

72 e 8, 2005 BO

Present was Robert J. Garrity, Scott Bugbee, James C. Lehan, and Marian Harrington, Executive Assistant. Jack Hathaway, Town Administrator was not in attendance.

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. Jim Lehan read the agenda contents.

CYNDI ANDRADE – CPC UPDATE and PARK NAME

Present was Cyndi Andrade, CPC Chairman.

Cyndi said bids were open by Bob McGhee. There were 3 actual bids. The lowest bid was Sunshine Paving of North Chelmsford. References were good. CPC will vote on this on Thursday. They will go forward with paving the parking lot for maintenance purposes. Sunshine will be ready to go mid-September. Cyndi said all this was facilitated by Karen and Bob at DPW and she is very thankful for all they did.

Cyndi said they need a name for the whole parcel. Cyndi said that some people do not want Gumps.

Cyndi said they are making the sign, so she needs a decision. The Board would like some public input and kick it around and get back to Cyndi. Rob suggested they come up with four ideas and the school kids could vote on the name.

Cyndi will have a few articles for the Board for the Fall Town Meeting.

Cyndi would like Betsy Pyne as the CPC member on the Jane & Paul's Committee.

CHIP FAGAN, MIA VETERANS

Chip Fagan of Millis and Darren Bean of Millis of the Warrior Thunder Foundation came to our meeting to discuss doing something for Missing in Action veterans. He said that chairs in memory of the MIA vets have been put at Boston Garden, Fenway Park, Gillette Stadium as well as other locations. They would like to see if Norfolk would consider doing something such as a chair in our Town Hall or in a memorial, or whatever. There are photos showing some that they have done.

Chip gave us photocopies of what some of the memorials in other towns look like.

Retired Sgt. Major Darren Bean said that his foundation, Warrior Thunder, helps with this project. They work with the Fisher House. Darren said an indoor memorial would be about \$600. An outside one would be about \$1600. He said there are 91,000 missing veterans who never came home. Rob said he would like to have our Veterans Agent and American Legion in to discuss. Jim feels that Town Hill would be the perfect place for this because we do a special tribute on Memorial Day on Town Hill at the Veteran's Memorial there. Darren said the chair would not be appropriate to sit in – this is the vacant seat of a veteran never returning. Darrell said his foundation and Millis Amvets would be willing to help us with this project.

BOB NICODEMUS, ZONING FOR C-6 ZONING DISTRICT

Bob Nicodemus and Mike Kulesza of the Zoning Bylaw Study Committee needed some clarification on what to do for the zoning in the C-6. Rob explained that C-6 is the Southwood property and zoned mainly for a hospital, assisted living, etc. Bob asked what we have heard from George Valone.

Rob said George Valone is still in discussions with the Diocese. Rob said Jack reminded Mr. Valone about reaching out to the townspeople. There is not a lot on the plate for the fall town meeting time frame.

Mike asked if he has been told that no one is excited about his plans, including the Selectmen. Rob said yes it has been relayed, but Jack has mostly been the contact with George. This will be shelved for now.

Bob questioned the medical marijuana. The Board said there is nothing there either. It will probably be a light fall meeting.

TOWN ADMINISTRATOR REPORT

Action Items

Scott Bugbee moved to appoint Gail Sullivan to the Historical Commission, term to expire 6/30/16. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to accept the Agreement by and among the Towns of Franklin, Norfolk, Plainville and Wrentham for a Regional Public Safety Communications and Dispatch Center and authorize Rob Garrity to sign as Chairman on behalf of the Town of Norfolk. Scott Bugbee seconded the motion, and it was **so voted**. Jim Lehan then amended his motion to authorize Jack Hathaway to sign the contract in the event of non-substantial changes. Scott Bugbee seconded the motion, and it was **so voted**.

Jim Lehan moved to exercise our right of first refusal under M.G.L. Chapter 61A by declining to purchase 7.8 acres of land off Fruit Street, Norfolk, MA and shown as Lot 3 on Subdivision Plan of Land and shown on Norfolk Assessors Map as Parcel 23.55.75. Scott Bugbee seconded and it was **so voted**.

