior				
	Comments:				
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?				
Response	(Type response here) Town Meeting voted it.				
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?				
Response	(Type response here) \$5,000 from free cash for copies of a revised Town Meeting member handbook for consideration and adoption at Spring 2020 Town Meeting. The estimate is based on 2000 copies of 250 pages at \$0.10 per page. The estimate is subject to revision.				
6	Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions? Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?				
Response	(Type response here) No				
7	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant				

Warrant Article Questionnaire Non-Standard Town Agency Articles

	state laws and regulations?
Response	(Type response here) Fits pretty well actually.
8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	(Type response here)
9	What steps and communication has the sponsor attempted to assure that: <ul style="list-style-type: none"> • Interested parties were notified in a timely way and had a chance to participate in the process • Appropriate Town Boards & Committees were consulted • Required public hearings were held
Response	(Type response here) N/A
10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	(Type response here) No
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	(Type response here) Town Meeting won't hear the report or get a new handbook.

ITEM TITLE: Article 38: Amend the Town of Natick By-Laws: Create New Standing Committee
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
FinCom Q&A Response	9/2/2019	Exhibit
Article 38 Motion	9/2/2019	Exhibit
Article 38 Redline of Town Bylaw art. 23	9/2/2019	Exhibit

Warrant Article Questionnaire Non-Standard Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # Article 38	Date Form Completed: 9.01.19
Article Title: Establish New Committee	
Sponsor Name: Town Meeting Practices and Rules Committee	Email: tmprcgriesmer@gmail.com

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	(Type response here) Please see attached motion and attached redlined version of Article 23 section 4
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	(Type response here) The article seeks to establish an advisory committee for the purpose of reviewing zoning articles for town meeting. Currently, all zoning articles are reviewed by a) the Planning Board under a state statute requirement and b) the Finance Committee under the bylaws. Towns are empowered under MGL Chapter 39 to create finance and or advisory committees and Town Meeting is allowed, under the charter, to create standing committees by bylaw for the review, study report and recommendation on warrant articles. This warrant article seeks do that for zoning matters. The zoning bylaw has become increasingly sophisticated with may inter-related parts. Zoning changes are becoming far more numerous as uses evolves an the Town becomes increasingly built out. Recent experiences have indicated that reviewing boards including the Planning Board, Selectmen and Finance Committee can fail to catch everything. A few examples include the removal of the SPGA for the Downtown, the 28 significant changes to the marijuana bylaw, the extensive changes to staff proposal for solar bylaw, the absence of special permit procedures and the inclusion of out of scope item in the Planning Board motion for a dog day care article at spring town meeting. All of these were caught by individual citizens. The two failed zoning by law rewrites contained numerous and very major errors and omissions. The point here is not to criticize. Zoning by its nature needs review of at least two committees. Zoning is by its nature tedious wording. Many Finance Committee members don't like it, aren't

