

**2015 Spring Annual Town Meeting
Fine and Performing Arts Center
Natick High School
April 14, 2015
First Session**

The First Session of the 2015 Spring Annual Town Meeting was called to order at 7:40 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the First Session of 2015 Spring Annual Town Meeting. Mr. Foss presented the official, duly posted warrant signed by the Board of Selectmen with the officer's return thereon to the Town Clerk to be entered into the official record of the town. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. The oath was given to all new Town Meeting Members. All members and the audience stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; James Everett, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Charles Hughes, Chair of the Board of Selectmen; Mr. Chenard, Deputy Town Administrator for Operations and Mr. Towne, Deputy Town Administrator for Finance.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by ***Town Meeting Time***, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

All motions offered for consideration by Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member. No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, once a member is recognized, it is the practice of Town Meeting to first ask questions, then propose a motion and/or debate the highest ranking motion. This practice is unchanged. Once a speaker is called upon by the Moderator the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick By-Laws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound question and divided by the Moderator. When a question on an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," found in the Natick By-Laws, the Town Meeting Member Handbook and ***Town Meeting Time***. Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking on the matter. The motion for the previous question shall not be entertained by the Moderator if three or more persons, who have not previously spoken to the question, are seeking recognition. By rule, indefinite postponement shall be considered a negative main motion and may be entered by the Moderator whenever any main motion or subsidiary motion is in order. This shall not change the order of precedence of motions as specified in Article 3, Section 6 of our By-Laws or any other practice regarding indefinite postponement as specified in our Charter, the Natick By-Laws or ***Town Meeting Time***. Without objection, the preceding statements were accepted as rules of 2015 Spring Annual Town Meeting.

The Moderator suggested a motion to waive the reading of articles and motions. Moved by Mr. Hughes seconded by Mr. Gath to waive reading the text of all 2015 Spring Annual Town Meeting warrant articles and move to waive reading the text of motions, excluding the amounts to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of Recommendations of the Natick Finance Committee publications. ***The motion passed unanimously.***

Mr. Foss made several announcements regarding upcoming events open to the public.

Moved by Ms. Collins, seconded by Mr. Hughes to postpone consideration of Article 15 to April 16, 2015 such that it be taken up as the first order of business on Thursday, April 16, 2015. ***The motion to postpone Article 15 passed by a two-thirds vote.*** Moved by Mr. Sidney, seconded by Mr. Hughes to postpone consideration of Articles 24, 25 and 26 until the first order of business on May 12, 2015. ***The motion to postpone consideration of Articles 24, 25 and 26 passed by two-thirds vote.*** Moved by Mr. Munnich, seconded by Mr. Hughes to postpone Article 33 and 35 until after Article 34, and to advance Article 34 to follow Article 32. ***The motion to reorder Articles 32-35 passed unanimously.*** Moved by Mr. Munnich, seconded by Mr. Hayes to postpone Articles 8 and 9 until after the consideration of Articles 6, 7, 10, 27, 28, 29, 31, 31, 32, 33, 34, 35, 36 and 37. ***This motion passed by two-thirds vote.***

Ms. White introduced the new Director of Public Works, Mr. Jeremy Marsette and to introduce Mr. Rick White, who had been the interim Fire Chief but has been appointed as Fire Chief.

Ms. White read a proclamation regarding the dedication of the Annual Report which was dedicated to Mr. Michael McDaniel who was killed in the line of duty on February 4, 2014. She was joined at the podium by Kathleen McDaniel, Mr. McDaniel's widow and Kathleen's father, Don McIver. They were presented with bound copies of the Annual Report. Ms. White read the following dedication.

The 2014 Natick Town Report is dedicated to long-time DPW employee and General Foreman Michael F. McDaniel Jr. On February 4, 2014 Michael was killed in a work accident while he and his crew were performing emergency repairs on a water line on West Street.

