

## FALL TOWN MEETING WARRANT

### **NORFOLK, ss.**

To either Constable in the Town of Norfolk, in said County:

### **GREETINGS:**

You are hereby required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, and 3, to meet on Tuesday, the 5<sup>th</sup> day of December, 2017, at 7:00 p.m. at the Freeman-Kennedy School, 70 Boardman Street, Norfolk, MA 02056, for a Special Town Meeting, then and there to act on the following articles, viz:

### **ARTICLE 1**

### **Submitted by the Board of Selectmen**

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, 2018; or take any other action relative thereto.

This is an article to transfer funds from free cash and to transfer corresponding amounts between budget lines. The full details of the transfer will be available in a handout at Special Town Meeting. The primary transfers from free cash add \$250,000 to the Stabilization Fund and add approximately \$126,407 from certified free cash to various budget lines; \$129,201 from KP Reginal Operating Budget; and \$1,200.00 from a Fire Department code violation; for a total of \$256,808 to various budget lines.

**The Advisory Committee recommends approval of this article.**

The Town has a more than adequate free cash balance to accommodate these transfers

Article #1 is a standard article that requests approval to transfer money between line item budgets and from Free Cash.
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### **ARTICLE 2**

### **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

After the close of any fiscal year, no bills incurred in that year can be paid without the approval of Town Meeting. We have been advised that there are no such bills to be considered at this time, although our recommendation may change if any such bills are received between the time of our recommendation was made and Town Meeting.

Article #2 is another standard article which requests authority to pay prior year bills. This is a requirement per Mass. General Laws. As of print date we have no prior year bills, so this authority will not be necessary unless a new bill is presented.

**ARTICLE 3**

**Submitted by the Board of Selectmen**

To see if the Town will vote to transfer from free cash \$532,269 and to transfer from the Water Reserve Fund \$123,000, to fund capital and other expense items; or take any other action relative thereto. (Capital Budget)

**General Fund - \$532,269**

- IT – Data Storage / Domain Controller
- Facilities – Replace two boilers at the Library
- Town Clerk – New voting machines
- Police Department – Two Police Cars
- Fire Department – Duty Truck
- DPW – Dump Truck
- DPW – Pick up Truck
- Elementary School – Building Study

**Water Enterprise Fund - \$123,000**

- Water Service Vehicle
- Tag Along Trailer

**The Advisory Committee recommends approval of this article.**

This article provides funds from free cash in the amount of \$532,269 to fund capital items as set forth in the handout, including:

\$123,000 from the Water Reserve Fund for the purchase of a Water Department service vehicle and a tag along trailer for equipment.

Article #3 is our capital article and as you can see includes a number of “small to medium” size items. The largest items on the list this year are the vehicles. Two police vehicles at \$50,000 a piece allows us to maintain our program of keeping newer vehicles on the road, while older vehicles are moved to secondary uses and the oldest / highest mileage vehicles are traded in or sold off. Other vehicles this year include the Fire Department – Duty Truck, which is a multi-purpose vehicle for the Shift Officer and a large and medium size dump truck for the DPW, which will replace vehicles which are well past their recommended retirement dates. This list also includes a request for funds for an architect to do a feasibility study to consider adding classrooms for the Elementary school. The Superintendent and I (Town Administrator) are concerned about continued growth at the schools and would like to have a plan if expansion is needed.

**ARTICLE 4**

**Submitted by the Board of Selectmen**

To see if the Town will vote to transfer from Free Cash, \$250,000 to the Stabilization Fund; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

The Stabilization Fund is considered one of the Town’s primary savings accounts. The State has certified our free cash at \$1.5 million, and this article, would approve the transfer of \$250,000 into the Stabilization Fund.

Article #4 is a request by the Selectmen to move money from Free Cash to the Stabilization Fund. The Stabilization Fund is our “Rainy Day Fund” and we can only remove money from that fund with 2/3rds vote of town meeting.

**ARTICLE 5**

**Submitted by the Board of Selectmen**

To see if the Town will 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.

