

**TOWN OF NATICK
NATICK FINANCE COMMITTEE**

To: Town Meeting Members

From: Frank Foss, Chairman, and the Natick Finance Committee

Re: Finance Committee Recommendations for the October 21, 2003 Fall Town Meeting

- Article 1 Omnibus Budget FY04
- Article 2 Capital Equipment
- Article 3 Capital Improvement
- Article 4 Capital Improvement – Natick Public Schools
- Article 5 Relining Water Main – Union St., Summer St., Pond Street
- Article 6 Town Forest & Broads Hill Water Storage Reservoir Updates
- Article 7 Lease Repair
- Article 8 Collective Bargaining Settlements
- Article 9 Collective Bargaining Settlements – Natick Public Schools
- Article 10 Personnel Board
- Article 11 Unpaid Bills
- Article 12 Free Cash to Reduce Tax Rate
- Article 13 Home Rule Petition – Club Licenses Regulation Change
- Article 14 School Street Extension – Improvement/Acceptance
- Article 15 Street Acceptance – Carter Drive, Jacqueline Circle
- Article 16 Citizen Petition – Clubhouse Lane, Saddle Brook Road Sewer
- Article 17 Citizen Petition – Trash Pickup
- Article 18 Citizen Petition – School Bus Fee Policy
- Article 19 Authorization to Purchase State Surplus Land – Speen Street
- Article 20 Acquisition of Land – Morency Street
- Article 21 Amend Zoning By-Laws: Design Review Board
- Article 22 Amend Zoning By-Laws: Housing Overlay District
- Article 23 Amend Town By-Laws: Use of Recreational Conveyances
- Article 24 Amend Town By-Laws: Special Rules for the Motion to Dissolve
- Article 25 Home Rule Petition – Baby Safe Haven

**FALL TOWN MEETING
OCTOBER 21, 2003**

**ARTICLE 1
(Town Administrator)**

To determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operation of the government of the Town of Natick, including debt and interest, and to provide for a reserve fund for Fiscal Year 2004 (July 1, 2003 to June 30, 2004), and to see what budgets for Fiscal 2004 will be reduced to offset said additional appropriations, or take any action relative thereto.

RECOMMENDATIONS: By the votes indicated below made on October 9, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 1 and that the following Fiscal Year 2004 budgets be amended and/or supplemented as follows:

1) Budget: South Middlesex Regional Technical School (Keefe Tech.), by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|----------------------|--|-----------|---------------|
| Reduce Appropriation | South Middlesex Regional Tech. School | Tax Levy | \$152,000 |

2) Budget: Debt Service, Lease Purchase Contract Obligations, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|----------------------|-----------------|-----------|---------------|
| Reduce Appropriation | Debt & Interest | Tax Levy | \$451,750 |

3) Budget: Fire Department Encumbrance, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|------------------|-------------------------------------|---------------|
| Transfer | Fire Alarm Study | | \$46,008 |
| | | Fire Department, Purchase Ambulance | \$23,408 |
| | | Fire Department – Fire Grant Match | \$22,600 |

4) Budget: Town Treasurer, by a vote of 13-0-0 (J. Phillips not voting)

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|--|--|---------------|
| Transfer | Town Treasurer - Bank Services Fees | Town Collector – Operational Staff Overtime | \$5,000 |

5) Budget: Water/Sewer Enterprise, by a vote of 13-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|------------------------------------|-------------------------|---------------|
| Transfer | Water/Sewer – Retained Earnings | Water/ Sewer – Revenues | \$618,094 |

6) Budget: Overlay Fund Use, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-----------------|---|---------------|
| Appropriation | Overlay Surplus | Employee Fringe Benefits & Insurance – Insurance Group Health & Life | \$100,000 |

7) Budget: Employee Fringe Benefits & Insurance, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|------------------------|---------------|
| Appropriation | Free Cash | Insurance Unemployment | 84,000 |

8) Budget: Board of Selectmen, by a vote of 13-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|---------------------|---------------|
| Appropriation | Free Cash | Salaries Management | \$48,400 |

9) Budget: Human Services, by a vote of 13-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|---------------------|---------------|
| Appropriation | Free Cash | Salaries Management | \$6,045 |

10) Budget: Community Development, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|-------------------------------------|---------------|
| Appropriation | Free Cash | Salaries - Tech. & Prof. Inspectors | \$12,000 |

11) Budget: Public Works Highway Maintenance Services, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|----------------------|---------------|
| Appropriation | Free Cash | Glenn Street Project | \$15,000 |

12) Budget: Fire Department, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|--|-----------------------|
| Appropriation | Free Cash | Operational Staff Overtime Clothing Allowance Operational | \$260,000 \$12,000 |

| | | |
|----------------------------|---------------------------------|-------------|
| Totals from above actions: | Total Appropriation Reductions: | (\$603,750) |
| | Total Transfers: | \$669,102 |
| | Total Free Cash Use: | \$437,445 |
| | Total Overlay Fund Use: | \$100,000 |

The purpose of this article is to supplement and/or amend the various Fiscal Year 2004 (current year) Town of Natick (hereafter "Town") operating budgets and funds. Specifically, the Finance Committee recommends two (2) budget reductions, three (3) budget transfers and seven (7) budget appropriations.

Concerning Item #1, the Finance Committee recommends that Town Meeting approve the reduction of its previous appropriation for the South Middlesex Regional Technical School (Keefe Technical School) Budget in the amount of \$152,000. Officials at Keefe Technical School notified the Town that the annual allotment for Natick's participation in the school was \$1,038,994. Taking into account Town Meeting's appropriation of \$1,190,994 last spring, the Finance Committee and the Town administration are in agreement that the excess amount in this budget should be reverted back to the Town's reserves.

Concerning Item #2, the Finance Committee recommends that Town Meeting approve the reduction of its previous appropriation for the Debt Service, Lease Purchase Contract Obligations budget in the amount of \$451,750. This reduction was made possible by the reduction in interest for the Wilson Middle School project, a reduction of assorted debt through refinancing and an increase in High School Building/Renovation Plans debt payments).

Concerning Item #3, the Finance Committee recommends that Town Meeting approve the transfer of funds from a specific Town Meeting appropriation to fund purchases of equipment necessary for the operation of the Fire Department. Specifically, we recommend transferring \$46,008 from an appropriation for the purpose of studying the existing fire alarm box system located in the public ways and places. If Town Meeting accepts this transfer the \$46,008 is proposed to fund 1) \$23,408 to be used, with funds already appropriated by Town Meeting, to purchase an ambulance and 2) \$22,600 to fund a required match to a state grant for emergency defibrillation equipment, which will be deployed on Fire Department apparatus.

Concerning Item #4, the Finance Committee recommends that Town Meeting approve the transfer of its previous appropriation for the Town Treasurer's Office to the Town Collector's Office. Specifically, this request for \$5,000 is proposed to fund Operational Overtime in the Town Collector's Office for the purpose of assuming additional posting responsibilities for tax payment (real estate, water & sewer and motor vehicle postings). The request is being funded from the banking services fee line-item which is currently over funded due to the reduced reliance on lockbox account processing. This action is similar to Town Meeting's action taken at Spring Town Meeting for FY2003 for the same purposes.

Concerning Item #5, the Finance Committee recommends that Town Meeting approve the transfer of funds from the Water/Sewer Retained Earnings resource and place such funds into the Water/Sewer – Revenues fund. Town officials should be available to respond to Town Meeting Member questions.

Concerning Item #6, the Finance Committee recommends that Town Meeting approve the appropriation of funds from the Overlay Surplus to the Insurance Group Health & Life line-item of the Employee Fringe Benefit & Insurance Budget. This transfer funds changes in costs for the employee health benefits options chosen by employees of the Natick Public Schools who were recently placed among the instructional staff in assorted schools. Town Meeting may be aware that the Natick Public Schools has employed a number of new teachers and instructional staff to staff and replace retired employees throughout the school district. School Department and Town administration officials should be available to itemize in greater detail such employee changes.

