

**TOWN OF NATICK
NATICK FINANCE COMMITTEE**

To: Town Meeting Members

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

Re: Finance Committee Revised Motion and Supplementary Recommendations for the April 12, 2005 Annual Town Meeting

Revised Motion:

Article 20 Fire Chief: Increase to Annual Fire Alarm Master Box Fee

Recommendations:

Article 24 Amend Zoning By-Laws: Noncriminal Disposition of Violations of Planning Board and Zoning Board of Appeals Decisions
Article 25 Amend Zoning By-Laws: Increase in Fines
Article 26 Amend Zoning By-Laws: Natick Mall Project
Article 31 Planning and Constructing of New Senior Center
Article 34 Home Rule Petition: Removal of Fire Chief Position from Civil Service
Article 38 Citizen Petition: Reinstatement of Public Works Commissioners
Article 39 Citizen Petition: Community Preservation Act Study Committee

ARTICLE 20

MOTION

Move that the Town amend Article 60, Section 10 of the Town of Natick By-Laws by deleting the words "\$150.00" in the first line and inserting in their place the words "\$300.00 shall be charged" so that Section 10 reads:

"An annual service and users fee of \$300.00 shall be charged for all master fire alarm boxes connected to the Municipal Fire Alarm System, from mercantile, commercial and/or industrial occupancies."

or otherwise act thereon.

**ARTICLE 24
(Planning Board)**

To see if the Town will vote to amend the Zoning By Laws by adding a new second paragraph to Section VI-F which reads:

“Whoever violates any provision of these Zoning By Laws, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals or the Planning Board, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in Massachusetts General Laws Chapter 40, Section 21D. A noncriminal disposition under this provision shall not preclude further judicial proceedings regarding continuing violation of the Zoning By Laws beyond the date of said noncriminal disposition.”

or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee has tabled the subject matter of Article 24 to its April 12, 2005 meeting.

The Finance Committee received a recommendation from the Planning Board on April 5, 2005, however sufficient number of unanswered question remain warranting further response by the Planning Board and/or Community Development officials.

**ARTICLE 25
(Planning Board)**

To see if the Town will vote to amend Section VI-F of the Zoning By Laws by adding in the first sentence the words “or the Planning Board” after the words “Board of Appeals” and by deleting the word “twenty” in the first sentence and inserting in its place the words “two hundred” so that said Section VI-F would read:

“Any person violating any provisions of this by law, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals or the Planning Board, may be fined not more than two hundred dollars for each offense. Each day that such violation continues shall constitute a separate offense.”

or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee has tabled the subject matter of Article 25 to its April 12, 2005 meeting.

The Finance Committee received a recommendation from the Planning Board on April 5, 2005, however sufficient number of unanswered question remain warranting further response by the Planning Board and/or Community Development officials.

ARTICLE 26
(Prince Okyere, et al)

ZONING PETITION RE: NATICK MALL

The text of Article 26 is redacted in the interest of space. The full text can be found on pages A61 through A68 of the Finance Committee Recommendations booklet.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 26.

The purpose of this article is to amend the Natick Zoning By-laws. The proponent of this article notified the Finance Committee chairman on April 5, 2005 that it now requests no action on the subject matter of this article.

NO ACTION

ARTICLE 31 (Council on Aging)

To see if the Town will vote to appropriate a sum of money for planning, constructing, originally equipping and furnishing a new Senior Center; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any action relative thereto.

RECOMMENDATIONS: By a vote of 10-0-0, the Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 31 and that under the sum of \$200,000 be appropriated from FREE CASH.

The purpose of this article is to provide funding - \$200,000.00 - for documents and specifications through design and development for the proposed new Natick Senior Center. The Finance Committee heard testimony and gathered information from the Council on Aging, town administration, Selectmen and public regarding this matter. During its meeting on March 15th, the Finance Committee took a number of votes on recommended motions; however none of the votes garnered eight members' voting in the affirmative. At its meeting held on April 5, 2005, the Finance Committee reconsidered the subject matter of this article, based on new information provided by the Council on Aging. The following is a summary of the new information:

- *Proposed funding of \$250,000 for documents and specifications through design development.*
- *Funds are made available from free cash immediately after town meeting (TM).*
- *Architect RFP is posted the day after TM approval – OR – existing architect contract is extended through peer review process.*
- *The existing Design Selection Committee [sic] continues as the Senior Center Building Committee. New members can be added at the Board of Selectmen's discretion.*
- *A Cost Operations Committee be formed to determine projected costs of programs, staffing and maintenance of the new [Senior] Center.*
- *These committees would be charged with working with the same intensity that the [Council on Aging] is working at right now so that by fall TM we would have the information everyone wants to move forward in funding a new Senior Center.*

Taking into account some of the above new information, the Finance Committee voted favorably (10-0-0) to recommend that \$200,000.00 be provided from Free Cash and expended under the direction of the Board of Selectmen, or its designee, for the purpose of providing documents and specifications through design development.