**No Advisory committee recommendation is needed for this article.**

**ARTICLE 6**

**Submitted by the Town Treasurer**

To see if the Town will accept the provisions of MGL c. 59, s.57A, as amended by Chapter 218, s.140 of the Acts of 2016, (Municipal Modernization Act) effective November 6, 2016, authorizing payment of real estate or personal property taxes beginning in FY 2018 in an amount not in excess of \$100 dollars due and payable in one installment and if unpaid after the day the first installment of the notice of preliminary tax or actual tax bill for the year is due, shall be subject to interest at the same rate and from the same date as any delinquent preliminary or actual tax first installment; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

This article reduces the administrative costs of tax billing. Today real estate and property taxes are billed quarterly. This article makes an exception to this rule in the case of very small tax bills. Any bills \$100 or less would be billed in one installment rather than multiple bills throughout the year. This change comes from the Massachusetts Municipal Modernization Act of 2016 that provides model language to reform and modernize municipal administrative practices.

Article #6 is a request from the Treasurer to allow the Town to collect small tax bills (\$100 or less) with an annual bill rather than in multiple bills per year.

**ARTICLE 7**

**Submitted by the Town Treasurer**

To see if the Town will delete the words “Chapter 640 of 1985” from Article II, section 4 of the Norfolk General Bylaws and insert in its place the words “MGL Chapter 40, Section 57, as amended”, to authorize changes contained in The Municipal Modernization Act (Chapter 218 of the Acts of 2016) which eliminates a one year delay for the non-payment of taxes prior to the implementation of enforcement, and to permit the distribution of list of delinquent taxpayers on a periodic basis; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

This article provides greater flexibility in collecting overdue taxes. Today town officials are prevented from taking any action based on non-payment until a bill is one year overdue. Always waiting 12 months, however, creates additional risks to all parties. This article would eliminate this mandatory waiting period.

In cases of non-payment, the practice of the Town Treasurer is to contact individuals and deal with each situation on a case-by-case basis. This will not change. But allowing these situations to be addressed earlier will provide better outcomes than waiting for a difficult situation to get worse for a year. Also, allowing the Treasurer to notify other Town Officials of individuals/organizations in arrears better protects the integrity of business transactions (permits, contracts, approvals, etc.). This change comes from the Massachusetts Municipal Modernization Act of 2016 that provides model language to reform and modernize municipal administrative practices.

Article #7 allows Town to deny issuing permits until all bills due from an applicant are current. This will allow us to strengthen our collection efforts in certain situations and also will provide a level of security to small builders who pull permits for residents with past due bills.

**ARTICLE 8**

**Submitted by Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Castle Road, from Station 0.00 to Station 13.52, as approved by the Board of Selectmen as shown on the acceptance plan dated Sept. 26, 2017 drawn by United Consultants, Inc. of Wrentham, MA and as further described in documents entitled, As-Built Acceptance Plan Castle Road and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses; or take any action relative thereto.

**The Advisory Committee recommends approval of this article.**

By accepting this road as a public way, we increase the number of eligible roads used to calculate the amount of road maintenance funds that we receive from the state under Chapter 90.

Articles #8, 9 and 10 are road acceptances. These are in a sub-division where the roads have recently been completed and are now ready to be turned over to the town. There is no cost to the town to accept these roads.

**ARTICLE 9**

**Submitted by Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Meetinghouse Road, from Station 0.00 to Station 2.36, as approved by the Board of Selectmen as shown on the acceptance plan dated Sept. 26, 2017 drawn by United Consultants, Inc. of Wrentham, MA and as further described in documents entitled, As-Built Acceptance Plan Meetinghouse Road and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses; or take any action relative thereto.

**The Advisory Committee recommends approval of this article.**

By accepting this road as a public way, we increase the number of eligible roads used to calculate the amount of road maintenance funds that we receive from the state under Chapter 90.

**ARTICLE 10**

**Submitted by Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Wild Holly Lane, from Station 0.00 to Station 4.84, as approved by the Board of Selectmen as shown on the acceptance plan dated Sept. 26, 2017 drawn by United Consultants, Inc. of Wrentham, MA and as further described in documents entitled, As-Built Acceptance Plan Wild Holly Lane and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses; or take any action relative thereto.

**The Advisory Committee recommends approval of this article.**

By accepting this road as a public way, we increase the number of eligible roads used to calculate the amount of road maintenance funds that we receive from the state under Chapter 90.

