

Town of Norfolk  
Special Fall Town Meeting  
November 30, 2011

Pursuant to a warrant dated November 1, 2011, signed by James Tomaszewski, James Lehan, and Robert Garrity, Selectmen of Norfolk, the inhabitants of Norfolk qualified to vote in elections and town affairs met in the King Philip Middle School, 18 King Street, Norfolk, MA on Wednesday November 30, 2011, at 7:00 PM in the evening, there and then to act on the following articles. The meeting was called to order at 7:15PM by Moderator Carolyn Van Tine. The Moderator introduced the Town Clerk, Assistant Town Clerk, Board of Selectmen, Town Administrator, and Town Counsel. The Finance Advisory Committee Chairman was introduced and he then introduced the members of the Committee. There were 74 registered voters in attendance.

Sworn counters for the meeting were Margaret Drisko-Johnson and Gregory Mirliss

**APPROVED BY UNANIMOUS VOTE** to waive the reading of the warrant.

**ARTICLE 1 – Transfers -Submitted by Board of Selectmen**

**Approved Majority**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be added to departmental budgets and appropriations for the fiscal year ending on June 30, 2012; or take any other action relative thereto.

To:     Fire Salaries \$43,900.00  
          Fire Protective Clothing \$9,000.00  
          Library Salaries \$5,500.00  
          Norfolk Agricultural School \$10,000.00  
          Advisory Board Reserve Fund 30,000.00  
          DPW – Facilities Maintenance 10,000.00  
          DPW – Clear land for Solar Project 70,000.00

From: Free Cash 178,400.00

**ARTICLE 2 – Snow and Ice Deficit - Submitted by the Board of Selectmen**

**Approved Unanimous**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be transferred to the Snow and Ice deficit for the fiscal year ending on June 30, 2011; or take any other action relative thereto.

To:     Snow & Ice \$161,139.04

From: Free Cash \$102,491.04

        Raise & Appropriate Supplemental Local Aid \$58,648.00

**ARTICLE 3 – Vehicle Stabilization Fund - Submitted by the Board of Selectmen**

**Motion to Indefinitely Postpone - Approved Majority**

**ARTICLE 4 – Unpaid Bills of a prior year - Submitted by the Board of Selectmen**

**Motion to Indefinitely Postpone - Approved Unanimous**

**ARTICLE 5 - Committee Reports - Submitted by the Board of Selectmen**

**CPC – Update on Gumps Farm – Cynthia Andrade**

**EDC – General update - Bob Nicodemus**

To see if the Town will vote to appoint any committee, or hear or act on the report of any committee or town officer, or instruct any committee or town officer; or take any other action relative thereto.

**ARTICLE 6 - Capital Budget - Submitted by the Board of Selectmen**

**Motion to Indefinitely Postpone - Approved Unanimous**

**ARTICLE 7 - Amend License Hours - Submitted by the Board of Selectmen**

**Approved Majority**

To see if the Town will vote to accept M.G.L. c. 138, §33B, as previously amended, to authorize the Board of Selectmen, as local licensing authority, to authorize holders of on premises pouring licenses under M.G.L. c. 138, §12 to sell alcoholic beverages between the hours of 10:00 a.m. and noon on Sundays; or take any other action relative thereto.

**ARTICLE 8 – Christina Estates Subdivision - Submitted by the Board of Selectmen**

**Motion to Indefinitely Postpone - Approved Unanimous**

**ARTICLE 9 – Amend Dog Licensing Fees – Submitted by the Town Clerk**

**Approved Unanimous**

To see if the Town will vote to amend the Town of Norfolk General Bylaws, Article 13, Section 3.C.3 by deleting said Section 3.C.3 and replacing it as follows:

**EXISTING:**

- 3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before March 1, the owner shall pay a late fee of \$50.00.

**PROPOSED:**

- 3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before May 1, the owner shall pay a late fee of \$15.00 for the month of May and increase the late fee by \$5 per month through the end of the calendar year for a maximum fine of \$50. The late fee shall be in addition to the licensing fee. The late fee shall be imposed per residence, not per dog; or take any other action relative thereto.

**ARTICLE 10 – Town Hill Signage - Submitted by the Community Preservation Committee  
Approved Unanimous**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Historic Preservation reserves \$2,000 for descriptive signage detailing the history of Town Hill, to be installed on Town Hill; or take any other action relative thereto.

**ARTICLE 11 – Environmental Assessment - Submitted by the Community Preservation Committee  
Approved Unanimous**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Open Space reserves \$3,150 for the purpose of conducting an environmental assessment and survey, including water quality sampling to rehabilitate and/or preserve the upper (southern) portion of Bush Pond, located at the intersection of Lawrence and Park Streets; Highland Lake, located between Main, Seekonk, and Campbell Streets; and Town Pond, located off Main Street; or take any other action relative thereto.

