

72 e 8, 2005

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

The meeting was held in Room 124, Town Hall. Rob Garrity opened the meeting at 6:00 p.m., and announced that the meeting will be audio and video taped. Jack Hathaway read the agenda contents.

LAKE STREET UPDATE

Present was Robert McGhee, DPW Director. Joe McNichols, County Engineer from Norfolk County was also present. He put together a plan of Lake Street at no charge. Bob said that residents probably saw people in their yards surveying over the winter, and that was Joe and his crew.

Bob discussed the plan with the Board, and with the residents. He said the dark lines are the town's layout. Joe said the dark line is separating the public way and what is considered private property. Bob explained the map to the residents.

Bob said there are some slide slope issues. He talked about erosion, and said there are some big trees that should be removed. He said that they can walk the road with residents and discuss the sloping of the road.

Jean Lasage, 14 Lake St. Her area seems to be lower and wondered where the water goes when they pave. Bob said with the pavement, he is going to try to get natural infiltration. He wants to keep it natural and not create manholes, drainage, etc. Bob said he will look at it to try to prevent standing water.

Bob said he will be lifting all the asphalt so that he has a good compacted roadway before paving.

John Gage, 15 Lake St. What are your plans for his stone wall? What about his well. He doesn't want that disturbed. Bob said it doesn't look like things will change. Bob said he would like to remove the stones and bring the side grade over and then put the stone back and also maybe more sort of a retaining wall. John said his rock wall is like a retaining wall, and is afraid if the rock wall is removed, it would affect the well. Jack said he doesn't think his wall will be affected. Jack said we are talking more about the wall near McCormick's that is more shoulder level than road level.

Bob said there is no width problems on the road. Equipment can be in there fine. They will close the road to residents only while working. Emergency vehicles will be able to access the road during paving, as well.

Maxine Balest, 36 Lake Street questioned what the ConComm thought of the pond? Bob said he wasn't sure. They will use hay bales and showed the order on the wetlands section. Bob questioned his role in this. Jack said ConComm will do it for you. Ms. Balest told Bob to feel free to take all the trees in front of her property. He said he would only take trees on town property.

Karen Gallup, 22 Lake Street asked when will the work be done. The Board said that we aren't even sure it will be done, because of cost. Chapter 90 was cut drastically and we have no idea what we will get. Jack said we need a full blown estimate from Bob and then we need to look at

funding. Best case is the fall, and worst case is first thing next year.

Rob said we have identified a couple of options. He feels that we will do the one that presents the least impact. Bob said some people will gain some property, and some will lose some. In all, it's the town's property but some people have been using it as their own. He said that would be going down the center of the road with 9 feet on each side. Bob said he would do a binder coat and at least start.

Jim said that he thought we were going to pave it, and try to keep the shape of the road as much as we can. A conceptual plan of what the feel is. We need to clean and restore and not do anymore damage to the property.

Bob explained the road that would be eased over by the McCormick's. Ed McCormick said there is a fair amount of water toward Main St. until you get to the brook. But as you get more toward his house, the water is right at the road. Bob said he is anxious to discuss this with Mr. McCormick because this is his property. Rob said we are trying not to do the typical cleanout – they are trying to compromise and help residents.

Bob said we can paint signs such as children and other things that would help – paint in the street as opposed to signs posted.

Jay Leiendecker, 20 Lake Street said years ago, a contractor worked at the request of the utility companies and could we partner with any utility companies to remove the trees and help with the costs. Bob said that they do a terrible job to keep the lines free, but he would have to be there while they are doing it.

Chris Swezey, 1 Lake Street. Bob came out because he had some stone markers and one tied to a tree, and was curious. They weren't sure. Joe said there is probably a stone marker from the county layout. You may have seen random iron rods or wooden hubs that they use them to locate everything. Orange ribbons tied to tree branches. Sometimes it will tip you off that they found something, or a traverse station. Rob said it may be your real property line. Joe said the stone marking is your property line – the street line. Joe said he hasn't marked out anything for the paving. They only did existing property lines.

Rob questioned how Bob would like residents to contact him to question their property. One day, individually – what are you looking at? Joe will do a center line, and Bob will speak with anyone. They can contact him and he will send them the Lake Street plan electronically. Figure: \$300,000

Ed McCormick asked if we are filing a Notice of Intent with the ConComm? Bob said yes, or go to jail. Someone asked the timeline once you start. Bob said the right way is to do the grading and side sloping and trees done now. But it's a sensitive issue for many, and he recognizes that, so they'll do it slower, and make their way down the street, one property at a time. The paving is the easy part. ConComm and Planning Board will be on top of this. Rob said there will be hearings before ConComm and Planning, so you will have more public access.

Patty Bethel at 53 Lake Street questioned the speed bump comment. Bob said speed bumps could kill someone trying to get to a hospital. Chief Stone would not endorse it, either. They wreck plows and equipment. It calms the traffic, but would leave that for the Chief to answer.

ACCEPTANCE OF MINUTES

Jim Lehan moved to approve the minutes of May 28, 2013. Scott Bugbee seconded and it was **so voted**.

SHAWN DOOLEY, TOWN CLERK – OPEN MEETING LAW/ELECTION UPDATE

Shawn Dooley was present, and told the Board that there is a new Open Meeting Law version as of July 1, but most changes were housekeeping, not substantial. There is a new checklist for Executive Sessions which he will give us.

Norfolk has not had any violations at all to date. He said they told him that the biggest issue is that reasons for going into Executive Session by boards is not valid. Also, Boards never release the executive session minutes to the public.