Warrant Article Questionnaire Non-Standard Town Agency Articles

	<p>familiar enough with it to feel competent or don't spend the considerable time necessary to get it right. It's an acquired taste and skill which is not easily developed. The proposed special standing committee would be limited in members with a focus on persons skilled in zoning. These could be former planning board, finance committee or ZBA members who don't want the volunteer work commitment of those boards. Or such persons could be persons interested in getting on Planning Board or ZBA in which case this committee is a recruiting grounds of sorts.</p> <p>The purpose of such a committee is to improve the function of Town Meeting by having appropriate focused consideration on zoning and to have such consideration occur sooner. Problems in language or wording in zoning proposals can often be fixed if they are caught early. Such a committee would also give sponsors a place to go while waiting for the required scheduling and publication notices for the Planning Board and getting a date with the Finance Committee.</p> <p>The Finance Committee would not be required to hear zoning articles as a matter of course but could at its discretion consider them. In exceptional circumstances, The Moderator could require the Finance Committee to consider a zoning article. An example might be something as significant as another Natick Mall with significant open space money and new tax revenue.</p> <p>Finance Committee members would be eligible to serve on this special committee because this special committee would advise Town Meeting. Finance Committee members are allowed to serve on any committee which advises Town Meeting.</p> <p>The nature of zoning itself and the increased number of proposals in recent years suggest that the Town would benefit from such a committee. This committee would not and could not replace the Planning Board's required statutory role. However, all processes are improved with a second and independent look which is why Towns have advisory or finance committee's in the first place. The volume and complexity of recent zoning changes appears to have strained the Finance Committee and caused problems with getting quorums and completing other work. The Moderator has reported difficulty in getting Finance Committee members because of zoning.</p> <p>This warrant article also seeks to enhance the Finance Committee's reporting to Town Meeting. Whenever due consideration of all matters of business within any article could not be heard or completed, the Finance Committee would report that fact and the reason why. This would aid Town Meeting in understanding the reason for the delay or the failure. If, for one example, sponsors were not ready and the Finance Committee could not meet as a result, Town Meeting would be able to gauge whether the article is eventually prepared for consideration. If an article was complicated and required several Finance Committee meetings and the Finance Committee could not complete its work, Town Meeting would get a similar sense. Most importantly, Town Meeting would be informed when sponsors were not prepared and delayed or back ended the Finance Committee's work as a result. Such delays and backending place the Finance Committee in a difficult position of extra meetings, stressed compressed (short circuited)deliberation, problems getting quorums, fewer members participating and a diluted consideration – all of</p>
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Warrant Article Questionnaire Non-Standard Town Agency Articles

	<p>which adversely impacts Town Meeting. Some members of the TMPRC believe hat some sponsor delays have taken on a deliberate character to avoid in depth scrutiny. Backended consideration also results in the Town Meeting receiving numerous additional handouts, books, supplements and/or corrections – which also adversely affects Town Meeting. Having the reasons for delays, etc be reported will hopefully promote more prompt preparation and facilitate fewer “books”, handouts and corrections.</p> <p>Enhanced reporting is also sought regarding any questions asked by or at Finance Committee meetings which are pertinent to the article and which were not answered. This would not only facilitate town meetings consideration but also enable the Moderator to get the answers in advance of Town Meeting. Also, the practice of sponsors providing the Finance Committee with answers will be better facilitated.</p>																											
3	<p>Has this article or one of a very similar scope and substance been on a previous Warrant Article and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting? Yes</p>																											
Response	<p>Type response here)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 25%;">Warrant Period</th><th style="width: 25%;">Other Committees</th><th style="width: 25%;">FinCom Action</th><th style="width: 25%;">Town Meeting</th></tr> <tr> <td>FTM 2016</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2016</td><td></td><td></td><td></td></tr> <tr> <td>FTM 2015</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2015</td><td></td><td></td><td></td></tr> <tr> <td>Prior</td><td></td><td></td><td></td></tr> </table> <p>Comments: Dan Sullivan sponsored a somewhat similar and somewhat different article 2 years ago.</p>				Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016				FTM 2015				SATM 2015				Prior			
Warrant Period	Other Committees	FinCom Action	Town Meeting																									
FTM 2016																												
SATM 2016																												
FTM 2015																												
SATM 2015																												
Prior																												
4	<p>Why is it required for the Town of Natick and for the Town Agency sponsor(s)?</p>																											
Response	<p>(Type response here)</p> <p>The Town Meeting Practices and Rules Committee thinks this is a very goo and rather overdue idea.</p>																											
5	<p>Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?</p>																											
Response	<p>(Type response here)</p> <p>N/A</p>																											

Warrant Article Questionnaire Non-Standard Town Agency Articles

6	<p>Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?</p> <p>The article is entirely consistent with the provisions of the Charter in Article 2-9-c.</p> <p>Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?</p> <p>No</p>
Response	<p>(Type response here)</p> <p>See above.</p>
7	<p>How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?</p>
Response	<p>(Type response here)</p> <p>Fits right in.</p>
8	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p>
Response	<p>(Type response here)</p>
9	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> • Interested parties were notified in a timely way and had a chance to participate in the process • Appropriate Town Boards & Committees were consulted • Required public hearings were held
Response	<p>(Type response here)</p> <p>N/A</p>

Warrant Article Questionnaire
Non-Standard Town Agency Articles

10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	(Type response here) No
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	(Type response here) Town Meeting would continue to run the risk and/or continue to experience zoning articles which are not prepared, not fully vetted, are difficult to understand, and/or contain mistakes.