**ARTICLE 12 – Transfer of Landfill Property - Submitted by the Board of Selectmen  
Approved Unanimous**

To see if the Town will vote to transfer certain property identified as “Proposed Conservation Area = 8.60 AC” on a plan entitled “Town of Norfolk Solar Project Proposed Conservation Land Norfolk, Massachusetts,” dated July 8, 2011, being a portion of that property described in an Order of Taking for the Purpose of Establishing a Sanitary Land Fill Area, recorded with the Norfolk Registry of Deeds in Book 4995, Page 737, from the board or commission having custody thereof, to the Conservation Commission for the purpose of holding said property for conservation purposes pursuant to G.L. c. 40, §8C, and for the purpose of imposing a Declaration of Restrictions thereon, which Declaration of Restrictions shall be enforceable by the Commonwealth of Massachusetts, through its Division of Fisheries and Wildlife; or take any other action relative thereto.

**ARTICLE 13 – Amend Taping Bylaw - Submitted by the Town Administrator  
Article fail: 35 no 29 yes**

To see if the Town will vote to amend ARTICLE III, SECTION 8 of the Town of Norfolk General Bylaws by deleting the reference to “G.L. c. 39, § 23B” and substituting therefore “G.L. c. 30A, §§ 18-25” and by deleting “, and shall make provision for audio or audiovisual recording of the public portions of its meetings. Tapes or other audio or audiovisual recordings of meetings shall be preserved for a minimum of two years.” ;or take any other action relative thereto.

**ARTICLE 14 – Committee Name Change - Submitted by the Town Administrator  
Approved Unanimous**

To see if the Town will vote to rename the “Arts Council” created pursuant to G.L. c.10 §58 as the “Cultural Council” to be consistent with the language used in the statute; or take any other action relative thereto.

**ARTICLE 15 – Water Department Budget - Submitted by the Town Administrator  
Approved Unanimous**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be added to Water Department debt budget for the fiscal year ending on June 30, 2012; or take any other action relative thereto.

To: 600312 MWPAT Principal \$20,000.00  
600322 MWPAT Interest \$11,629.76

From: Water Retained Earnings \$31,629.76

**ARTICLE 16 – Amend Tree Bylaw - Submitted by the Building Commissioner  
Approved Unanimous**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, Section D.1, Basic Requirements, first paragraph regarding tree clearing by deleting the text shown below as stricken and inserting text shown as bold and underlined as follows, for the purposes of deleting soil absorption system setback requirements, eliminating the special permit requirement for new residential dwellings and replacing the Zoning Board of Appeals as the permitting authority for tree clearing and instead have a proposed plot plan for tree clearing submitted to the Building Commissioner for approval as part of the building permit application for new Residential Dwellings:

All applicants for new Residential Dwellings (excluding additions, accessory buildings and septic systems) hereinafter constructed shall be prohibited from cutting down any trees **from the back corner of the house to the back corner of the lot within twenty-five feet of the side or rear lot line** ~~within the side or rear setbacks set forth in Section E.1.b or within the soil absorption system setbacks set forth in 310 CMR 15.00, unless relief is granted by a special permit by the Zoning Board of Appeals unless relief is granted~~ **by the Building Commissioner, after submission, with the building permit application, of a tree clearing plan, consisting of a plot plan demonstrating clearly where proposed tree clearing will be performed.** This prohibition shall remain in effect until the occupancy permit has been issued. **An applicant may appeal the decision of the Building Inspector regarding the tree clearing plan within thirty days pursuant to Section 8 of Chapter 40A.**

or take any other action relative thereto.

**ARTICLE 17 – Amend Commercial Vehicle Bylaw - Submitted by the Building Commissioner  
Approved Majority**

To see if the Town will vote to amend the Norfolk Zoning Bylaws Section J.7.a.3 Prohibited Uses in the C-1 District by removing the words “or Side YARD or More Than Ten Commercial Vehicles in the Rear YARD” so that it reads as follows, or take any other action relative thereto.

Section J.7.a.3 Prohibited Uses in the C-1 District

Outdoor Storage of Commercial Vehicles in the Front YARD or Side YARD or More Than Ten Commercial Vehicles in the Rear YARD

**ARTICLE 18 – Library Appropriation - Submitted by the Library Trustees**

**Approved Unanimous**

To see if the Town will vote to appropriate \$10,568.23 from the Library Addition Project for the purpose of replacing the siding including any related repairs of the Norfolk Public Library; or take any other action relative thereto.

Moved to dissolve this Town Meeting at 9:01 PM