

Present was James C. Lehan, Robert J. Garrity, Scott Bugbee, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant.

The meeting was held in Room 124, Town Hall. Jim Lehan opened the meeting at 7:00 p.m., and announced that the meeting will be audio and video taped. Jack Hathaway read the agenda contents.

Jim Lehan noted that the Board and Jack Hathaway attended the annual Mass Municipal Association conference in Boston and recognized that the 3rd place winner of the 6th Grade MMA Essay contest was Sydney Guden of Norfolk. He said that Norfolk had a first place winner several years ago, and in 2011 we had a second place winner.

MODERATOR – TOWN MEETING PROCEDURE

Carolyn (Cici) Van Tine, Moderator was present. The Board discussed town meeting procedure that was voted into bylaw at a prior town meeting before she was Moderator. Jim said that he knows that she inherited this policy, and it has nothing to do with her. Jim said he feels that some people don't attend because of this policy. He feels town meeting attendance has declined and would like to discuss this to get the attendance increased.

Rob said some of the old timers complained to him that they don't like the new procedure. Jim said people have told him they don't like only having so many times to speak.

Cici asked Scott. He said his concern was the lack of people there. He agreed that he would like to see more people attend town meeting.

Cici said that there is not a lack of people at town meeting. Attendance is up, not down. She had the Town Clerk do a check, and town meeting attendance has risen, not declined. Attendance is consistent.

Cici thinks mailing the town meeting warrant would help. Stifling of speech hasn't resulted in lack of attendance. That's false. Jack said the Board has already discussed possibly mailing the warrant.

Cici said residents haven't complained to her. She likes having the rules and thinks they work.

Jim said that he feels articles like zoning articles are confusing and people may need to get up more than twice.

Jack said that he has heard that other people have commented they like the rules because it prevents people from getting up constantly.

Scott asked should we consider trying to make modifications to some procedural rules. Rob said he would have said yes, but after listening to the Moderator, this isn't our meeting. He said he personally thinks we need to loosen up a bit, to change the two time rule. Jim would like to inform people and would like to loosen it up as well. Rob and Jim said there is a lot of leeway for the Moderator to allow more time to someone if needed. She already has that right. There is wiggle room.

Rob Garrity moved to place an article on the warrant to amend the Town Meeting policy. Scott Bugbee seconded, and it was **so voted**.

DISCUSSION OF TRAILS

Present was Howard Bailey and Kathleen Kadirka; Walter Mahla of Paddocks & Corrals; Jeff Palumbo, Planning Board Chairman; Mark Comeau and Mark Mastriani of Pulte Homes; and Patricia St. Aubin, abutter.

Howard Bailey was the spokesman. Jim Lehan questioned the trails on a plan he had. Howard told Jim that that plan an early on plan that was not current. He said it was never even close to being approved by the Planning Board. He questioned where he got the plan, and Jim said the Planning Board. Howard presented another plan that was approved by the Planning Board, as well as a Special Permit.

Howard said the place that corresponds to approval is the Special Permit. He said the sections that reference the plan are highlighted. Any trails or anything having to do with these matters. He gave the Board a copy of both the updated plan and Special Permit.

Jim asked to see the trails. Howard said the only trail now is one stone path on the property and showed it on the plan. It goes out to Maple Street. There is access to the property by the new road because people were using private property.

Howard said they were required within a month of the definitive plan permit to have a public meeting, which they had with this Board. It was a meeting of one member of each the Board of Selectmen, Planning Board and Conservation Commission. He said a meeting happened already with one Selectman. The Board disagreed that this meeting happened. Jack said they were never notified of such a meeting. Rob and Jim said they weren't informed of any such meeting. Scott Bugbee wasn't on the Board then, but Jim said no way would Jim Tomaszewski have attended. Jim said he does remember the conversation, but the meeting never happened.

Howard said a few times multiple members of various boards walked the site, once on snowshoes because of the weather, to determine where trails need to be, but could never get anyone to say where they wanted the trails.

Jim said the Board felt strongly the trails on open space that belonged to the Town of Norfolk were not to be used to the benefit of the horse farm. Howard said absolutely. Norfolk had a bylaw at the time that said no horses were allowed on any town owned property so they revised all their plans and took all the trails off. He said the permits say approval of the Planning Board, but he knew the trails were to be decided by the Town of Norfolk and not them.

Howard further stated that a \$10,000 deposit was made to the Town of Norfolk to ensure these trails would be built because they didn't want it to hold up Pulte Homes with any restriction by the Planning Board saying it wasn't complete. He said it was agreed upon by the Planning Board, and someone has their \$10,000 surety.

Rob asked is the idea that trails built will be built to these standards – and pointed to the plan. Howard said there are notes on the plan that you can read. 95% of the discussion was Planning Board. Jack said roads are common to us, but trails are a whole new thing.

Jim pointed on the map that you have existing trails, and then dotted lines which are proposed trails. Howard said all those were removed. Rob said you aren't proposing a trail out Maple Street any longer? Howard said it is the discretion of the Town. For whatever reason, we got turned around and no one could make a decision on the trails, and this is what we ended up with.