Concerning Item #7, the Finance Committee recommends that Town Meeting approve the appropriation of funds from Free Cash for the purpose of funding anticipated shortfalls in the Insurance Unemployment line-item of the Employee Fringe Benefits & Insurance Budget. Due to the continued use of unemployment benefits by former employees and additional use of such benefits by employees recently released from service to the Town, this line item needs additional funding. Town officials should be available to itemize in detail such needs.

Concerning Item #8, the Finance Committee recommends that Town Meeting approve the appropriation of funds from Free Cash for the purpose of funding an increase in the salaries management line-item of the Board of Selectmen's budget, so that a Deputy Town Administrator could be hired on or after November 1, 2003. The Town Administrator, the Board of Selectmen and Finance Committee have discussed over a period of time the hiring of a Deputy Town Administrator. The Town Administrator submitted his budget last January with the intent to not hire a Deputy Town Administrator, solely for the purpose of saving money. It is now clear that the Deputy Town Administrator's position should be filled as soon as possible, to assist the administration in the day-to-day operations of the Town. The Finance Committee debated recommending that this position be funded beginning on 1/1/04. However, a majority of members felt strongly that this position should be filled as soon as possible (funded as of 11/1/03).

Concerning Item #9, the Finance Committee recommends that Town Meeting approve the appropriation of funds from Free Cash for the purpose of funding the salaries management line-item of the Human Services budget, so that the incumbent could have the requisite full-time employment term to achieve the maximum retirement service criteria. Town administration officials should be available to answer Town Meeting member questions regarding this request.

Concerning Item #10, the Finance Committee recommends that Town Meeting approve the appropriation of funds from Free Cash for the purpose of funding the salaries – Tech. & Prof. Inspectors line-item of the Community Development Budget. Town administration and Community Development officials presented information regarding an increased number of complaints and permit

reviews submitted to the Building Department. That increase, among other work loads, precipitated the department to seek an additional building inspection position on a part-time basis. Town officials should be available to answer Town Meeting Member questions regarding this request.

Concerning Item #11, the Finance Committee recommends that Town Meeting approve the appropriation of Free Cash for the Highway Department for a roadway project on Glenn Street. Conditions of the roadway warrant performing certain improvements. Public Works officials should be available to answer Town Meeting Member questions regarding this request.

Concerning Item #12, the Finance Committee recommends that Town Meeting approve the appropriation of Free Cash for the Fire Department to increase the department's following line items – Operational Staff Overtime and Clothing Allowance Operational. The Town Administrator, Fire Chief, Fire Union members and representatives of the Finance Committee have worked diligently to understand the effects of available manpower on the Fire Department operational staff and budget. Two scenarios were presented to the Finance Committee taking into account the manpower level and the corresponding overtime amounts needed to support such. The Finance Committee supports the funding of the scenario which seeks to increase the staff to 20 firefighting positions per work shift. Details of each scenario should be made available to Town Meeting Members. Town administration and Fire Department officials should be available to answer Town Meeting Member questions.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 2
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for capital equipment for the various departments of the Town of Natick, or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 2:

The purpose of this article is to fund capital equipment purchases of the Town. Although there is no action with regard to this article, it should be noted that the Town Administrator has proposed to begin scheduling funds for requests for capital equipment purchases.

Motion:

(No Action)

ARTICLE 3
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick, or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 3:

The purpose of this article is to fund capital improvements consistent with the Capital Improvement program of the Town. As mentioned under Article 2, the Town Administrator proposes to begin scheduling funds for requests for capital improvements, which will protect the infrastructure of the Town of Natick.

Motion:

(No Action)

ARTICLE 4
(Natick Public Schools)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums of money to implement a Capital Improvement Program, to protect the physical infrastructure of the Natick Public Schools, or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 4:

The purpose of this article is to fund capital equipment purchases of the Natick Public Schools. The Finance Committee heard testimony from the Natick Public School's Superintendent. Although there is no action with regard to this article, it should be noted that the Town Administrator has proposed to begin scheduling funds for requests for capital equipment purchases and capital improvements.

Motion:

(No Action)

**ARTICLE 5
(Town Administrator)**

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money as may be required to implement the cleaning and relining of approximately 20,000 feet of water main in Union Street, Summer Street and Pond Street and sections of streets adjacent thereto; and to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

RECOMMENDATIONS: By a vote of 10-0-0 on September 23, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 5 and the sum of \$1,700,000.00 to be raised by borrowing:

Positive Action Requires a 2/3 Vote

The purpose of this article is to fund the continuation of the multi-phase project to remove manganese deposits, among other things, and reline water mains, which are part of the Town of Natick's water supply infrastructure. Town Meeting Members may remember their former approval of the cleaning and relining of water mains that is underway at this time – North Main and Bacon Streets. Public Works officials reported that this project is underway and should be completed as planned.

This request is being made at this time so that the Public Works Department can proceed with the engineering, bidding and implementation of the water main repair and maintenance projects in these streets. The cost impact to rate payers' bills is estimated to be three-quarters of one percent.

Public Works officials should be available to answer Town Meeting Member questions regarding the scope of this project.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 6
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money as may be required to install a chemical feed facility and instrumentation, electrical and ventilation improvements at the Town Forest and Broads Hill water storage reservoir sites, and to determine whether the appropriation shall be raised by borrowing, or otherwise; or otherwise act thereon.

RECOMMENDATIONS: By a vote of 11-1-0 on September 23, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 6 and the sum of \$300,000 to be appropriated from Water and Sewer Retained Earnings:

Positive Action Requires a Majority Vote

The purpose of this article is to seek Town Meeting's affirmative vote to fund the installation of certain water storage facility equipment. Specifically, the Public Works - Water and Sewer Department is recommending that Town Meeting approve the purchase, installation and other related costs for the installation of chlorine injection equipment and related analyzers at two water storage tanks (Town Forest and Broads Hill Tanks).

The proposed equipment purchase and related installation costs are an end result of two recent government actions. First, in 2002 the Federal Safe Water Drinking Act was amended by The Public Health Security and Bioterrorism Preparedness and Response Act (The Act). This amendment requires every community water system serving more than 3,300 persons to conduct vulnerability assessments. Consistent with the Act, this equipment provides a required "risk reduction measure". Second, the Massachusetts Department of Environmental Protection (DEP) performed an annual sanitary survey of Natick's water system. That survey identified Natick's procedure of injecting chlorine into the water system as a matter which the Town of Natick should address.

Currently, to inject chlorine Water Department staff would be required to climb an extension ladder to the top of the tanks carrying a container of chlorine, and then staff would hand pour the chlorine into an access hatch, while standing on the top of the tank. Should chlorine be required in an emergency, on call staff would be required to inject chlorine in this manner.

The proposed equipment automates the measurement of bacteria levels and automatically injects chlorine into the tanks, under normal operating conditions and in the event of a contamination event.

Public Works officials should be available to answer any Town Meeting Member questions.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 7
(Town Administrator)

To see if the Town will vote to appropriate and raise, or otherwise provide, a sum or sums of money as may be required for the lease and/or repair of equipment for various departments of the Town of Natick, or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 7:

The purpose of this article is to fund capital improvements consistent with the Capital Improvement program of the Town. As mentioned under Article 2, Town Administrator proposes to begin scheduling funds for requests for capital improvements, which will protect the infrastructure of the Town of Natick.