However, the Finance Committee still has concerns about the following related matters:

- *Committee composition; respective roles and responsibilities; relationship between the two committees; and functionality*

- *Sequence of program design and development vs. facility design; cost implications of making changes if facility design precedes program clarification*
- *Adequacy of the proposed facility size to meet anticipated needs*
- *Site selection and reevaluation; need to revalidate alternative site evaluation given current circumstances*
- *Financing issues*
- *Process steps to be completed by Fall Town Meeting; adequacy of time to accomplish necessary due diligence*

With regard to the above concerns, a majority of the Finance Committee members opined that the Selectmen's committee currently constituted as the Design Selection Committee could be modified and charged to explore the Finance Committee's concerns, among other concerns, and report back to the Board of Selectmen, COA and Town Administrator.

This recommendation came after great debate and should only be affirmed after careful consideration and deliberation by Town Meeting Members. To that end, Town Meeting Members should note that the Finance Committee expressly did not include in its motion any reference regarding the last four of the six bullet points provided by the COA. In debating these matters, the committee felt that the Selectmen, town administration and COA should work through all these concerns before presenting further action to the Finance Committee and Town Meeting.

We wish to thank the Council on Aging, town administration, the Selectmen and interested parties for their collective effort to reach an amicable compromise permitting this project to move forward, albeit in part only, toward constructing a new facility which will serve the senior citizens and community at large.

MOTION:

Move that the town vote to appropriate the sum of \$200,000 from Free Cash to be expended under the direction of the Board of Selectmen for the purpose of providing documents and specifications through design development of a new Senior Center.

ARTICLE 34
(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 EXEMPTING THE POSITION
OF CHIEF OF THE FIRE DEPARTMENT
OF THE TOWN OF NATICK
FROM THE PROVISIONS OF CIVIL SERVICE LAW

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 Chapter 8 of the Acts and Resolves of 1925, or any other general or special law to the contrary, the position of chief of the fire department of the town of Natick shall be exempt from the provisions of chapter thirty-one of the General Laws.
- SECTION 2. The provisions of Section 1 of this act shall not impair the civil service status of the person holding the position of chief of the fire department of the town of Natick on the effective date of this act.
- SECTION 3. This act shall take effect upon its passage.

or otherwise act thereon.

RECOMMENDATIONS: The Finance Committee recommends FAVORABLE ACTION with regard to the subject matter of Article 34.

The purpose of this article is to remove the appointment of the Natick Fire Chief from the requirements under the state civil service selection process. The Finance Committee reconsidered the subject matter of this article on April 5, 2005, based on further consideration of the facts. To that end, the committee voted 8-4-0 to recommend favorable action.

This recommendation comes to Town Meeting with concerns from some Finance Committee Members that absent the provisions of the civil service act the town has no formal process in place for the selection of candidates for this position. Although these concerns may be valid, the Board of Selectmen would have the ability to delineate a process by which candidates can be chosen. Should such concerns

remain over the coming months, an amendment to the Town's By-laws can be submitted for consideration as an article on the Annual Fall Town Meeting Warrant.

For further information regarding this proposed petition, please review the text provided by the Finance Committee under Article 33.

Requires Majority Vote

MOTION:

Move that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, providing 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.

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- SECTION 2. The provisions of Section 1 of this act shall not impair the civil service status of the person holding the position of chief of the fire department of the town of Natick on the effective date of this act.
- SECTION 3. This act shall take effect upon its passage.

ARTICLE 36
(John Connolly, et al)

To see if the town will vote to accept the provisions of Chapter 59, Section 5K of the Massachusetts General Laws, as amended by Section 52 of Chapter 184 of the Acts and Resolves of 2002, thereby increasing from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) the maximum amount of reduction of a real property tax bill in a given tax year which may be granted to a person over the age of sixty (60) who provides volunteer services to the town of Natick under the program established pursuant to Chapter 59, Section 5K of the Massachusetts General Laws, said increase to take effect in the fiscal year which begins July 1, 2005.