Born and raised in Natick, Mike was a 1983 graduate of Natick High School. Michael was devoted to his wife Kathleen and daughter Caroline, and derived great pleasure from time spent in the company of his family and friends. Michael enjoyed many outdoor activities including fishing, working in his garden, playing sports and bike riding with Caroline. Michael loved his job, as evidenced by his twenty-six year career with the Town of Natick's Water Department.

This tragic accident shook Natick DPW and Town employees, the community of Natick, and public works employees across the state. They, along with Michael's family, friends and co-workers, deeply appreciated the support they received from neighbors, friends and the public.

This accident was a terrible reminder of the dangers that may exist in familiar work environments and during routine operations. While the Natick DPW has well-established safety protocols and policies, and employees receive safety training, tragedies can still occur.

In losing Michael, we are reminded that our valued employees are individuals with families, interests, histories and hopes; they are men and women who perform essential and varied work throughout the year in support of the community and its residents. The water we drink, roads we travel, the emergency medical assistance we receive, the education of our children, the library programs we enjoy – and so much more – are made possible by the good work of Natick's Town employees.

We thank and honor Michael F. McDaniel Jr. for his service to the Town of Natick, and wish his family peace.

Without objection the above proclamation was entered into the record of Town Meeting.

**ARTICLE 1: Appropriate Funds for the Family of Michael McDaniel, Jr.
(Town Administrator)**

To see if the Town will vote to appropriate the sum of \$50,000, in addition to \$100,000 appropriated under Article 1 of the 2014 Spring Annual Town Meeting, said sum to be deposited to a “529 Educational Savings Plan” to be held in the name of The Kathleen McDaniel Educational Trust, Kathleen McDaniel being the widow of Michael McDaniel Jr., long time employee of the Town of Natick Department of Public Works, killed in the line of duty on February 4, 2014, or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 10-0-0 on March 3, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 1.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett to appropriate the sum of \$50,000 from free cash, in addition to \$100,000 appropriated under Article 1 of the 2014 Spring Annual Town Meeting, said sum to be deposited to a “529 Educational Savings Plan” to be held in the name of The Kathleen McDaniel Educational Trust, Kathleen McDaniel being the widow of Michael McDaniel Jr., long time employee of the Town of Natick Department of Public Works, killed in the line of duty on February 4, 2014.

Ms. White spoke to this article. *The main motion under Article 1 passed unanimously.*

ARTICLE 2: Authorize Board of Selectmen to Accept, Obtain, Abandon or Relocate Utility Easements (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2016, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the Town; and, further, to authorize the Board of Selectmen during Fiscal Year 2016 to abandon or relocate easements acquired for any of the foregoing purposes; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 10-0-0 on March 3, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 2.*

MOTION (requires two-thirds vote):

Moved by Mr. Evans, seconded by Mr. Everett to authorize the Board of Selectmen, during Fiscal Year 2016, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the Town; and, further, to authorize the Board of Selectmen during Fiscal Year 2016 to abandon or relocate easements acquired for any of the foregoing purposes.

Moved by Mr. Hughes, seconded by Mr. Jennett to amend the main motion by inserting “subsequent to a Public Hearing” after the word “Selectmen” in the fifth line of the motion. *The amendment passed unanimously. The amended main motion passed unanimously.*

**ARTICLE 3: Amend Town By-Laws for Single-Use Plastic Bag Reduction
(Pat Conaway et al)**

To see if the Town will vote to amend the Town of Natick By-Laws to add Article 85 as set forth below:

Add a new Article to the Town of Natick By-Laws, namely Article 85, to reduce the use of single-use plastic carry out bags at business checkouts as follows:

**“ARTICLE 85
PLASTIC BAG REDUCTION**

Section 1 Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics.”

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment.”

“Board”, the Natick Board of Health.

“Chairman”, the Chairman of the Board of Health or his/her designee.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Marine degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Chairman, provided additional, Chairman-approved standards are as stringent as ASTM D7081.