Motion:

(No Action)

**ARTICLE 8
(Town Administrator)**

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of Agreements reached between the Town and the following collective bargaining units:

- a) SEIU Local 888 AFL-CIO (Dispatchers)
- b) Natick Patrol Officers Association
- c) International Brotherhood of Police Officers, Local 622
- d) Local 1116 Laborers' International Union
- e) Local 1116 Laborers' International Union, Clerical Workers
- f) Local 1116 Laborers' International Union, Recreation & Human Services Employees
- g. Local 1116 Library
- h. Local 1707 Firefighters
- i. Natick Deputy Chiefs Association
- j. Natick Supervisors and Administrators Association

RECOMMENDATIONS: By the votes indicated below on October 9, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 8 and the sum of \$15,000 to be raised from Free Cash for the following bargaining units Terms of Agreements and budgets:

Positive Action Requires a Majority Vote

A. Local 1116 Laborers' International Union, Clerical Workers

B. Natick Supervisors and Administrators Association

C. Local 1116 Library

D. Local 1116 Laborers' International Union, Recreation and Human Services Employees

1) Budget: Employee Fringe Benefits and Insurance, by a vote of 14-0-0

| Action | From | To | Amount |
|---------------|-----------|--------------------------------|----------|
| Appropriation | Free Cash | Employee Benefits | \$11,000 |
| | | (Wage Settlements A & B above) | |

2) Budget: Morse Institute Library – Public Library Service, by a vote of 14-0-0

| Action | From | To | Amount |
|---------------|-----------|----------------------------|---------|
| Appropriation | Free Cash | Salaries Operational Staff | \$3,400 |

(Wage Settlement C. above)

3) Budget: Parks and Recreation, by a vote of 14-0-0

| <u>Action</u> | <u>From</u> | <u>To</u> | <u>Amount</u> |
|---------------|-------------|--|---------------|
| Appropriation | Free Cash | Salaries Operational Staff (Wage Settlement D. above) | \$600 |

The purpose of this article is to fund any collective bargaining unit agreements with the Town. At the time of this writing, there are four (4) such agreements, which have been ratified by both the bargaining unit membership and the Board of Selectmen. In summary these four agreements are one-year agreements without any percentage wage increase. Funding requested above is for one-time stipend payments for various purposes. Town officials should be available to provide details of each individual agreement. The Finance Committee commends the Town Administrator for his efforts to and extends its appreciation to the bargaining units in maintaining a 0% wage increases for this fiscal year (FY04), taking into account the economic climate today and possibly for the coming fiscal years.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 9
(Natick Public Schools)

To see if the Town will vote to raise and appropriate, or otherwise provide the funds necessary to implement the Terms of Agreement reached between the Natick School Committee and the following collective bargaining units:

- a. Education Association of Natick – Unit A Teachers, Unit B Administrators and Unit C Nurses
- b. Education Association of Natick – Educator Support Personnel
- c. MTA Secretaries and Clerks Unit
- d. Laborers International Union Local 1116 Maintenance and Custodial Unit
- e. Non-represented personnel

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 9:

The purpose of this article is to fund collective bargaining units of the Natick Public Schools, which have been voted in the affirmative by the Natick School Committee and ratified by the bargaining units of the Natick Public Schools workforce. The Finance Committee understands, at the time of this writing, that there are no bargaining unit agreements accepted and/or ratified. In the event such an agreement is accepted and ratified by the respective entity, it is the desire of the Finance Committee that the Natick Public School Department and Natick School Committee provide the Finance Committee and/or Town Meeting with the complete details and financial impacts of such agreement.

Motion:

(No Action)

ARTICLE 10
(Town Administrator)

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend the by-laws by adding to Article 24, Section 3, a new paragraph deleting certain position titles, adding new position titles and effecting changes in the salary ranges as presently established and will provide the money necessary therefore, or take any action relative thereto.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 10:

The purpose of this article is to set the salary and step levels of compensation for non-union Town employees. Taking into account the Town Administrator's initiative to forego any percentage wage increases for this fiscal year, there is no action on this article at this time.

Motion:

(No Action)

ARTICLE 11
(Town Administrator)

To see if the Town will vote to raise and appropriate, or otherwise provide such sums of money as may be required for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick, or otherwise act thereon.

RECOMMENDATIONS: By a vote of 11-0-1 on September 23, 2003 the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 11 and the sum of \$1,393.64 to be raised from Free Cash for the following purposes:

Positive Action Requires a 4/5 Vote

| | |
|-----------------------------|------------------|
| Community Newspapers | \$1293.07 |
| W.B. Mason | \$ 100.57 |

The purpose of this article is to provide funds to pay bills received after the close of a fiscal year(s). Specifically, at this time the Town of Natick has two unpaid bills presented after the closing of previous fiscal year's books - 1) a bill for public hearing notice(s) required by the Community Development Department and 2) a bill for office supplies received by the Collector/Treasurer Department.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 12
(Town Administrator)

To see if the Town will vote to authorize and direct the Board of Assessors to take a sum of money from Surplus Revenue - Free Cash to reduce the tax levy for the current fiscal year.

RECOMMENDATION: By a vote of 14-0-0 on October 9, 2003 the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 12 and the sum of \$206,163 to be appropriated from Fee Cash:

Positive Action Requires a Majority Vote

The purpose of this article is to fund certain balances from Surplus Revenues – Free Cash, which has the effect of reducing the tax levy. The Finance Committee has recommended this action in past Town Meeting proceedings and is herein recommending that Town Meeting appropriate the sum of \$206,163.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 13
(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 objectives of this petition.

AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES
OR WINES AND MALT BEVERAGES TO BE DRUNK ON THE
PREMISES OF CLUBS OR WAR VETERANS' ORGANIZATIONS
IN THE TOWN OF NATICK

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. Notwithstanding the provisions of section twelve of Chapter 138 of the General Laws, or any other general or special law to the contrary, with respect to any club which is licensed under section twelve of Chapter 138 of the General Laws to sell alcoholic beverages, or only wines and malt beverages, as the case may be, the local licensing authority of the town of Natick may, under said license, subject to the approval of the Alcoholic Beverages Control Commission, and irrespective of any limitation of number of licenses contained in section seventeen of Chapter 138 of the General Laws, allow a function or fund raising activity held at the licensed premises or any part thereof to serve food and serve liquor to persons other than members of said club, to be consumed on the licensed premises, provided that such function is sponsored by a member of said club, and subject to such conditions as said local licensing authority may impose, and subject to regulations made by said local licensing authority.
- SECTION 2. Notwithstanding the provisions of section twelve of Chapter 138 of the General Laws, or any other general or special law to the contrary, with respect to any corporation the members of which are war veterans which is licensed under section twelve of Chapter 138 of the General Laws to sell alcoholic beverages, or only wines and malt beverages, as the case may be, the local licensing authority of the town of Natick may, under said license, subject to the approval of the Alcoholic Beverages Control Commission, and irrespective of any limitation of number of licenses contained in section seventeen of Chapter 138 of the General Laws, allow a function or fund raising activity held at the licensed premises or any part thereof to serve food and serve liquor to persons other than members of said corporation, to be consumed on the licensed premises, provided that such function is sponsored by a member of said corporation, and subject to such conditions as said local licensing authority may impose, and subject to regulations made by said local licensing authority.
- SECTION 3. This act shall take effect upon its passage.

RECOMMENDATION: By a vote of 12-0-0, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 13:

Positive Action Requires a Majority Vote

The purpose of this article is to permit the Board of Selectmen with Town Meeting's approve to place this petition before the Massachusetts legislature for consideration. The article seeks to change the substance of MGL 138, sec. 12 which deals with the limitations of certain club liquor licenses. The Board of Selectmen are attempting to resolve issues surrounding club licenses, so that the 4 or 5 clubs holding such license can conduct functions with non-member participation and serve alcoholic beverages at such functions. The Board of Selectmen will remain the licensing authority and will continue to have the authority to limit and/or condition such club licenses. Selectmen should be available to provide details of this article and answer Town Meeting Member questions.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

**ARTICLE 14
(Board of Selectmen)**

To see what sum of money the Town will vote to appropriate for the purpose of certain drainage and pavement improvements, including the acquisition of any easements, to the unaccepted portions of School Street Extension and Colburn Street in the Town of Natick; to determine whether said appropriation shall be raised by borrowing or otherwise; to determine what portion of said improvements are to be borne by betterments in accordance with applicable Massachusetts law and Natick Town By-Laws; and, further to see if the Town will vote to accept said portions of School Street Extension and Colburn Street conditioned on completion of said drainage and pavement improvements; or otherwise act thereon.