RECOMMENDATIONS: The Finance Committee recommends NO ACTION with regard to the subject matter of Article 36.

The purpose of this article is to increase the reduction of property tax bills of those qualifying individuals, who partake in the program for volunteer service to the town. Specifically, this increase would double the reduction of property tax of those participating in the program from \$500.00 to \$1,000.00.

In addition to the information provided to Town Meeting Members in our April 4, 2005 report, we further explored the General Laws of the Commonwealth. Specifically, M.G.L. Chapter 59, Section 5K – Property tax liability reduced in exchange for volunteer services: persons over age 60; reads in part as follows:

In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town....

The Finance Committee recommends no action with regard to this article, because Section 5K enables the Selectmen to unilaterally modify the provisions of the tax liability reduction program in Natick, consistent with the statute and Town Meeting's establishment of such program (2002 Annual Town Meeting). The Selectmen and/or town administration should be available to provide an update regarding any action the Selectmen may have taken in this matter and answer Town Meeting Member questions.

NO ACTION

ARTICLE 38
(John Connolly, et al)

To see if the town of Natick would consider reinstating the department of public works commissioners.

RECOMMENDATIONS: By a vote of 11-0-0, the Finance Committee recommends INDEFINITE POSTPONEMENT with regard to the subject matter of Article 38.

The purpose of this article is to re-establish the former Department of Public Works Commissioners. When the Natick Home Rule Charter (Charter) was enacted it modified the commission by enacting the Charter provisional by-laws. The provisional by-laws were removed from the Charter in the late 1990s.

The Finance Committee unanimously voted that Town Meeting should not accept the change in government restructuring as requested in the article. The Finance Committee understands that the Selectmen have voted not to approve the subject matter of this article. Seeing that the Selectmen are the town's commissioners of public works and that there is dedicated administration of the town for this purpose, the Finance Committee unanimously agrees with the Selectmen's position.

MOTION:

Move that the town vote to indefinitely postpone the subject matter of Article 38.

ARTICLE 39
(Joshua Ostroff, et al)

To see if the Town will vote to establish a Study Committee to provide a report to the Fall 2005 Annual Town Meeting concerning the Community Preservation Act and its suitability for Natick based on economic, historic preservation, affordable housing and open space criteria. Such a Committee would be appointed by the Town Moderator, and would include members nominated by the Housing Authority, the Historical Commission, the Historic District Commission, the Open Space Committee, the Planning Board, the Parks and Recreation Commission, the Conservation Commission, the School Committee, the Board of Selectmen, the Finance Committee, or such other composition as Town Meeting may direct.

RECOMMENDATIONS: The Finance Committee has tabled the subject matter of Article 39 to its April 5, 2005 meeting.

The purpose of this article is to establish a committee, which will explore the suitability of the Community Preservation Act, under Massachusetts General Law. Consistent with the article, the proposed committee will report to Town Meeting at the 2005 Fall Town Meeting. The composition of the committee is provided in the text of Article 39.

The Finance Committee, Article 39 sponsors and the town administration discussed at length issues regarding the subject matter of this article. These discussion lead to a consensus of opinion that a committee be formed as suggested in the motion below. The Finance Committee respectfully request that Town Meeting Members positively affirm the motion provided below.

MOTION:

Move that the Town establish a CPA Study Committee to review and recommend to the Fall 2005 Annual Town Meeting a course of action regarding the Community Preservation Act, such committee to include between ten and twelve citizens appointed by the Town Moderator with terms to end October 31, 2005, including:

- One nominated by the Natick Housing Authority;
- One nominated by the Council on Aging;
- One nominated by the School Committee;
- One nominated by the Historical Commission;
- One nominated by the Recreation and Parks Commission;
- One nominated by the Open Space Committee;
- One nominated by the Conservation Commission;
- One nominated by the Planning Board;
- One nominated by the Finance Committee;
- One nominated by the Board of Selectmen;

and up to 2 at-large members, with consideration given to at least one Natick business owner.

Additionally the CPA Study Committee will provide a report to be distributed to Town Meeting Members and to the Town Administrator on the suitability of the Community Preservation Act for Natick, including potential implications for capital and operating budgets.