“Reusable check-out bag”, a bag with handles that is specifically designed for multiple reuse and is either (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 2.25 mils thick; or (3) made of other durable material.

“Retail Establishment”, any retail store that satisfies at least one of the following requirements:

(a) a retail space of 2,500 square feet or larger or at least three (3) locations under the same name within the Town of Natick that total 2,500 square feet or more; or (b) a retail pharmacy with at least two locations under the same ownership within the Town of Natick; (c) a full-line, self-service supermarket that had annual gross sales in excess of \$1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or nonfood items and some perishable items; or (d) a food-service establishment including, but not limited to, fast-food establishments that had annual gross sales in excess of \$500,000 during the previous tax year.

Section 2 Requirements

If a retail establishment as defined in Section 1 provides plastic checkout bags to customers, the plastic bags shall comply with the requirements of being compostable plastic bags, as well as marine degradable plastic bags.

(a) Nothing in this Section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags at checkout, which are made of at least 40% post consumer recycled paper and no old growth fibers.

(b) The Chairman may promulgate rules and regulations to implement this Section.

Section 3 Penalties and Enforcement

(a) Each Retail Establishment, as defined in Section 1 above, located in the Town of Natick shall comply with this By-law.

(b) If the Chairman determines that a violation of this By-law has occurred, the Chairman shall act as follows:

(1) Chairman shall issue a warning notice to the Retail Establishment for the initial violation;

(2) Chairman shall issue a notice of violation and shall impose a penalty against the Retail Establishment if an additional violation of this By-law has occurred by the Retail Establishment within one year after the initial warning notice. The penalty for each violation that occurs after the issuance of the Chairman’s initial warning notice shall be no more than:

i. \$50 for the first offense; and

ii. \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the Natick District Court.

(c) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(d) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

Section 4 Effective Date and Waivers

All of the requirements set forth in this By-law shall take effect July 1, 2016. In the event that compliance with the effective date of this By-law is not feasible for a Retail Establishment because of either unavailability of alternative checkout bags or economic hardship, the Chairman may grant a waiver of not more than six (6) months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six (6) month period upon showing of continued infeasibility as set forth above." or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 8-2-0 on March 19, 2015, the Finance Committee recommends Referral to Sponsor, Board of Health and Economic Development Committee with regard to the subject of Article 3.*

MOTION (requires majority vote):

Moved by Mr. Conaway, seconded by Mr. Glater to amend the Town of Natick By-Laws to add Article 85 as set forth below:

“ARTICLE 85 PLASTIC BAG REDUCTION

Section 1 Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics.”

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment.”

“Board”, the Natick Board of Health.

“Chairman”, the Chairman of the Board of Health or his/her designee.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Marine degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Chairman, provided additional, Chairman-approved standards are as stringent as ASTM D7081.

“Reusable check-out bag”, a bag with handles that is specifically designed for multiple reuse and is either (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 2.25 mils thick; or (3) made of other durable material.

“Retail Establishment”, any retail store that satisfies at least one of the following requirements:

(a) a retail space of 2,500 square feet or larger or at least three (3) locations under the same name within the Town of Natick that total 2,500 square feet or more; or (b) a retail pharmacy with at least two locations under the same ownership within the Town of Natick; (c) a full-line, self-service supermarket that had annual gross sales in excess of \$1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or nonfood items and some perishable items; or (d) a food-service establishment including, but not limited to, fast-food establishments that had annual gross sales in excess of \$500,000 during the previous tax year.

Section 2 Requirements

If a retail establishment as defined in Section 1 provides plastic checkout bags to customers, the plastic bags shall comply with the requirements of being compostable plastic bags, as well as marine degradable plastic bags.

(a) Nothing in this Section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags at

checkout, which are made of at least 40% post consumer recycled paper and no old growth fibers.

(b) The Chairman may promulgate rules and regulations to implement this Section.