RECOMMENDATION: By a vote of 14-0-0 on October 9, 2003, the Finance Committee recommends REFERRAL TO THE BOARD OF SELECTMEN with regard to the subject matter of Article 14:

Positive Action Requires a Majority Vote

The purpose of this article is make improvements to all or part of the roads listed in the article, and to approve certain unaccepted portions of the roadways. This article was a precipitated by a petition presented to the Selectmen by some of the residents of these roads. The Finance Committee heard testimony from Town officials and residents with regard to this article. There were a sufficient number of residents speaking in opposition to the scope and cost of the project to warrant further communications and planning for this project. In addition, there were residents, at least some of whom are absentee owners, affected by the betterment conditions of this article that were not contacted for their input on this matter. To those ends, the Finance Committee felt that this matter should be referred back to the Selectmen, so that the residents and appropriate Town officials can work toward an amicable resolve to this matter.

Motion:

Move that the Town refer the subject matter of Article 14 to the Board of Selectmen.

ARTICLE 15
(Town Administrator)

To see if the Town will vote to accept the following streets and appurtenant easements as laid out and filed with the Town Clerk, and as shown on the street acceptance plans on file with the Town Clerk:

Carter Drive
Jacqueline Circle

RECOMMENDATION: By a vote of 12-0-0, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 15:

Positive Action Requires a Majority Vote

The purpose of this article seeks Town Meeting's approval to accept Carter Drive and Jacqueline Circle. Town Officials should be available to answer Town Meeting Member questions with regard to the subject matter of this article.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 16
(David D'Angelis, et al)

Shall this Town approve the request of residents and registered voters of Clubhouse Lane and Saddle Brook Road to perform betterment cost study to install a forced main sewer trunk lines and lateral links. We the voters and residents do hereby request the Town of Natick implement this estimate.

RECOMMENDATION: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 16:

The purpose of this article is to provide approval of a betterment cost study of the public ways and places indicated in the article. The Town Engineer reported to the Finance Committee that his department will conduct the study to seek the most economical solution to provide Town sewer services to the area, as well as the rights to install utilities on these private way locations and to cross over the MWRA aqueduct.

Motion:

(No Action)

ARTICLE 17
(Ian Bayne, et al)

To see if the Town will vote to amend Article 10 of the Town of Natick By-Laws by adding a new Section 5, which reads:

Section 5: Waste Removal

The Selectmen shall provide and maintain under their care and supervision, some suitable method for free public disposal for the inhabitants of the town to deposit ashes, cinders, papers and other refuse and rubbish in accordance with such rules and regulations as the Selectmen may from time to time make.

RECOMMENDATION: By a vote of 14-0-0 on September 25, 2003, the Finance Committee recommends INDEFINITE POSTPONEMENT with regard to the subject matter of Article 17:

Positive Action Requires a Majority Vote

The purpose of this article is amend the Natick By-laws as indicated in the article. The Finance Committee reviewed the matter of free trash pickup. As Town Meeting is aware, over the past two budget cycles Town Meeting has been informed of the decision-making processes and action of other Town boards who implemented trash fees and the Pay As You Throw program. In reviewing this article, the Finance Committee requested an update of the current Pay As You Throw program, advice from Town Counsel with regard to the legal impact of the article and information from Public Works with regard to the cost impact of an expanded trash program. None of the data provided to the Finance Committee from the above sources provided compelling reasons to change from the Town's current method of operations and practices with regard to trash removal. Moreover, those testifying provided no reasonable resolution to the trash removal process that was more effective and less costly.

Therefore, the Finance Committee voted unanimously to indefinitely postpone the subject matter of Article 17.

Motion:

Move that the Town vote to indefinitely postpone the subject matter of Article 17.

ARTICLE 18
(Anthony P. Lista, et al)

To see if the Town will vote to revise the Natick School's busing policy with regard to the \$500 family cap to include all citizens of the community in the "capping" policy without regard for special conditions, or take any other action relative thereto.

Purpose

To take action to change the current busing policy which excludes certain members of the community from the "cap maximum".

Rationale

The current policy is not uniform, fair or equitable to citizens of our community.

The current bus policy requires a \$250/per student bus fee for students who live 2 or more miles from the school. The policy further provides a per family cap of \$500 for the fee-based bus service provided for students who use a single bus to/from a single ride location, regardless of the number of family members who require bus services. **i.e. a family with 4 children who require bus services would pay the same fee as a family with 2 children.**

Exceptions to this family cap are:

- a. Families in shared custodial parental arrangements are required to pay an extra \$125 per student for each additional bus ride needed.
- b. Families who require drop offs or pickups for daycare or other family matters, are required to pay an extra \$125 per student for each additional bus ride needed.

Note: A Shared custody arrangement with 2 children or a family requiring alternative care arrangements for 2 children would be required to pay \$750, \$250 more than a family with 4 children.

RECOMMENDATION: By a vote of 9-3-0 on September 25, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 18:

Positive Action Requires a Majority Vote

The purpose of this article is to seek the Town meeting's vote to revise the Natick School Committee's policy with regard to the fees recently implemented as "bus fees". Specifically, this article seeks to revise such policy by capping the amount paid by any family at \$500.00. The Finance Committee heard testimony from the article's proponent. Given the information provided at the public hearing, the Finance Committee makes its recommendation.

Motion:

Move that the Town vote to advise the Natick School Committee that the Natick School's busing policy with regard to the \$500 family cap should include all citizens of the community in the "capping" policy without regard for special conditions.

ARTICLE 19
(Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire two parcels of land owned now or formerly by the Commonwealth of Massachusetts containing approximately 1.09 acres, located at the southwesterly corner of the intersection of Speen Street and Route 9; to see what sum of money the Town will vote to appropriate for the purposes of this article; to determine how said appropriation shall be raised, whether by transfer from available funds, borrowing or otherwise; to see if the Town will vote to authorize the Board of Selectmen to apply for and receive on behalf of the Town grants, gifts or donations for the purposes of this article from federal, state or private sources; to authorize the Board of Selectmen to execute all documents and to take any action necessary to accomplish the purposes of this article; or otherwise act thereon.

RECOMMENDATION: By a vote of 12-0-0 on September 23, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 19:

Positive Action Requires a 2/3 Vote

The purpose of this article is to authorize the Board of Selectmen to acquire two parcels of land adjacent to the West Natick Fire Station. This matter has been before the Finance Committee in past years. Due to the property being owned by the Commonwealth of Massachusetts and their process to sell such, the conveyance of the property had been delayed for some time. Approvals have now been formalized and Town Meeting needs to give its consent for the Selectmen to proceed with the purchase of the property.

Specifically, the purchase of this property will expand and make more proficient the access to and from the West Natick Fire Station and permit roadway improvements to Speen Street at or near the Hartford Street intersection. The current improvement plans would decrease the fire response times to businesses west of Speen Street along Route 9, which are located on the northerly side of Route 9. The Town's Community Development Director provided preliminary plans that would enhance access as well as alter the lighting scheme and access of the Speen Street and Hartford Street intersection. Many of these changes will enhance the safety of commuters traversing this intersection, as well as the West Natick Fire Department staff.

The Town's Community Development staff should be available to answer Town Meeting Member questions.