**ARTICLE 11**

**Submitted by the Town Clerk**

To see if the Town will accept the provisions of MGL Chapter 41, Section 1B for the purpose of having the elected Town Clerk become an appointed Town Clerk of the Town; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

This article proposes to appoint, rather than elect, the office of the Town Clerk as is allowable under the MGL. This office primarily supports the Town in the following operational capacities: Elections, Voter Registration, Vital Records, State and Town Census, and dog licensing. These responsibilities provide necessary services to the Town as mandated by the Federal and State Government and are comparable to other non-elected Town positions in their focus on compliance rather than policy. The appointment would be made by the Town Administrator. Appointing the Town Clerk also ensures that the specialized experience and qualifications necessary to meet the increasingly technical requirements of the office will be considered in the recruiting process.

Article #11 is an important article as it would change the process of selecting a Town Clerk. The Clerk is currently elected by the residents to a three year term. This article, proposed by our current clerk, would change that process so that the Town Clerk would be appointed by the Town Administrator, and confirmed by the Board of Selectmen. The important concept here is that the Clerk’s role, like many of our municipal positions, continues to get more and more complicated. While we certainly have a competent Town Clerk right now, if we had an opening in that position, it would be better for the Town if we could hire someone with the training and experience to do the job, rather than have to elect a Norfolk resident, who may or may not be qualified to do the job. This change would greatly expand our pool of candidates for the job in the future.

**ARTICLE 12**

**Submitted by the Town Clerk**

To see if the Town will amend the Norfolk General Bylaws by inserting Article III, Section 1.D;

All Boards, Committees, and Commissions are required to keep accurate minutes in accordance with the State of Massachusetts Open Meeting Law and file in a timely manner original signed minutes with the Town Clerk to be stored as permanent record; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

This article is to add a requirement to store as part of the Town’s permanent record the minutes of meetings held by all Town Boards, Committees, and Commissions. Under the State of Massachusetts Open Meeting Law, these bodies are required to take and maintain minutes of their meetings, but does not specify how they are recorded.

This article creates consistency across the various Boards, Committees, and Commissions and aids transparency by making the minutes part of the Town permanent record maintained by the Town Clerk. Such record maintenance will further compliance with the Open Meeting Law requirement to make all minutes available to any person within 10 days of a written request.

Article #12 – Please refer to the Advisory Committee’s comments.

## **ARTICLE 13**

## **Submitted by Citizens Petition**

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), **including amendments or modifications thereto**, and to amend the Town of Norfolk General By-laws by inserting a new Section 11 under Article VII, Land Use and Resource Protection, entitled “Stretch Energy Code” as set forth below:

### **Section 11. Stretch Energy Code**

**A. Adoption.** The Town of Norfolk has adopted the provisions of 780 CMR 115AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), including amendments or modifications thereto.

**B. Purpose.** The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

### **The Advisory Committee recommends approval of this article.**

Currently, 207 municipalities in Massachusetts have adopted the Stretch Energy Code. The Stretch Energy Code is a more stringent, advanced energy conservation building code which will allow municipalities to take meaningful action on energy use and climate change.

As the Stretch Code exempts renovations and additions, approval of this article will not put any undue burden on existing homeowners. It is expected that adherence to the code will result in overall savings, as the energy efficiency standards will outweigh any increased building costs in new construction.

Article #13 is a citizens’ petition. The petitioners have had several public sessions explaining their article.

**ARTICLE 14**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk General Bylaws by inserting the following bylaw in sequential order; or take any other action relative thereto.

CHAPTER \_\_\_\_

**Prohibition on Marijuana Establishments**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Norfolk. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

**The Advisory Committee recommends indefinite postponement of this article.**

Because the town of Norfolk voted against the legalization of marijuana when the state as a whole voted for legalization (by a margin of 51% to 49%), we have the opportunity to prohibit the sale of marijuana in Norfolk. While the town vote was a factor in the opinions of most, if not all, of the members of the Advisory Committee, not all of us agreed that it should be the sole determining factor. Our divided vote reflects the ambiguity of the town on this issue, but our vote was narrowly in favor (4 to 3, 2 absent).