Section 3 Penalties and Enforcement

(a) Each Retail Establishment, as defined in Section 1 above, located in the Town of Natick shall comply with this By-law.

(b) If the Chairman determines that a violation of this By-law has occurred, the Chairman shall act as follows:

(1) Chairman shall issue a warning notice to the Retail Establishment for the initial violation;

(2) Chairman shall issue a notice of violation and shall impose a penalty against the Retail Establishment if an additional violation of this By-law has occurred by the Retail Establishment within one year after the initial warning notice. The penalty for each violation that occurs after the issuance of the Chairman's initial warning notice shall be no more than:

i. \$50 for the first offense; and

ii. \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the Natick District Court.

(c) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(d) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

Section 4 Effective Date and Waivers

All of the requirements set forth in this By-law shall take effect July 1, 2016. In the event that compliance with the effective date of this By-law is not feasible for a Retail Establishment because of either unavailability of alternative checkout bags or economic hardship, the Chairman may grant a waiver of not more than six (6) months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six (6) month period upon showing of continued infeasibility as set forth above."

or otherwise act thereon.

Moved by Mr. Ostroff seconded by Mr. Glater to amend the main motion as follows:

(a) Under the definition "Marine degradable plastic bag" to change the word "and" in the second line to "or" and change "conform" to "conforms"

(b) To add a new definition under "Marine degradable plastic bag" for "Biodegradable plastic bag", a plastic bag that conforms to ASTM standards for degradability; or conforms to any other standards for biodegradability deemed acceptable by the Chairman.

(c) In the definition "Retail Establishment" under point (a) to add the words "of retail space;" before the words "or (b)"

(d) In Section 2 at the end of the first paragraph add the words "if commonly available, or biodegradable plastic bags if marine degradable plastic bags are not commonly available" after the word "bags".

(e) In Section 4 replace the words "six (6)" with the words "twelve (12) in the fourth line; and under (1) after the word "additional" add the words "period of up to" and replace the words "six (6)" with the words "twelve (12); add an "s" to the word months and delete the word "period" in the last line.

The Moderator stated that Town Meeting would vote on the amendment first. ***The amendment as presented passed by majority vote.***

Moved by Ms. Salamoff, seconded by Mr. Linehan to amend Article 3 to change the wording in every sentence where it states "Board of Health" or "Chairman of the Board of Health or Chairman," to "Board of Health" except in the list of definitions. ***The amendment passed by majority vote.***

Moved by Mr. Evans, seconded by Mr. Jennet to refer the subject matter of Article 3 to the Board of Health and the Economic Development Committee.

Discussion ensued on this article. Members of Town Meeting and also members of the public spoke on this article.

Moved by Mr. Scott Joseph, seconded by Mr. Gath to move the question and close debate on this article. *The motion to close debate passed by two-thirds vote. The motion to refer this article to the Board of Health and the Economic Development Committee passed by majority vote.*

ARTICLE 4: Increase Personal Property Exemptions (Board of Assessors)

To see if the Town will vote to increase the Personal Exemption amounts by 47.5% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person); or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 10-0-0 on March 19, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 4.*

MOTION (requires majority vote):

Moved by Mr. Evans seconded by Mr. Everett that the Town vote to increase the Personal Exemption Amounts by 47.5% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in Massachusetts General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person).

Ms. Dangelo spoke to this article. *The main motion under Article 4 passed unanimously.*

ARTICLE 5: Home Rule Petition for Means-Tested Senior Property Tax Exemption (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objections of said petition.

