

SPECIAL MEETING

May 4, 2004

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at H. Olive Day School Library at 8:00 p.m.

Ramesh Advani moved to accept the Patrolman's Agreement tabled by Dr. Markel starting in Fiscal 2005 (July 1, 2004) to cover the period 2004-2006. Joyce Terrio seconded and it was **so voted**.

The Board discussed the Town Administrator contract. Ramesh Advani moved to approve the Town Administrator contract with changes as discussed in Section 4 and attached a new Appendix that provided milestones required to be achieved. Jack McFeeley seconded, and it was **so voted**.

The Board took a recess to check on the election results. Jim Lehan, who was sworn in by the Town Clerk, was present and the meeting reconvened in the Library. Jim Lehan was present for this portion of the meeting.

Ramesh Advani moved to reorganize the Board of Selectmen, and nominated Jack McFeeley as Chairman. Jim Lehan seconded and it was **so voted**.

Jim Lehan moved to appoint Ramesh Advani as Clerk. Jack McFeeley seconded and it was **so voted**.

At 9 p.m., with no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded and it was **so voted**.

This is a true and accurate report of the Special Meeting of May 4, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

May 5, 2004

Present was John J. McFeeley, James C. Lehan, and Robert T. Markel, Town Administrator. Ramesh H. Advani was absent.

Also present was Advisory Board members James Ward, Jonathan Smith, Nina Roe, Arlie Sterling, James Tomaszewski, Clerk Dotty Strohl, and Marc Waldman and David Benton came in late. Capital Outlay Committee Chairman Ed Melanson, Town Clerk Marie Chiofalo, and Finance Director Jack Hathaway.

Jack McFeeley opened the meeting at 7:08 p.m., and stated that it was a Mock Town Meeting only.

Bob Markel announced that we now have a new Fire Chief, to start on May 17, 2004. His name is Coleman Bushnell.

Jonathan Smith, Advisory Board Chairman, presided over the Mock Town Meeting, as Frank Gross would be late, if he attended at all.

Jonathan told the Board that they would start town meeting at 7:30 p.m. At 7:35 p.m., it would be suspended to begin the special town meeting that was adjourned from March 30th to this date and time. This would be for the airport discussion, however, Jonathan has heard that they would like to move it to Thursday evening because Kevin Hughes cannot be present Tuesday evening.

The Board reviewed articles. Bob Markel said that with respect to the IT Coordinator position, the Selectmen recommend to IP this, and bring it up in the Fall.

Highway salaries will be deducted by approximately \$15,500, spread across salaries. This will make a lower influx from free cash.

Bob Markel said he and Jack could give a quick revenue picture at Town Meeting, since they are always asked.

The Annual Capital Budget will be broken down into 4 articles – 7.1, 7.2, 7.3, and 7.4. Ed Melanson will speak for the school septic issue. Jack Hathaway will speak on 7.2, regarding the Transfer Station vehicles. 7.3 are for the fire truck. Acting Chief Peter Petrushik will speak to this article. 7.4 is the Phase II Storm Water article. Capital Outlay and Butch Vito will speak to this article.

The Board discussed back and forth the article to settle a lawsuit for the School. Is this considered an unpaid bill? It would be settled as an agreement. Bob will discuss this with Town Counsel.

Bob said he already checked the Planning Board revolving article with Town Counsel, and they are fine.

Jack McFeeley suggested we have a more general discussion on Article 24, which is Personnel Authority with the Town Administrator.

The group had a discussion on Article 25 – the tree protection bylaw.

The group had a discussion on Article 26 – purchasing the "boy scout" property. Jonathan Smith doesn't feel we can force the Community Preservation Committee to spend money. It has to be done through an article by them. Jonathan said he feels this could be hostile, because the owner does not want to sell and is already before the Planning Board. He feels it's at least over two million dollars. Jonathan said the Moderator questioned whether eminent domain could be used for open space?

With respect to Article 36, Jack McFeeley said we would be transferring to the control of the Housing Authority with covenants and restrictions. Bob Markel will get a copy of the Housing Authority's list of restrictions.

At 8:52 p.m., Jim Lehan moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of May 5, 2004.



Ramesh H. Advani, Clerk

May 17, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley had to leave the meeting briefly, returning at the start of the discussion with Mr. and Mrs. Lancellotti.

Ramesh Advani opened the meeting at 7:37 p.m. Bob Markel read the agenda.

JOINT POLE HEARING

Chris Parella, Verizon representative was present.

