

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.

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 6:00 p.m. Jim Lehan read the hearing notice as a continuation.

Present was Evan Wilmarth, Engineer, Alan Quaglieri, owner of Rocco Realty II and John Walsh, abutter.

Jim asked if 242 Dedham was residential or commercial. Mr. Wilmarth said both. Jim said so the house is not occupied at this time. Evan said Mr. Conlin still visits the house from time to time. Jim asked about how the tank is built for leaks. Evan said the barrier around the tank holds up to 5,000 gallons of spillage. As far as spillage, where the tanks unload, you put the hose in and fill. It is what it is. Evan said walls inside are double walled.

John Walsh owns the property across from them. He is concerned if they go out of business and the tanks are sitting there with the gasoline inside them. Mr. Wilmarth said that the greatest asset is the gasoline at \$3+ a gallon, and they would pump it out and get rid of it. John asked if there is any type of security or bond we get. Mr. Wilmarth said that he reports any spillage on the ground or discrepancy of readings to the Department of Safety. He is required to by law, so it isn't an issue.

Rob asked Jack if the Chief is still fine with this. Jack said yes.

Jim Lehan moved to approve the Flammable Storage license for 24,000 gallons of gasoline underground. Scott Bugbee seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Discussion Items

Jack mentioned the letter regarding Chapter 61A on Jane & Paul's Farm. This is the parcel of land on Fruit Street, not the farm property. The letter did include a P&S, and we have first refusal. Jack said that CPC was notified. The Board wants to wait until CPC has reviewed it.

Jim said this must not include the conversion. Rob said he would like to let this go. Jim agreed that we should pass as well. Jim said it is not the farm. It is a small piece of property on Fruit Street.

Jack said it raises a question on Lot 1 and 2. The Board discussed and agreed that we will let CPC review before making a final decision.

VERIZON/NSTAR JOINT POLE HEARING – PINE STREET

Present was Erin Mitchell, representing Verizon, and Richard Bremilst, an abutter.

Jim Lehan read the petition for the joint pole location which is Pine Street: on the easterly sideline, to place New Midspan Pole No. 7 ½ approximately 93 feet north of existing pole No. 7. 1 JO Midspan Pole to be placed.

Erin explained that this request is to provide service to a new building #36 and to support the wires between pole 7 and 8. Rob asked when work would begin. Jack brought up a pole on Boardman Street that is impeding us putting in our parking lot at the new school. He will email Erin the information.

Richard Bremilst was present as an abutter and said that his wife owns property at 39 Pine Street and notified of the hearing. He questioned the poles and the Board said this won't impact them.

Jim Lehan moved to approve the request to locate a pole on Pine Street as described on the joint petition. Scott Bugbee seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to rescind the appointment of Joyce Frank as Town Counsel, and vote to appoint Kopelman and Paige PC as Town Counsel; term to expire 6/30/14. Scott Bugbee seconded, and it was **so voted**.

Please consider a Working Committee for Jane and Paul's Farm. Rob said there may be some requirements from the State that we need to get going sooner than later, and we should not wait. He said a ConComm person, a CPC member, and maybe a Selectman should be the Committee. Keep it small. Jim said if we consider this, it is going to make a significant impact on the Town. He thinks we should have an elite group that would have some connectivity and contribute to the process and make it a small committee such as three. It should be a focused, concentrated effort.

Jim Lehan moved to establish a working committee of three individuals to work on Jane and Paul's Farm. Scott Bugbee seconded. Scott asked what the committee's goals would be, and Jim explained that we would like to keep this property in town, and see how it would be financially feasible. It is probably the largest piece of property we will have or have had in a long time. Jim said this property also backs up to the Weeber property which is 24 acres of town owned property. Jim amended the motion to between three and four people. Scott Bugbee seconded, and it was **so voted**.

Jack asked the Board to please consider appointments for the CPC.

The Board discussed the at-large position. The Board was upset that Matt Noiseux did not get sworn in last year, and will not answer any emails or correspondence sent from the office. He also did the same last year.

Jim Lehan moved to appoint Mike Kulesza a member at large, expires 6/30/14. Scott Bugbee seconded, and it was **so voted**. Rob thanked Matt for his years of service.

Jim Lehan moved to appoint Paul Terrio as a member for Precinct 2, expires 6/30/16. Scott Bugbee seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Jack said that the Home Rule was approved for Regionalization. They had a meeting today and a couple of tweaks were made, and he will send it to the Board tomorrow. It can be signed at our meeting on 8/6. Jack said we will be optimistically open in one year.