Motion:

A motion will be made available at the 1st session of 2003 Fall Town Meeting

ARTICLE 20
(Town Administrator)

To see if the Town will vote to authorize the Board of Selectmen to grant to the Town of Framingham a conservation restriction, on such terms as the Board of Selectmen determines to be in the best interests of the Town of Natick, regarding a portion of a parcel of land located off Morency Street and Pumpkin Pine Road in Natick. Said parcel of land contains approximately fourteen and one-half (14.5) acres, is shown on the Town of Natick Assessors' Maps as Map 39, Lot 32A, and is presently owned by the Town of Framingham. Approximately thirteen (13) acres of said parcel would be conveyed to the Town of Natick by a gift for conservation purposes subject to the foregoing conservation restriction; or otherwise act thereon.

RECOMMENDATION: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 20:

Motion:

(No Action)

ARTICLE 21
(Planning Board)

To see if the Town will vote to amend Section III-E – Downtown Mixed Use District, DM of the Town of Natick Zoning By-Laws by creating a new section 4 after III-E.3.f to read as follows, or otherwise act thereon:

4. DESIGN REVIEW BOARD

A. PURPOSE

It is the intent of this Section to provide detailed review of exterior alterations made to structures having substantial impact on the Natick Downtown Mixed Use District, to prevent blight, to enhance the natural and aesthetic qualities of the Downtown, to conserve the value of land and buildings, and to protect and preserve the historic and cultural heritage of the Downtown and its surrounding neighborhoods.

B. DESIGN REVIEW BOARD COMPOSITION

For the purposes of this Section III-E.4, the Design Review Board shall be appointed by the Planning Board and the Natick Board of Selectmen to consist of five (5) Town residents as follows:

1. A member of the Planning Board or designee,
2. A person appointed by the Planning Board qualified by training and experience in Landscape design,
3. A person appointed by the Planning Board qualified by training and experience in Architecture design,
4. A person appointed by the Board of Selectmen who serves on the Historic Commission,
5. A person appointed by the Board of Selectmen who serves on a Downtown Business organization.

Members shall serve for three (3) years or until their successors are appointed.

C. AUTHORITY AND SPECIFIC POWERS

The Design Review Board shall review requests for sign permits, new construction, or any other exterior alterations or modifications to a building, with the exception of single- and two-family dwellings, that require a building permit. It shall evaluate such requests based on Part D – Design Criteria of this section. Approval from this Design Review Board must be granted before issuance of a building permit. A written determination must be made within thirty (30) days after the filing of the application or such further time as the applicant may in writing allow. Its findings, along with any restrictions and/or conditions, shall be submitted in writing to the Special Permit Granting Authority. These comments

may also be incorporated in the recommendations of the Planning Board to the Special Permit Granting Authority. All decisions and reports of the Design Review Board shall be advisory only.

D. DESIGN CRITERIA

The Design Review Board shall review requests for Special Permits under this Section based on the following standards:

1. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. Proposed buildings shall be related to their surroundings with respect to:
 - a. height
 - b. street façade
 - c. rhythm of solids and voids
 - d. spacing of buildings or signs
 - e. materials, textures, and color
 - f. roof slopes
 - g. scale
3. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
4. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
5. Heritage. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

E. DESIGN GUIDELINES HANDBOOK

The Design Review Board shall publish and make available to the public on request a booklet of guidelines based on the specific Design Criteria cited in Part D to effectuate the purposes of this Section.

RECOMMENDATION: By a vote of 14-0-0 on October 9, 2003, the Finance Committee recommends REFERRAL TO THE PLANNING BOARD with regard to the subject matter of Article 21:

Positive Action Requires a 2/3 Vote

The purpose of this article is to amend the Natick Zoning By-laws and constitute a committee of the Town to be known as The Design Review Board. The Planning Board and Community Development Director presented background on this committee's purpose. Upon review, the Planning Board made substantive changes to the manner in which the committee would be constituted and the standards which the prospective board will use in their plan review.

This board is a preliminary review body, which will make recommendations after review of plans submitted by a person wishing to make exterior alterations to non-single family and non-two family dwelling units within the Natick Downtown Mixed Use District.

The Finance Committee heard public testimony purporting that the proposed board would be an additional layer of review that currently constituted boards already conduct. At this time, the Finance Committee feels that there is a need for the Planning Board to present a final draft of the proposed committee article.

Motion:

Move that the Town refer the subject matter of Article 21 to the Planning Board.

ARTICLE 22
(Board of Selectmen)

To see if the Town of Natick will amend its Zoning By-Laws by creating a new overlay district, Housing Overlay Option Plan (HOOP) by amending the *Town of Natick Zoning By-Laws* in the following manner:

ITEM 1: Rewrite Section 108 – PURPOSE OF AFFORDABLE HOUSING DEVELOPMENT PROGRAM to read as follows:

Within the purposes expressed in Section 100 and in Massachusetts General Laws Chapter 40A, the particular intent of these By-Laws relating to the elective inclusionary overlay zoning in all residential districts *and the Housing Overlay Option Plan (HOOP) district* is to increase the production of housing units affordable to persons of low and moderate income. Affordable housing may be created by employing the incentives offered under these overlay zoning districts which is intended to encourage utilization of the Town's remaining developable land in a manner consistent with local housing policies and needs, and to encourage new housing developments to contain a proportion of the housing units affordable to persons of low and moderate income by offering bonuses of increased density to encourage the creation of such housing. Accordingly, the goals of this development program are to: increase the supply of housing in the Town that is available to and affordable by low and moderate income households; to encourage a greater diversity of housing accommodations to meet the needs of family households and other Town residents; and to promote a reasonable mix and distribution of housing opportunities in residential neighborhoods throughout the Town.

ITEM 2: Add the following to the end of Section II-A. Types of Districts:

“Housing Overlay Option Plan (HOOP)”

ITEM 3: Insert a new Section II-B.7.d. to follow Section II-B.7.c., to read as follows:

“7.d. There shall be a Housing Overlay Option Plan (HOOP) District within the following described areas:

- BEGINNING at a point located at the intersection of Washington Avenue and Middlesex Avenue and proceeding in an easterly direction along Middlesex Avenue to the intersection with North Main Street; thence turning and proceeding in a northerly direction along North Main Street to the intersection of Mechanic Street; thence turning and proceeding in a westerly direction along Mechanic Street, extended to the centerline of the CSX Rail Line tracks; thence turning and proceeding in a northerly direction approximately 165 feet along the railroad to LaGrange Street, extended; thence turning and proceeding in a westerly direction along LaGrange Street to the intersection of Washington Avenue; thence turning and proceeding in a southerly direction along Washington Avenue to the point of BEGINNING.

- BEGINNING at a point located at the intersection of Washington Street and South Avenue and proceeding in an easterly direction along South Avenue to the intersection of South Avenue and Dewey Street; thence turning and proceeding to the southwesterly corner of Assessor’s Map 44, Lot 312; thence proceeding along the southerly boundary of said parcel (approximately 238 feet); thence turning in a northerly direction following along the eastern boundary of said parcel (approximately 137 feet); thence turning in a westerly direction following along the northern boundary of said parcel and continuing in a westerly direction along the southern boundary of land now or formerly owned by the CSX Rail Road Corporation for approximately 590 feet; thence turning in a northerly direction, crossing the railroad, for approximately 210 feet, along the western boundary of Assessor’s Map 44, Lot 399; thence turning in a westerly direction along North Avenue to the intersection of Washington Street; thence turning in a southerly direction along Washington Street to the point of BEGINNING.”

ITEM 4: Insert a new section III-A.6.B- to follow III-A.6.A-6- to read as follows:

B- HOUSING OVERLAY OPTION PLAN (HOOP)

1. PURPOSE

The purpose of this overlay district is to enhance the public welfare by increasing the production of Dwelling units affordable to persons and households of Low-income and moderate-income. In order to encourage utilization of the Town’s remaining developable land in a manner consistent with local housing policies and needs, the Town encourages new housing developments to contain a proportion of the dwelling units affordable to persons or households of low-income and moderate-income. The new district is a proactive approach to reducing “sprawl” and can be considered “smart growth” by developing land that is underutilized and is located in an urban center downtown Natick with public transportation. The Town of Natick also encourages MGL Chapter 40B development to take place in this district. Accordingly, the provisions of this Section are designed:

- a. To increase the supply of housing in the Town of Natick that is available to and Affordable by low-income and Moderate-Income households;
- b. To encourage a greater diversity of housing accommodations to meet the diverse needs of Families and other Town residents;
- c. To promote a reasonable mix and distribution of housing opportunities in residential neighborhoods and in downtown Natick.
- d. To help people who, because of rising land and housing prices, have been unable to obtain suitable housing at an affordable price.