Amend the Town of Natick By-Laws: Create New Standing Committee
(Town Meeting Practices and Rules Committee)

PROPOSED MOTION A:

Move to amend the Town of Natick By-Laws by adding a new Article 23B – Zoning Advisory Committee, said standing committee being authorized by Section 2-11(e) of the Natick Home Rule Charter, and Massachusetts General Law, Chapter 39 § 16. Said new Article 23B – Zoning Advisory Committee shall read as follows:

“Section 1 - Purpose of the Zoning Advisory Committee

- 1.1 The Zoning Advisory Committee shall serve as a special advisory committee to Town Meeting with respect to all zoning warrant articles. It shall consider, recommend and report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of Town Meeting action.
- 1.2 Furthermore, the Committee shall conduct any studies and analyses of the Town it deems necessary for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters.

Section 2 - Composition, Term of Office; Eligibility; Removal, Resignation

- 2.1 Composition, Term of Office – There shall be a Zoning Advisory Committee, consisting of five (5) members appointed by the Town Moderator for terms of three (3) years each, which shall begin on July 1 of each year except that when the Committee is initially established, one (1) member shall be appointed for a term of one (1) year, two (2) shall be appointed for terms of two (2) years, and two (2) shall be appointed for terms of three (3) years; any vacancy occurring on the Committee shall be filled for the balance of any unexpired term. At the first meeting of each new fiscal year, the Zoning Advisory Committee shall conduct an organizational meeting to elect from its members a chair, a vice-chair and a clerk.
- 2.2 Eligibility – Any Town Meeting member or registered voter with expertise, experience or interest in zoning and the development of the Town of Natick shall be eligible to serve on the Zoning Advisory Committee provided, however, that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said committee. Zoning Advisory Committee members may, however, serve on committees that advise decision-making Town agencies or Town Meeting.
- 2.3 Removal, Resignation - Any member of the Zoning Advisory Committee who files for any Town elective office except that of Town Meeting member or Constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Zoning Advisory Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Zoning Advisory Committee members.

Section 3 - Role and Responsibilities of Zoning Advisory Committee

Consistent with its purposes, the Zoning Advisory Committee shall:

- 3.1 Consider all zoning-related matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report its recommendation as to each such article Town Meeting. Further, the Zoning Advisory Committee shall distribute a written report of its recommendations to each Town Meeting Member at least seven (7) days

in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The Committee's recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such.

- 3.2 Conduct zoning-related studies and analyses of the Town for the purpose of informing the Town and Town Meeting on matters related to and/or consistent with the purpose of the Committee.
- 3.3 Report the doings of the Committee each year, including any recommendations or suggestions it deems advisable on any zoning-related matters pertaining to the welfare of the Town.
- 3.4 Advise other Town Boards, Committees, and Commissions on zoning, land use and related matters as may be requested.
- 3.5 To ensure timely Advisory and allow sufficient time to properly study the issues, the Chair shall be notified within 48 hours of the receipt by any Town staff of any zoning-related warrant article submitted for inclusion in a warrant without waiting for the close of said warrant."

PROPOSED MOTION B:

Move to amend the Natick By-Laws Article 22 – Town Counsel by inserting in Section 5(c) the words "Zoning Advisory Committee," after the words "Retirement Board," and before the words "Personnel Board" in the last line of the section

so that Article 22 – Town Counsel, Section 5(c) of the Natick By-Laws shall read,

"The following shall have the right to request of Town Counsel advice concerning their duties: members of the Board of Selectmen, Town Clerk, Superintendent of Schools, Building Commissioner, Director of Public Works, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, Director of Recreation and Parks, Chief of Police, Fire Chief, Community Development Director, and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, Zoning Advisory Committee, Personnel Board and Recreation and Parks Commission."