“An Act authorizing the Town of Natick to establish a means tested Senior Citizen property tax exemption.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as residential in the town of Natick there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the states “circuit breaker” income tax credit, and (ii) the amount of the state’s “circuit breaker” credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (a) the qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

- (d) the applicant or at least 1 of the joint applicants has been domiciled in the town of Natick for at least 10 consecutive years before filing an application for the exemption;
- (e) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Natick single family residence plus 10 per cent; and
- (f) the board of assessors has approved the application.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 per cent of the fiscal year's total residential property tax levy for the town of Natick with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the board of selectmen within a range of .5 to 1 per cent of the residential property tax levy for the town of Natick. In the event that benefits to the applicants may be limited because the percentage established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Natick shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 8. This act shall expire after 3 years of implementation of the exemption unless extended by the Legislature for an additional term of no less than 3 years." Or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 9-1-0 on March 19, 2015, the Finance Committee recommends **Referral to the Board of Selectmen** with regard to the subject of Article 5.*

MOTION (requires majority vote):

Moved by Mr. Hughes, seconded by Mr. Jennett to refer the subject matter of Article 5 to the Board of Selectmen

The motion to refer the subject matter of Article 5 to the Board of Selectmen passed by majority vote.

ARTICLE 6: Home Rule Petition to Allow Lease of Former Middlesex Avenue Parking Garage Site (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, including without limitation all or part of the parcels described below and parcels which adjoin such parcels, and subject to clarification of the addresses and parcels referenced, and provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

“AN ACT authorizing the town of Natick to lease certain town-owned property.

Be it enacted by the Senate and House of Representatives and General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Natick may issue a request for proposals to lease for a term not to exceed 99 years, including any extension or renewal terms, the town owned property described as a municipal parking lot and which is now or formerly the site of the Middlesex Avenue parking garage, including all or part of the following parcels: 20 Middlesex Avenue (Natick Assessors' Map 43, Parcels 387 and 388A), 33 Summer Street (Natick Assessors' Map 43, Parcels 388B and 388C), 42 Middlesex Avenue (Natick Assessors' Map 43, Parcel 388D), and those portions of a town layout on Assessors Map 43 abutting parcels 43-388B, 43-388C and 43-388D which lie within the town owned property described as a municipal parking lot that is now or formerly the site of the Middlesex Avenue parking garage, for the construction, operation and management of a facility which would provide residential, commercial or institutional use, or a combination of those uses consistent with the town's goals for Natick center, and which shall provide public parking, or for providing public parking as a principal use on some or all of said property. The board of selectmen may then enter into a lease for the property for a term not to exceed 99 years, including any extension or renewal terms. Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 2. Chapter 167 of the Acts of 2012 is hereby repealed.

SECTION 3. This act shall take effect upon its passage."

Or otherwise act thereon

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 10-4-0 on March 26, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 6.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, including without limitation all or part of the parcels described below and parcels which adjoin such parcels, and subject to clarification of the addresses and parcels referenced, and provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

"AN ACT authorizing the town of Natick to lease certain town-owned property.

Be it enacted by the Senate and House of Representatives and General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Natick may issue a request for proposals to lease for a term not to exceed 99 years, including any extension or renewal terms, the town owned property described as a municipal parking lot and which is now or formerly the site of the Middlesex Avenue parking garage, including all or part of the following parcels: 20 Middlesex Avenue (Natick Assessors' Map 43, Parcels 387 and 388A), 33 Summer Street (Natick Assessors' Map 43, Parcels 388B and 388C), 42 Middlesex Avenue (Natick Assessors' Map 43, Parcel 388D), and those portions of a town layout on Assessors Map 43 abutting parcels 43-388B, 43-388C and 43-388D which lie within the town owned property described as a municipal parking lot that is now or formerly the site of the Middlesex Avenue parking garage, for the construction, operation and management of a facility which would provide residential, commercial or institutional use, or a combination of those uses consistent with the town's goals for Natick center, and which shall provide public parking, or for providing public parking as a principal use on some or all of said property. The board of selectmen may then enter into a lease for the property for a term not to exceed 99 years, including any extension or renewal terms. Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 2. Chapter 167 of the Acts of 2012 is hereby repealed.

SECTION 3. This act shall take effect upon its passage."