2. APPLICABILITY

The provisions of this section may be utilized by any new development located within the Housing Overlay Option Plan (HOOP) district, subject to the requirements and standards set forth in this Section.

The Housing Overlay Option Plan (HOOP) is defined and bounded as shown on the Town of Natick Zoning Map as the Housing Overlay Option Plan (HOOP) district. This district consists of two locations in downtown Natick.

Said Housing Overlay Option Plan (HOOP) is superimposed over all districts established by this Bylaw and the regulations related to the Housing Overlay Option Plan (HOOP) district are in addition to all other regulations set forth in this By-Law. Where requirements and standards within the Housing Overlay Option Plan (HOOP) district, as set forth in this section differ from or conflict with the requirements and standards of the remainder of the By-Law, the requirements and standards established for the Housing Overlay Option Plan (HOOP) shall prevail.

The Housing Overlay Option Plan (HOOP) includes parcels of land which are not located in a residential district and where residential uses are not otherwise allowed. For the purpose of utilizing the provisions of this section to generate affordable housing, but under no other circumstances, residential uses shall be permitted on such parcels. All dimensional provisions shall also be set forth under this section

3. NUMBER OF DWELLING UNITS

The maximum number of dwelling units allowed in the Housing Overlay Option Plan (HOOP) district with lots having required frontage on Middlesex Avenue, North Avenue, and South Avenue shall equal the “Net Land Area” within the parcel divided by 2500 square feet then rounded to the nearest whole number. At least twelve percent (12%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein).

The maximum number of dwelling units allowed in the remaining areas of the Housing Overlay Option Plan (HOOP) district shall equal the “Net Land Area” within the parcel divided by 3,500 square feet then rounded to the nearest whole number. One affordable housing unit per development shall be provided under this section. Each such affordable housing unit shall contain at least two (2) or more bedrooms designed for family occupancy, and shall be substantially the same as the market rate units, as set forth in Section III-A.6; or in the alternative the developer may choose to make a gift in the amount of five percent (5%) of the sale price of all/each unit to the Town of Natick to be used by the Town for affordable housing purposes, all subject to the approval of the Special Permit Granting Authority.

4. INTENSITY REGULATIONS

| | |
|---------------------------|--------------------------|
| Minimum lot area | 10,500 square feet |
| Continuous frontage | minimum of 50 feet |
| Minimum depth | 100 feet |
| Minimum setback, front | 15 feet |
| Minimum side-yard setback | 5 feet |
| Minimum rear-yard setback | 5 feet |
| Maximum building coverage | 50% |
| Maximum building height | 3 & ½ stories or 40 feet |

5. AFFORDABILITY

It is mandatory that a percentage of dwelling units in the (HOOP) district be sold, rented, or leased at prices and rates that are affordable to low-income and moderate-income individuals, as more specifically set forth in the following:

Affordable Housing shall be determined in accordance with the definition of Subsidized Housing found in Section 200. All Affordable Housing units that are built shall be provided for sale through the Natick Housing Corporation or any similar organization, as determined by the Planning Board.

Basic Affordability Component – At least 12% of the units in the (HOOP) district, rounded to the nearest whole number, shall be for Affordable Housing units unless otherwise stated.

Affordability Standards – Subject to Special Permit Granting Authority, an applicant for a (HOOP) special permit may utilize any available State or Federal assistance program or shall meet the Affordable Housing unit requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for individuals that are generally consistent with available Affordable Housing assistance programs.

Affordability Restrictions – affordable units shall be maintained in perpetuity. Each affordable unit shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the use and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for such maximum time as may be permitted under applicable state law governing such restrictions. They shall be enforceable and renewable by the Town of Natick through standard procedures provided by applicable law.

The Special Permit Granting Authority may require that the restrictions for affordable units contain a right of first refusal to the Town of Natick or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Special Permit Granting Authority or its designee prior to selling or reselling the affordable unit with such reasonable time as the Special Permit Granting Authority may determine in its discretion for the town or its designee is necessary to exercise the right of first refusal.

Nothing in this Section shall be construed to cause eviction of an owner or tenant of an Affordable Housing unit due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an Affordable Housing unit shall be enforced upon resale, re-rental, or re-lease of the Affordable Housing unit. The mechanisms and remedies to enforce the restrictions governing an Affordable Housing unit upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.

All contractual agreements with the Town of Natick and other documents necessary to insure the long term affordability of an affordable unit shall be executed prior to the issuance of any building permit under this option.

The exterior of the affordable units shall be compatible with, and as much as possible indistinguishable from, market-rate dwelling units in the HOOP district development.

Local Preference – Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Housing units shall be initially offered to residents and employees of the Town of Natick. Residency and employment in Natick shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence approved by the Town Clerk.

Purchaser/tenant selection – Procedures for the selection of purchasers and/or tenants shall be subject to regulations adopted by the Special Permit Granting Authority .

These restrictions shall be in force for one hundred and twenty (120) days from the date of the first offering of sale or rental of a particular affordable unit.

6. BUILDING DESIGN CRITERIA

All buildings and structures shall be approved by the Design Review Board and shall be designed, located and constructed to afford the following:

- a. Compatibility of architectural styles, scales, building materials and colors within the development;
- b. Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
- c. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
- d. The capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional street lighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Special Permit Granting Authority.

RECOMMENDATION: By a vote of 13-0-0 on September 25, 2003, the Finance Committee recommends REFERRAL TO THE PLANNING BOARD, BOARD OF SELECTMEN AND ZONING BOARD OF APPEALS with regard to the subject matter of Article 22:

Positive Action Requires a 2/3 Vote

The purpose of this article is to incorporate an overlay district in specific areas of the Town, so that residential development may occur in such areas. The Planning Board, Community Development

Director and Selectmen presented the substantive portion of this article. Specifically two areas of the Natick Downtown Area are being designated under the prospective Housing Overlay Option Plan (HOOP). The areas are located north of South Street and north of Middlesex Avenue. Each area is currently occupied by light industrial businesses and some multi-unit dwellings.

Under the HOOP article four goals are being sought:

- 1. increase the supply of housing in the Town of Natick that is available to and affordable by low-income and moderate-income households;*
- 2. encourage a greater diversity of housing accommodations to meet the diverse needs of families and other Town residents;*
- 3. promote a reasonable mix and distribution of housing opportunities in residential neighborhoods and in downtown Natick.*
- 4. help people who, because of rising land and housing prices, have been unable to obtain suitable housing at an affordable price.*

Town officials should be available to answer Town Meeting Member questions.

The sponsors of the article asked that the matter be referred to provide an opportunity for the proposed overlay district by-law to be heard and a wide range of comments to be incorporated into the final proposed article, which is planned to be presented to Town Meeting next spring. The Finance Committee provided their input to the article finding concern for traffic and density issues, and the need to incorporate more open space and/or green-space areas. However, regarding the concept and intent of the article, the Finance Committee members who commented spoke favorably toward the proposed overlay district.

Motion:

Move that the Town refer the subject matter of Article 22 to the Planning Board, Selectmen and Zoning Board of Appeals.