Reasons given for favoring legalization included: 1) 51% is not exactly the unambiguous voice of the voters speaking, and 2) we could think of no more substantive reasons for limiting the rights of Norfolk residents relative to the rest of the state. There's also some - probably small - chance of financial benefit to the town if a new business is established here.

Article #14 is supported by the Board of Selectmen and Town Administrator. This article prevents someone from opening a retail store in Norfolk for the purpose of selling “recreational” marijuana. While we acknowledge the state wide vote that allows recreational marijuana in Massachusetts, we also believe we do not need to allow the sale in Norfolk. As the Advisory Committee commented the Norfolk voters did not support the use of recreational marijuana.

**ARTICLE 15**

**Submitted by the Board of Selectmen**

To see if the Town will authorize the Board of Selectmen to sell a portion of the property at 100 Main Street, “Old Town Hall”, as approximately shown on the plan by United Consultants, Inc. dated April 29, 2013; or take any other action relative thereto.

**The Advisory Committee recommends approval of this article.**

The Advisory Committee agrees that, while the Town has looked at and considered municipal uses for this property, the best option would be to generate a source of revenue for the Town by selling a portion of the property as shown on the screen.

Article #15 is a request to authorize the Board of Selectmen to sell a portion of the land known as “Old Town Hall”. The portion to be sold would include the area where the existing building sits today and would include land to the right where a buyer could build a parking lot and put in a new septic system. We believe this sale will eliminate a building that should be demolished and also generate significant income to the town, both in proceeds and future tax revenue.

**ARTICLE 16**

**Submitted by the Board of Selectmen**

To see if the Town will vote to petition the General Court to adopt the following legislation which the Legislature may vary in form and substance within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF NORFOLK TO CONVEY CERTAIN LAND ON PRISCILLA AVENUE.**

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Section 16 of Chapter 30B of the General Laws, or any other general or special law to the contrary, the Board of Selectmen of the Town of Norfolk is hereby authorized to convey by a release deed to Cheryl LeBlanc, or her assignee, the land located at 66 Priscilla Avenue in the Town of Norfolk, shown as Lots A166 and A167 on Land Court plan 6616-D, being the same premises described in an instrument of taking signed by the Norfolk Collector of Taxes on September 3, 1966 and registered with the Norfolk County Registry of Deeds as Land Court document #502258. The conveyance shall not include the house or the improvements on the land which were unintentionally constructed on the land owned by the Town in approximately 1997 as a result of a surveying error.

SECTION 2. This act shall take effect upon its passage.

The Advisory Committee will make its recommendation at Town Meeting for this article. The details of the agreements were not available at the time of printing. The Town Administrator will review any such agreements with the Advisory Committee at our meeting immediately prior to Town Meeting.

Article #16 is a petition to the Massachusetts legislature that will allow us to solve a difficult problem. As the Advisory Committee comments a house was incorrectly built on town owned property, and was undiscovered for many years by the town or the home owners. We have negotiated a reasonable agreement to resolve this matter, but need support of the legislature to work our way through the procurement laws.

## **ARTICLE 17**

## **Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to grant an easement and to execute and deliver any and all instruments necessary to grant the easement, for purposes of a shared driveway, over land owned by the Town situated at 1 Liberty Lane, Norfolk to Norfolk Community Federal Credit Union, and/or their successors in interest, for access to 18 Union Street, Norfolk, Assessor's Parcel 14-41-21, being shown on a plan filed with the Town of Norfolk Planning Board entitled "Alternative Entrance Layout Plan 18 Union Street Norfolk, Massachusetts (Norfolk County) Prepared For Norfolk Community Federal Credit Union 194 Main Street Norfolk, Massachusetts" dated April 24, 2017; or take any other action relative thereto.

The Advisory Committee will make its recommendation at Town Meeting for this article. The details of the agreements and subsequent language were not available at the time of printing. The Town Administrator will review that detail and new information with the Advisory Committee at our meeting immediately prior to Town Meeting.

Article #17 is a request to authorize the Board of Selectmen to grant an easement that would allow the construction of a shared driveway between Town Hall and the building to be constructed next door. This concept was created by the former Town Planner and is supported by other town departments. This easement will allow the abutter to reconstruct the driveway at town hall where the mail boxes are so that there is only one driveway on that side of the road.