Jim questioned that we have had a lot of phone problems. There is a box on Rockwood Road and they have come out and replaced batteries. Jack explained the procedure.

Jack mentioned that work on Seekonk Street has been done by the DPW. He said there is other work being done on the access road – the sidewalks. DPW is also continuing the crosswalks – two on the far side of Town Hill on Union Street by the clock and Federated Church. He would like to do those both at the same time while the road is closed off.

ACCEPTANCE OF MINUTES

Jim Lehan moved to approve the minutes of June 25, 2013 – regular and executive session, and July 9, 2013. Scott Bugbee seconded, and it was **so voted**.

LAUREN GOLDBERG, ESQUIRE, KOPELMAN AND PAIGE PC

Lauren Goldberg is here tonight to talk about Charters.

Jim said he would like to start with changes at Kopelman and Paige. Lauren told the Board that Leonard Kopelman and Donald Paige were sole proprietors for over 40 years. A Management Committee worked on transition and succession. Twenty members purchased the firm and own the firm now. They feel strongly that the work they do is important and now being an owner makes it more important. She said that Joyce has left the firm, and that was her choice. Lauren said they will give us a primary contact, and if you are not comfortable with that person, we can choose someone else. They do not take it personally, and will give us someone we feel is more appropriate.

Jim said he would like a single attorney. Lauren said Kay is ready, willing and able. Also, David Deneski can be a back-up. You could have Kay and if there are issues that you don't want Kay doing, or if Kay doesn't want to do things as a resident, we could have David step in. Lauren felt that we do need one member who we deal with as a go to person.

Lauren said that their practice areas have remained the same. 98.5% of their clients are public clients.

Jim Lehan moved to rescind Joyce Frank as Town Counsel. Scott Bugbee seconded, and it was **so voted**.

Jim Lehan moved to appoint Kopelman & Paige PC as Town Counsel. Scott Bugbee seconded, and it was **so voted**.

Lauren said she has been with Kopelman and Paige since 2000. She worked as a staff attorney since 1996. Lauren started out doing open meeting law. Then she started doing bylaw and charter, and on to town meetings. She said she does general municipal law. Lauren is a managing attorney and practices a lot in charters.

Lauren explained charters. Charter Commissions can only be started by a petition. Most towns have a charter review committee. Lauren said that the petition is 15% of registered voters. This question will appear on a ballot. In order to ensure that the question will appear on a ballot for an

upcoming election, this petition must be filed with the Registrars of Voters at least 100 days before that election.

Charter Commission has to have a public hearing. Strict deadlines to follow. Has to be advertised in the newspaper, must be mailed to all voters, and then a ballot question. Charter Commission writes the summary for the ballot question. The Commission is nine (9) members who are elected. They file their nomination papers at the same time that the question to have a Charter Commission goes on. It is a big undertaking.

Charter allows the shifting of regulations and responsibility of government to someone else. Authority that may be with boards and committees that now is permanently given to the Town Administrator such as signing payrolls, etc. Permanently until you adopt an amendment.

BOS, Town Manager, School Committee can't be done without going through the Charter. Some have to come back to the town for local acceptance. You can build a local acceptance into your Special Act. There is a cost under 43B that doesn't happen when you go under the Special Act.

If you have a Special Act process, you would have to make amendments through the General Court.

Jim questioned the role of the Town Planner, and wondered if she can help them with information. She will provide information.

The Board thanked Lauren for speaking with the Board this evening, and for the information.

Discussion Items - continued

Jim made aware the pickleball court – small tennis court – to be built on Kid's Place. A resident has offered to donate money. The use hasn't changed, so it shouldn't involve attorneys. Rob said he would like to donate the land to the Housing Authority that their septic is on, and let them deal with it. Jim was giving the Board a heads up that this may be coming up.

Rob mentioned a fatality on the roads although it wasn't a Norfolk resident. This was a party with some degree of supervision and someone with 6 beers thought they could be a designated driver. It involved a 20 and 24 year old and the person killed was not buckled. The party wasn't in Norfolk. Jack said this accident brings home not texting while driving, and said after this, he will not look at his phone either. Jack said no speed involved. If the passenger had his seatbelt on, it may have been a different outcome.

The Board commended the DPW on the wonderful job paving Seekonk Street.

At 7:55 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 23, 2013.

James C. Lehan, Clerk