**ARTICLE 23
(Police Chief)**

To see if the Town will vote to amend the Town of Natick By-Laws by adding a new Article 53, which reads:

Article 53

USE OF RECREATIONAL CONVEYANCES

Section 1 Prohibited Areas of Use

Recreational conveyances, both motorized and non-motorized, including, but not limited to, scooters, skateboards, roller skates, and roller blades may not be used or operated in, on or upon any building owned by the Town of Natick or the stairs and grounds of a building owned by the Town of Natick, except grounds specifically designated for recreational use or operation. Such recreational conveyances may not be used or operated upon any private building or land where the owner or other person in control of the property has posted a notice prohibiting such use or operation.

Section 2 Hazardous Use Or Operations Prohibited

No person shall use or operate any such recreational conveyance in, on or upon any public way, sidewalk, parking area, or private property where such use or operation is permitted, in such a way that a hazard is created for pedestrians or vehicles. For purposes of this by-law, a hazard exists when a reasonable person could conclude that an injury to a person or damage to property would result from the use or operation of these conveyances in the manner observed.

Section 3 Penalty

Any person using or operating a recreational conveyance in a prohibited area or in a hazardous manner shall be assessed a fine of twenty-five dollars (\$25.00) for a first offense, and fifty dollars (\$50.00) for second and subsequent offenses.

Section 4 Severability

In the event that any provision of this by-law is determined to be illegal or invalid by final judgment of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law;
Or otherwise act thereon.

RECOMMENDATION: By a vote of 13-0-0 on October 9, 2003, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 23 as amended:

Positive Action Requires a Majority Vote

The purpose of this article is to amend the Natick By-laws to incorporate a new section setting forth limitations on the use of certain types of conveyances - scooters, skateboards, roller skates, and roller blades.

This article came before the Finance Committee and Town Meeting in past sessions; however, public comment and concern about the breadth of the former proposed article were quite numerous. At its hearing on the currently proposed version of this article, the Finance Committee heard that the Police Chief, Board of Selectmen and the Youth Advisory Board felt for the most part that the joint effort of these office holders had been reasonably sufficient in vetting the issues raised in past proposed articles. However, Finance Committee members were concerned by the possibility that this article could impose regulations which could be contrary to Natick Public School policy and authority.

To that end, the Finance Committee amended the text of the article which would effectively exclude such regulation of recreational conveyances on school property. We provide the amended language below for your perusal:

Proposed amended Article 23:

Article 53

USE OF RECREATIONAL CONVEYANCES

Section 1 Prohibited Areas of Use

Recreational conveyances, both motorized and non-motorized, including, but not limited to, scooters, skateboards, roller skates, and roller blades may not be used or operated in, on or upon any non-school building owned by the Town of Natick or the stairs and grounds of a non-school building owned by the Town of Natick, except grounds specifically designated for recreational use or operation. Such recreational conveyances may not be used or operated upon any private building or land where the owner or other person in control of the property has posted a notice prohibiting such use or operation.

Section 2 Hazardous Use Or Operations Prohibited

No person shall use or operate any such recreational conveyance in, on or upon any public way, sidewalk, parking area, or private property where such use or operation is permitted, in such a way that a hazard is created for pedestrians or vehicles. For purposes of this by-law, a hazard exists when a reasonable person could conclude that an injury to a person or damage to property would result from the use or operation of these conveyances in the manner observed.

Section 3 Penalty

Any person using or operating a recreational conveyance in a prohibited area or in a hazardous manner shall be assessed a fine of twenty-five dollars (\$25.00) for a first offense, and fifty dollars (\$50.00) for second and subsequent offenses.

Section 4 Severability

In the event that any provision of this by-law is determined to be illegal or invalid by final judgment of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law;

Or otherwise act thereon.

Town officials and other interested parties should be available to answer Town Meeting Member questions.

Motion:

Move that the Town amend the Natick Town By-laws by adding a new Article 53 which reads:

USE OF RECREATIONAL CONVEYANCES

Section 1 Prohibited Areas of Use

Recreational conveyances, both motorized and non-motorized, including, but not limited to, scooters, skateboards, roller skates, and roller blades may not be used or operated in, on or upon any non-school building owned by the Town of Natick or the stairs and grounds of a non-school building owned by the Town of Natick, except grounds specifically designated for recreational use or operation. Such recreational conveyances may not be used or operated upon any private building or land where the owner or other person in control of the property has posted a notice prohibiting such use or operation.

Section 2 Hazardous Use Or Operations Prohibited

No person shall use or operate any such recreational conveyance in, on or upon any public way, sidewalk, parking area, or private property where such use or operation is permitted, in such a way that a hazard is created for pedestrians or vehicles. For purposes of this by-law, a hazard exists when a reasonable person could conclude that an injury to a person or damage to property would result from the use or operation of these conveyances in the manner observed.

Section 3 Penalty

Any person using or operating a recreational conveyance in a prohibited area or in a hazardous manner shall be assessed a fine of twenty-five dollars (\$25.00) for a first offense, and fifty dollars (\$50.00) for second and subsequent offenses.

Section 4 Severability

In the event that any provision of this by-law is determined to be illegal or invalid by final judgment of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law;

ARTICLE 24
Special rules for the Motion to Dissolve
(Joshua Ostroff, et al)

To see if the Town will vote to amend Article 3 of the Town of Natick By-Laws in order to delete or modify special rules pertaining to the motion to dissolve. Currently, such special rules (1) permit a motion to dissolve to be in order when there may be unfinished business at Town Meeting and (2) raise the quantum of vote to dissolve above the standard specified in the Town's parliamentary manual, *Town Meeting Time*.

RECOMMENDATION: By a vote of 13-0-0 on September 16, 2003, the Finance Committee recommends FAVORABLE ACTION as amended with regard to the subject matter of Article 24:

Positive Action Requires a Majority Vote

The purpose of this article is to amend the Natick By-laws in such a way that the rules pertaining to the motion to dissolve at Town Meeting proceedings are amended to permit debate at the time of a motion to dissolve, and that such vote shall require a majority vote of Town Meeting Members voting at the time of the motion.

The Finance Committee heard testimony that the intent of this article is to "ensure that petitioners to ... representative Town Meeting are afforded the opportunity for their matter to be addressed, and that members are likewise afforded the opportunity for motions, questions and debate" on such matters. The Finance Committee voted affirmatively on this premise, even though some members commented that Town Meeting has in the past acted in a manner that would afford matters of importance (in their minds) to be heard.

Motion:

Move that the Town amend Article 3 of the Town of Natick By-Laws as follows:

- 1. Delete Section 11 in its entirety.**
- 2. In the table entitled "PRECEDENCE OF MOTIONS" in the first row pertaining to the motion "Adjourn or dissolve", in the "Vote Required" column, change the words "2/3 Majority" to the word "Majority".**

ARTICLE 25
(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 objectives of this petition.

AN ACT RELATIVE TO
THE SAFE PLACEMENT OF NEWBORNS AND INFANTS
IN THE TOWN OF NATICK

Whereas, the General Court finds and declares that a serious public emergency exists with respect to the safety and health of newborns and infants in the Town of Natick due to parents that abandon them; and

Whereas, unless parents of newborns or infants are not protected from prosecution for their abandonment of a newborn or infant then the incidents of newborns discarded into trash receptacles or abandoned in public places will continue to occur; and

Whereas, the serious public emergency should be met by the Commonwealth of Massachusetts immediately, with due regard for the rights and responsibilities of the Town of Natick.

Therefore this act is declared to be in the public interest.