Jeff said he had an opinion on trails. This came before the Planning Board before his tenure on the Planning Board, so we're talking over three years ago. He was not present for the hearings, etc. Planning Board hasn't taken it up as current business because they are reviewing it at this time. They will work with the Selectmen on this.

Rob asked if the horse trail is still around the property. Howard said it currently exists, but he no longer owns the property.

Jim asked where we go from here? The Board is concerned that there is an adequate buffer for the few homes that abut this property. Our obligation is to our residents and we don't want to encroach on their privacy. Open space should be an advantage by the community, not a private enterprise. We need to ensure as it states here, that the trails are an adequate distance from abutters.

Howard said he flagged proposed trails and walked them with various board members who came out. Now he needs direction on what to do. Jim said he went out and viewed the trails, but he was referencing the wrong map, and didn't see trails. Could have been covered in snow.

Howard said he and Kathleen own the equestrian center. Paddocks & Corrals is Walter Mahla, and Pulte purchased lots in the ways. He knows where they should go in the best interest of the Town and distancing abutters. Maple Street is in a pedestrian trail six feet wide. He showed his idea of trails on the map. Howard said he didn't care if they did trails or not.

Howard told them that a trail standard is a 6" trench, then stone, then wood chips on top. There is no excavation. Jeff felt the trails were sufficient – speaking for himself and not the Planning Board. He said putting in sidewalks and access to the trails is sufficient.

Mark Mastroianni, Pulte Holmes, said they are building the project, and want what the Town expects from them to complete the process. Pulte is indifferent to what the Town wants. He would like us to document the direction of the Town, or ultimate outcome as to what we want so that they have a clear understanding of trail requirements going forward.

Jeff said there are no procedural issues, although some Planning Board members may disagree.

Jack asked how do we document this? Howard said the concrete bounds are there. He suggested focusing on the entrance where the majority of people access the property now. You want to address that you want them to access Town of Norfolk property and not private property. Jeff feels this is documented in their decision.

Rob Garrity moved that no new trails from bridge to Maple Street and the portion of land conveyed to the Town as part of the Open Space plan. Scott Bugbee seconded, and it was **so voted**.

Howard questioned if the Board held a public hearing on the trails, and signed and voted a Conservation restriction for Lot 72. Jack was sure there was no public hearing held, and it was

unclear if a Conservation restriction was executed for Lot 72. Howard said that we held up endorsing the document because of the trail system. Jim said then the answer is no. Marian will check records and get back to the Board. We will bring this up again on March 12th.

Jeff said a minor modification would be needed so it would be documented sufficiently in their decision and the plans would coincide with the decision. Jim said documentation would reflect a definite decision by the Selectmen. Planning Board members may think a different approach, but it is not up for discussion.

NORFOLK COMMUNITY PARK AT GUMPS FARM UPDATE

Present was Cyndi Andrade, CPC and Ann Proto, Recreation Director.

Cyndi gave an update on the Park at Gumps Farm. She said they had to go before the Planning Board for a Special Permit. They did, they got it, the 21 days passed and she recorded it with the Registry and that was their last hurdle.

Cyndi explained the map to the Board. She said they will need to put a well in and it would be used for Kids Place, too.

Ann Proto showed a plan of the playground.

Jim commended Cyndi and Ann for yeoman's work on this project. Cyndi mentioned they have taken into consideration the privacy for abutters.

LIQUOR POLICIES

Jack reviewed two liquor policies with the Board that were prepared by Scott Bragdon. One was a Liquor Refund Policy, and the other was Purchase or Consumption of Alcohol by Minors. The Board made two minor wording changes to the second policy, but they approved both policies.

Scott Bugbee moved to approve the Liquor License Refund Policy as written. Rob Garrity seconded, and it was **so voted**.

Rob Garrity moved to approve the Purchase or Consumption of Alcohol by Minors Policy as amended. Scott Bugbee seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Town Meeting Warrant Discussion

Jack reviewed the Warrant with the Board.

The Board discussed what to do with the Old Town Hall property. They need a specific recommendation and need to see if the right hand side property is zoned commercial. They will consider an article, which they have already placed.

Budget Discussion

Jack said that this is a very preliminary document.

He mentioned New Revenue, New Growth and State Aid. King Philip and Snow and Ice are problems. Jack will continue to review this with the Board as budgets move forward.

Rob Garrity moved to close the warrant. Scott Bugbee seconded, and it was **so voted**.

ACTION ITEM

Rob Garrity moved to refund the liquor license fee already paid by Narain Swamy of the former Norfolk Fine Wine & Spirits, 206 Dedham Street. Scott Bugbee seconded, and it was **so voted**.

The Board briefly discussed the truck exclusion.

Jack McFeeley resigned as a Registrar as he accepted another appointment and cannot do both by law. Rob Garrity moved to approve David Rosenberg as a Democrat member of the Board of Registrars, per recommendation of the Democratic Committee. Scott Bugbee seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Scott Bugbee moved to approve the minutes of January 22, 2013 and February 5, 2013. Rob Garrity seconded, and it was **so voted**.

At 9:40 p.m., being no further business, Rob Garrity moved to adjourn the meeting. Scott Bugbee seconded and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 26, 2013.

Scott Bugbee, Clerk