PROPOSED MOTION C:

Move to amend the Natick By-Laws Article 23 Section 4 – The Finance Committee as follows:

In the first (1st) sentence of Section 4, after the words "all matters of business"," and before the words "included within the articles of any warrant for a Town Meeting" insert the words "except as provided below, which are"

and after the first sentence in Section 4, insert the following:

The Finance Committee shall consider all matters of business, except as provided below, which are included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. Whenever the representative town meeting shall have established standing committee(s) in accordance with Article 2-9-(c) of the Town Charter and assigned special advisory

committee responsibility for study, review and report in advance of town meeting action on subject matter of certain types of business within warrant articles to such special standing committee(s), the Finance Committee shall not have required responsibility for considering such matters of business. However, in such circumstances, the Finance Committee may, at its discretion, and shall, at the direction of the Moderator, consider, in advance of town meeting, all the matters of business within warrant article(s) the subject matter of which is assigned to a standing committee.

The Finance Committee shall distribute its said report to each of the Town Meeting Members at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such. Whenever the Finance Committee reports to Town Meeting and has not been able to consider all matters of business within any warrant article as required, the Finance Committee shall report in print that consideration did not occur or could not be completed and state the reasons why such consideration did not occur or was not completed. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant. Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town

The report of the Finance Committee shall include a statement of all questions pertaining to matters of business within any warrant article which were i) asked at its meetings or ii) asked of or through it in advance of its meetings and for which the Finance Committee did not receive answers. The purpose of this provision is to highlight open items for the representative Town Meeting's consideration.

Article 23

THE FINANCE COMMITTEE

Printed Version of Article 23

Section 1 Composition, Term of Office; Eligibility; Removal, Resignation

1.1 Composition, Term of Office - There shall be a Finance Committee, consisting of fifteen (15) citizens of the Town appointed by the Town Moderator for terms of three (3) years beginning July 1, so arranged that five (5) members are appointed each year.

1.2 Eligibility - Persons holding an elective Town office, except Town Meeting member or constable, and those serving on appointed committees or boards that have responsibility for issuing permits, approving expenditure of funds, or exercising final authority over any matter are not eligible to be Finance Committee members. Finance Committee members may serve on committees that advise decision-making Town agencies or Town Meeting. No Finance Committee member shall serve for more than a total of twelve (12) years.

1.3 Removal or Resignation from Office - Any member of the Finance Committee who files for any Town elective office except that of Town Meeting member or constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Finance Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Finance Committee members.

Section 2 Secretary

The Finance Committee may employ, subject to an appropriation therefor, a Secretary.

Section 3 reserved.

Section 4 Report, Recommendations

The Finance Committee shall consider all matters of business, except as provided below, which

are included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. Whenever the representative town meeting shall have established standing committee(s) in accordance with Article 2-9-(c) of the Town Charter and assigned special advisory committee responsibility for study, review and report in advance of town meeting action on subject matter of certain types of business within warrant articles to such standing committee(s), the Finance Committee shall not have required responsibility for considering such matters of business. However, in such circumstance, the Finance Committee may, at its discretion, and shall, at the direction of the Moderator, consider, in advance of town meeting, all the matters of business within warrant article(s) the subject matter of which is assigned to a standing committee.

The Finance Committee shall distribute its said report to each of the Town Meeting Members at least seven (7) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such. Whenever the Finance Committee reports to Town Meeting and has not been able to consider all matters of business within any warrant article as required, the Finance Committee shall report in print that consideration did not occur or could not be completed and state the reasons why such consideration did not occur or was not completed. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant. Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town

The report of the Finance Committee shall include a statement of all questions pertaining to matters of business within any warrant article which were i) asked at its meetings or ii) asked of or through it in advance of its meetings and for which the Finance Committee did not receive answers. The purpose of this provisions is to highlight open items for the representative Town Meeting's consideration.

Section 5 Audits

The Finance Committee shall have the authority at any time to investigate the books, accounts and management of any department of the Town, and to employ such expert and other assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for the purpose. The Committee may appoint subcommittees and delegate to them such of its power as it deems expedient.

Sections 6, 7, 8 deleted by Article 38 ATM 10/3/91