Section 1. Acceptance of Newborns and Infants Placed by Parents or Lawful Agents of Parents with Authorized Employees of Designated Facilities,

Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the Massachusetts department of social services (“department”) shall accept for placement into foster care any newborn or infant child seven (7) days of age or younger (“newborn or infant” or “child”) that is voluntarily placed with a hospital emergency room licensed under general laws chapter 111, section 51 in the Town of Natick, police station in the Town of Natick, or fire station in the Town of Natick (individually, “designated facility” and collectively, “designated facility”) by a parent of a newborn or infant or by a lawful agent of said parent. A voluntary placement under these provisions shall not constitute an automatic termination of parental rights or an abrogation of parental rights or responsibilities but shall, for purposes of authorizing the department to initiate a petition to terminate parental rights under general laws chapter 210, be presumed to be an abandonment of the newborn or infant that has been so placed. A designated facility receiving a newborn or infant shall immediately notify the department of the placement of a newborn or infant notice the department shall take physical custody of the newborn or infant immediately and shall initiate all actions authorized by law to achieve the safety and permanency of the newborn or infant in a manner that is consistent with the best interests of the child; provided however, that if the newborn or infant is in need of emergency or other medical care, the department shall not take immediate physical custody of the child until such care has been fully administered and completed to the hospital emergency room’s satisfaction. The department shall

develop and implement a protocol of communication and procedure to facilitate the placement of and provide for the custody and care of a newborn or infant so placed. If a person claiming to be a parent or lawful agent of a parent of a newborn or infant who has been left with a designated facility submits a request to the department for reunification with the newborn or infant, the department shall institute the procedures currently authorized by law to identify, contact, and investigate such person or agent in order to determine, pursuant to the applicable provisions of law, if reunification is in the best interests of the child, or if it is in the best interests of the child to have the parental rights of the parent terminated.

Each hospital emergency room in the Town of Natick shall designate all members of the emergency room nursing staff employees authorized (“authorized employee”) to take physical custody of a newborn or infant under these sections, and one (1) such nurse shall be on duty during regular business hours. Each hospital emergency room shall designate an area in the emergency room where physical custody of a newborn or infant may be taken. Each police station in the Town of Natick and fire station in the Town of Natick shall, to the greatest practical extent that does not interfere with the primary functions of the police station or fire station designate individual staff members on each shift as employees authorized (“authorized employee”) to take physical custody of a newborn or infant under these sections.

Authorized employees at designated facilities shall make every effort to solicit the following information from the parent or lawful agent who is placing the newborn or infant: (1) the name of the child, (2) the name and address of the parent placing the child, (3) name and address of the parent absent from the placement of the child for the purposes of notification and protection the absent parent’s constitutional rights with regard to parenting, (4) name and address of the person leaving the child, if not a parent, (5) the location of the child’s birthplace, (6) the medical histories of the child and parents including, but not limited to, birth and medical records, if available, and (7) any other information that might reasonably assist the department or the courts of the Commonwealth in current and future determinations of the best interests of the child, including whether or not the parent plans to seek future custody of the child. The authorized employee receiving the newborn or infant shall encourage the parent or lawful agent of the parent to provide the requested information in order to ensure that the child’s best interests are served, but the parent or lawful agent is not required to provide such information. The department and the designated facilities shall maintain copies of forms and records, if any, collected or created as a result of placements made under these sections, and shall adhere to all applicable laws, rules and regulations regarding the confidentiality of such forms and records provided, however, that all information pertaining to the medical history of the newborn or lawful agent shall be forwarded by the designated facilities to the department in order to facilitate the safe and permanent placement of a child by the department.

Authorized employees shall provide the parent or lawful agent with a numbered identification bracelet. The bracelet shall be used to link the parent to the child for identification purposes only and shall not be construed to authorize the person in possession of the bracelet to take custody of the child on demand. If parental rights have not been terminated, possession of a bracelet linking the parent or agent to a newborn or infant left with an authorized employee shall create a rebuttable presumption that the parent or lawful agent has standing to participate in a custody hearing for the child but shall not create a presumption of maternity, paternity or custody.

Section 2. Placement of Newborns and Infants by Parents or Lawful Agents of Parents with Authorized Employees of Designated Facilities.

The act of leaving an unharmed newborn or infant under the age of seven (7) days with an authorized employee of a designated facility does not, by itself, constitute a basis for a finding of abuse or neglect of the child pursuant to the laws of the commonwealth, nor does it, by itself, constitute a violation of criminal statutes for child abuse and neglect or for abandonment under general laws chapter 119, section 39 when there is additional evidence that the person who left the child intended that the child be safe from physical injury or harm. If there is suspected child abuse or neglect that is not based solely on the newborn or infant having been left with an authorized employee of a designated facility in compliance with these sections, the personnel of the designated facilities who are mandated reporters under general laws, chapter 119, section 51A must report the abuse or neglect.

Section 3. Information Program

Subject to appropriation, the department shall prepare a public information program regarding the procedures stated in these sections and other procedures as determined by the department, including, but not limited to, the development of a pamphlet describing the procedures. The department shall also work in conjunction with other departments and agencies of the commonwealth and the departments and agencies of the town of Natick to develop an interdepartmental and intergovernmental information campaign regarding the procedures required by these sections. Information contained in the pamphlet shall include, but not be limited to, (1) an explanation of the process described herein, (2) rights and responsibilities of parent(s) and extended family members, (3) the legal consequences of placement of a newborn or infant into foster care, (4) relevant telephone numbers of the department or its agents or other methods of communication with the department, (5) statutory procedures pertinent to determining the best interests of the child, including the procedures relative to the termination of parental rights, reunification with the parent(s) and adoption, (6) family preservation services available from the department, and (7) any other information deemed relevant by the department.

The pamphlet shall be given to the parent or lawful agent of the parent at the time a newborn or infant is left at a designated facility. The department and the Town of Natick shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program, as most recently amended by the Promoting Safe and Stable Families Act of 2001, in order to implement the public information program required by this section and to alleviate the burden said information program may have on the department's appropriation from the commonwealth.

Section 4. Report.

The department, in conjunction with a designee from (1) the town of Natick, (2) the Juvenile Court, (3) the Probate and Family Court (4) the Center for Adoption Research at the University of Massachusetts, (5) Massachusetts Families for Kids, (6) the Children's Trust Fund, (7) the Alliance for Young Families, and (8) the Office of Child Care Services, shall submit a report analyzing the overall effectiveness of this act. The report shall include, but not be limited to, (1) an analysis of the effectiveness of these sections in decreasing the number of newborns or infants that suffer abandonment in an unsafe manner within the town of Natick, (2) the department's success or failure in permanently placing newborns or infants left

with a designated facility pursuant to this act through the adoption process, (3) the average length of time that newborns or infants remain in foster care after having been so placed, (4) any issues arising from the termination of parental rights following the acceptance of a child by a designated facility, (5) the success or failure of any public information campaign implemented by the department pursuant to these sections, (6) an analysis of any increased administrative burdens placed upon any department or agency of the commonwealth or department or agency of the town of Natick as a result of the passage of these sections, (7) an analysis of issues affecting the eligibility of a newborn or infant placed pursuant to this act for federal entitlements such as foster care or adoption subsidies under Title IV-E of the United States Social Security Act or any other applicable federal law, and (8) the frequency and completeness with which a parent or lawful agent of a parent leaving a newborn or infant at a designated facility supplies said facility with the information sought by said facility pursuant to Section 1 of this act, and any negative effects that the lack of background information or medical history for the child or parents may have had on the temporary or permanent placement of the newborn or infant through the foster care or adoption process. The report, including any associated legislative recommendations, shall be submitted to the governor of the commonwealth, the general court of the commonwealth, the town administrator of the town of Natick, and the board of selectmen of the town of Natick no earlier than the third anniversary of the date of the passage of these sections and no later than the fourth anniversary of the date of the passage of these sections.

Section 5. Harmonious Construction.

This act shall be construed harmoniously with any other general or special law such that all such legislation effectively provides the greatest level of safety for newborns and infants and the greatest level of equity and fairness to parents and lawful agents.

Section 6. Severability.

If any provision of these sections of the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date.

This act shall take effect upon its passage.

RECOMMENDATIONS: The Finance Committee has NO RECOMMENDATION with regard to the subject matter of Article 25:

The Finance Committee has tabled this matter until its October 21, 2003 meeting.

Positive Action Requires a Majority Vote

Motion:

(No Recommendation)