Discussion Items

Kay Doyle, Town Counsel discussed an issue that has arisen surrounding 7 Sagamore Road. In the past, an easement to access a well was obtained by the Town that went through the middle of the house. Now the house is being sold, and the woman is technically homeless because she sold her home and now this problem is preventing her from closing on this house. Kay said the lender is uncomfortable with this easement issue. Kay told the Board that her firm came up with a solution that appears will make the bank happy. If the Town agrees to relocate the easement on the property so it doesn't go through the middle of the house, then the bank will be satisfied and will let the closing happen. Kay said that from a practical point of view, it would behoove the Town, the prospective seller and the prospective purchaser to move the easement.

Kay said that the Planning Board appears to be okay with moving this to another location on the property. Town meeting would have to vote on this. Rob said that the home has been sold several times, and questioned why someone's title insurance isn't paying this. Kay agrees and that is why she is hesitant to have the Board do anything this evening. This is an emergency not of our creation, and something the private property owner should have, and could have caught earlier. She advises the Board to exercise caution.

We would like to try to help the homeowner. Kay would like to talk with Katherine Klein and draft some type of agreement that provides a level of protection for the Town, but lets the people close. It really doesn't matter until Town Meeting.

Kay said a recommendation would be that the Planning Board endorses the plan. The Seller drafts an easement to the Town, subject to the review of Town Counsel who Kay said would be Atty. Klein in their office. This would be signed by the Seller and recorded with the plan. The Buyers counsel would close. The next Town Meeting would vote on a warrant article which would release the existing Right of Way in favor of a new access easement.

Jim asked if she supports this recommendation? Kay said it doesn't do the Town any harm. She said it is not adequate for the Buyer, but that's the Buyer's issue, not an issue of the Town. If the Lender and Buyer are satisfied, then it will work. Kay suggested the Board send a letter to the Lender and Buyer.

Jim suggested to Kay that she draft a letter providing a level of protection that you feel is necessary for the Town, but still gave the Buyers and opportunity to close. Kay said if the Board would be comfortable voting to authorize Town Counsel to negotiate an instrument by which the Right of Way can be exchanged for an access easement over a different part of the property subject to town meeting vote, then we could go ahead and proceed with that and get some comfort for the Buyer so that she can close and still protect our interests.

Jim Lehan moved to authorize Town Counsel to draft an Agreement that would allow the Town to continue to have some rights of easement over some new location on the property that would allow the Buyer to get satisfaction for purchase of the home. Scott Bugbee seconded. Jim Lehan then added to the motion to authorize the Chairman to so sign. The Board discussed who would pay for this. Jim felt we cannot put the burden on the Buyer. We are here to help our residents. He felt that we created this problem in the beginning years ago. Kay said it was an error on the part of a former building inspector years ago. Jim said it is an unfortunate mistake. They happen. The motion was **so voted**.

Jim read a disclosure into the record that was composed with help from Kopelman & Paige regarding his acceptance as hockey coach at King Philip. The full disclosure is part of these minutes.

Jim gave a brief update on the Stop & Shop meeting, explaining that the triangular rock lot by the MBTA lot is the Stop & Shop lot. Jim explained exclusions put on the sale of the property. He needs to see what do they intend and see what conditions may be around that.

Rob said an informal committee walked Jane and Paul's farm property. Paul Newton, owner, walked them around. The Board will appoint this committee at our next meeting.

ACCEPTANCE OF MINUTES

Jim Lehan moved to approve the minutes of July 23, 2013 as written. Scott Bugbee seconded, and it was **so voted**.

At 7:12 p.m., Rob Garrity moved to go into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, and the chair so declares. Scott Bugbee seconded, and it was a roll call vote: Scott Bugee **aye**; Jim Lehan **aye**; and Rob Garrity, **aye**. There will be no votes and the Board will only return to open session to adjourn the meeting.

At 8:08 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 August 20, 2013.

James C. Lehan, Clerk