The issue of the Election and controversy over the Constables was discussed. The issue was they were terms of three years, and one should have been one year because of a resignation. It was an oversight. Shawn discussed it with the Secretary of State's office and they referred him to Town Counsel. Shawn said that we received a letter from Kopelman & Paige. Shawn said things have been changed over the years – correctly or incorrectly. He said he and Jack went through the records. According to Town Counsel, the cleanest way is to do it as a one year fill, and then do a 3 year term.

Dan Fallon, Hillcrest Village was present, and disputed the election procedure. Mr. Fallon had run for Constable in May and was defeated. Dan asked Shawn if his ruling was from the Secretary of State. Shawn said no, Town Counsel. Dan asked why. Shawn said the Secretary of State said to consult our Town Counsel. We are going to do it again the spring. Anyone can run. The Secretary of State has said it is a local issue, not a state issue.

Dan feels we need to have a special election. Shawn said that is absolutely wrong. We don't have a provision in our bylaw for a special election. Shawn said it was an error putting a three year term.

Shawn said the State would prefer a stagger term, and the only way is to do it at the fall town meeting. Then in the spring there will be a 3 year and a 2 year term. Then the 2 year term would become a 3 year term. This is the cleanest way. Rob asked if he would prefer staggering the terms. Shawn said yes. Shawn said they have the police act as a constable at the elections.

Dan said he talked to the Secretary of State's office and got a totally different opinion.

Jim said that the issue is closed. This is how town counsel ruled, and we are going with her ruling. The Selectmen gave him a copy of the letter from Town Counsel, and said the matter is closed and no longer under discussion.

Jim suggested that Shawn submit an article for the fall town meeting. He agreed.

CONTRACTS

Jack discussed the contract for Chief Stone. He said they should extend him for 3 years, and that will get him through his state mandatory retirement at age 65. This will be his last contract, unless we appeal to legislation. We probably will not seek that route.

Jim said that Chief Stone has been in Norfolk forever, and has been the Chief for 20 years, and they wanted to be sure we take care of our own. Rob echoed this.

Paul Murphy will be promoted from Sergeant to Lieutenant and Jon Carroll from Lieutenant to Deputy Police Chief.

Jim Lehan moved to approve the Chief's contract. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to approve the Deputy Chief's contract, which is a 5 year contract. Scott Bugbee seconded, and it was **so voted**.

ROCCO REALTY II LLC – CONTINUATION OF PUBLIC HEARING, FLAMMABLE GASOLINE STORAGE LICENSE, 242 DEDHAM STREET

Rob Garrity opened the continuation of the public hearing at 7:45 p.m. Jim Lehan read the hearing notice as a continuation. The Board noted that the applicant was notified, but did not show up. It was noted that he did not show at either hearing.

John Walsh, an abutter, was present at this hearing.

Jim suggested closing the public hearing without prejudice, and he will have to apply again. After discussion, the Board decided to give him one more chance, and to continue the hearing to our next meeting.

Jim Lehan moved to continue the public hearing until Tuesday, July 23, 2013 at 6:00 p.m. Scott Bugbee seconded, and it was **so voted**.

We send Mr. Quaglieri a letter by certified mail.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to approve a one-day beer and wine malt liquor license for Benjamin Lacy, Executive Chef at Tastings Wine Bar and Bistro at Patriot Place, Foxboro for a plated dinner at Elmhurst Farm, 106 Seekonk Street on July 28, 2013 from 4 p.m. to 10 p.m. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to approve the renewals for directional sign permits for Jane and Paul's Farm, 33 Fruit Street; Norfolk Rink Management, Inc., One Dean Street; and Fore Kicks, 10 Pine Street. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to accept the donation of the foregoing Quitclaim Deed from Andkra, LLC to the Norfolk Conservation Commission for open space for conservation purposes. Scott Bugbee seconded, and it was **so voted**.

Appointments

Jim Lehan moved to appoint Robin Wessman to the Cultural Council, term to expire June 30, 2016. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to appoint Robert Luciano as a full member of the Zoning Board of Appeals, term to expire June 30, 2018; and Jason Vanderpool and Donald Hanssen as Associate Members, term to

expire June 30, 2014. Scott Bugbee seconded, and it was **so voted**.

Jack said he spoke with Julie Siewko and we have \$109,000 left in salaries. Some departments had open positions and didn't use the salary.

Jack said we got \$122,000 back from NSTAR for metering credits they owed us. He said they are trying to finish tying that out. There are 24+ accounts. He and Bob are going through that to be sure it is accurate.

The Board asked Jack to contact our State Senator and Representative and question prison mitigation funds. Please reach out and get this ASAP.

Jack said Senator Ross tried to get more funds for prison mitigation in the supplemental budget, and it did not pass.

Rob said we are bearing the State's burden, yet they cut our funding. Rob said both prison mitigation funding and highway funding are cut dramatically.

Jack discussed the school project. They are gearing back up to finish the parcel on Boardman Street where the Freeman/Centennial School was taken down, and on Monday they will gear up and they said less than a 6 week (or month) window to get it down and have a parking lot go in there. We will also be able to finish the last playground. After that, we have a punch list of items to be done, and we should be finished with everything by the time school starts in September.

Jack reviewed the road schedule with the Board.

Jim had an update that KP has reached out, and he has met with the budget subcommittee.

At 8:00 p.m., being no further business, Rob Garrity moved to adjourn the meeting. Jim Lehan seconded and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of July 9, 2013.

James C. Lehan, Clerk