Mr. Ostroff spoke to Articles 6 and 7 at this time. ***The main motion under Article 6 passed by majority vote.***

ARTICLE 7: Home Rule Petition to Allow Lease of South Avenue Parking Lot Site (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, including without limitation all or part of the parcels described below and parcels which adjoin such parcels, and subject to clarification of the addresses and parcels referenced, and provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

“AN ACT authorizing the town of Natick to lease certain town-owned property.

Be it enacted by the Senate and House of Representatives and General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Natick may issue a request for proposals to lease for a term not to exceed 99 years, including any extension or renewal terms, the town owned property described as a municipal parking lot and which is now or formerly the site of the South Avenue parking lot, including all or part of the following parcels: 5 Clarendon Street (Natick Assessors’ Map 44, Parcel 359), 7 Clarendon Street (Natick Assessors’ Map 44, Parcel 360), 32 East Central Street (Natick Assessors’ Map 44, Parcel 356A), 18 Hayes Street (Natick Assessors’ Map 44, Parcel 355), 27 South Avenue (Natick Assessors’ Map 44, Parcel 326), 37 1/2 South Avenue (Natick Assessors’ Map 44, Parcel 327), 39 South Avenue (Natick Assessors’ Map 44, Parcels 328 and 329), and 53 South Avenue (Natick Assessors’ Map 44, Parcel 330), for the construction, operation and management of a facility which would provide residential, commercial or institutional use, or a combination of those uses consistent with the town’s goals for Natick center, and which shall provide public parking, or for providing public parking as a principal use on some or all of said property. The board of selectmen may then enter into a lease for the property for a term not to exceed 99 years, including any extension or renewal terms. Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 2. Chapter 166 of the Acts of 2012 is hereby repealed.

SECTION 3. This act shall take effect upon its passage”

Or otherwise act thereon

FINANCE COMMITTEE RECOMMENDATION: *By a vote of 9-5-0 on March 26, 2015, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 7.*

MOTION (requires majority vote):

Moved by Mr. Evans, seconded by Mr. Everett that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, including without limitation all or part of the parcels described below and parcels which adjoin such parcels, and subject to clarification of the addresses and parcels referenced, and provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

“AN ACT authorizing the town of Natick to lease certain town-owned property.

Be it enacted by the Senate and House of Representatives and General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Natick may issue a request for proposals to lease for a term not to exceed 99 years, including any extension or renewal terms, the town owned property described as a municipal parking lot and which is now or formerly the site of the South Avenue parking lot, including all or part of the following parcels: 5 Clarendon Street (Natick Assessors’ Map 44, Parcel 359), 7 Clarendon Street (Natick Assessors’ Map 44, Parcel 360), 32 East Central Street (Natick Assessors’ Map 44, Parcel 356A), 18 Hayes Street (Natick Assessors’ Map 44, Parcel 355), 27 South Avenue (Natick Assessors’ Map 44, Parcel 326), 37 1/2 South Avenue (Natick Assessors’ Map 44, Parcel 327), 39 South Avenue (Natick Assessors’ Map 44, Parcels 328 and 329), and 53 South Avenue (Natick Assessors’ Map 44, Parcel 330), for the construction, operation and management of a facility which would provide residential, commercial or institutional use, or a combination of those uses consistent

with the town's goals for Natick center, and which shall provide public parking, or for providing public parking as a principal use on some or all of said property. The board of selectmen may then enter into a lease for the property for a term not to exceed 99 years, including any extension or renewal terms. Any lease entered into pursuant to this act shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.

SECTION 2. Chapter 166 of the Acts of 2012 is hereby repealed.

SECTION 3. This act shall take effect upon its passage"

The main motion under Article 7 passed by majority vote.

Mr. Ostroff moved, seconded by Mr. Sidney to adjourn. *The motion to adjourn passed by a majority vote. The meeting adjourned at 10:00 PM until Thursday, April 16th at 7:30 PM.*

A record of the First Session of
2015 Spring Annual Town Meeting
April 14, 2015

Diane Packer, Town Clerk