The petition is for **Boardman Street**: On the easterly sideline, approximately 195 feet north of the intersection with Main Street, relocate Pole No. 2 approximately 20 feet south of existing location. Then approximately 110 feet north of the intersection with Main Street, relocate Pole No. 1 approximately 8 feet east of existing location. Verizon to transfer ownership of Pole No. 1 to Boston Edison Company. **Main Street**: On the northerly sideline, approximately 450 feet east of the intersection with Boardman Street, relocate Pole No. 84 approximately 4 feet south of existing location. 3 JO poles to be relocated, 5 old JO poles to be removed, and one old JO pole to become sole property of Boston Edison Co.

Mr. Parella explained that this is a joint request of Verizon and Boston Edison Company for Main and Boardman Streets. As curb line changes, they need to change the poles. They will cleanup the current location. Five poles are impacted, but will be replaced with three.

There were no abutters present.

Ramesh questioned the timing. Chris said they are behind the eight ball, and the project has been looking to get underway. Weather is a factor. They will get this on the schedule as soon as they can.

Jim Lehan moved to approve the joint petition for joint pole relocation and transfer of ownership of one of the pole from Verizon to Boston Edison. Ramesh Advani seconded, and it was **so voted**.

ACTION ITEMS

Jim Lehan moved to approve the FY'05 DPW Supplies and Water Chemicals, as per the attached documentation. Ramesh Advani seconded. It was **so voted**.

Jim Lehan moved to award the paper contract to W.B. Mason. Ramesh Advani seconded, and it was **so voted**.

LANCELLOTTI'S

Anthony and Nancy Lancellotti, Lake Street present.

Anthony Lancellotti explained that they need a response from the Board regarding litigation against the Conservation Commission. He said the clock is ticking, and he needs to know where to go. Mr. Lancellotti explained that they are trying to build a single-family home. No depositions have occurred and they need to get this done. They have tried to get this resolved. Their date is June 17th. Anthony said they would like to settle with the town, and prefer not to go to the trouble of depositions and discovery. It is time consuming and costly.

Jack said that town counsel told him you don't do depositions in a case like this. Anthony said that you do need depositions, and discovery.

Jack said that they were going to appeal, but they did not. Anthony said that they thought the Conservation Commission was going to comply with DEP, but didn't.

Anthony asked if he or Nancy could answer any questions for them. Ramesh questioned the streams. Indirectly it is hindering them, and shows up on the USGS map. The stream is dried and doesn't show if you view the property. It is not running all the time. DEP visited the site and saw first hand that it was dry. This was during a non-drought period. Jim asked if the Conservation Commission is still disputing this fact. Bob said that it is still being considered.

The Board will investigate this further with Town Counsel, and get back to them with a reply immediately.

MINUTES

Ramesh Advani moved to accept the minutes of 12/29/03 special meeting, March 30, 2004 executive session, and April 29, 2004. Jim Lehan seconded, and it was **so voted**.

LIAISONS AND GOALS

The Board will look at the liaison lists and make a list of what committee they would like.

The list of goals will be discussed on June 7th. Ramesh suggested categories for the goals, such as Communications, Finances, etc.

The Board started discussing the goals. Bob said that the first goal was reached by forming the Roundtable Committee. Jack said in his contract, a goal was put in for Bob to take charge of the Roundtable project. Ramesh feels we should continue to do more in the upcoming year and look at economic development in town as the economy improves. Jack suggested the Keeney Pond project, as well. Jim attended several roundtable meetings, and thought that they were a very useful tool. Jim said if they were meant to be shared with the townspeople, it isn't working. Jack said that wasn't the goal of these meetings. Ramesh agreed that the townspeople should be informed. The objective of the roundtable was to clear roadblocks rather than going from committee to committee.

Item #2 was to initiate an internal roundtable. Improve communications with and between town government and town boards. Jack stated that many projects are being worked on together, but separately. In other words, two boards could be working on the same project, but not communicating with each other, so they aren't aware that this is happening.

Jim wanted a post-mortem on the Library project and see what went wrong, what went right, etc., as it's a disaster. He said we need to learn our lessons when the time is right.

Ramesh said that we have done the Information Desk. Our website has significantly improved. We have improved communication in print. The Board can do more with communicating between boards.

PETER CHIPMAN

Present was Peter Chipman and Butch Vito.

Jack said we are here to discuss the 201/220 Agreements. Jack said there is a long history that he won't get into. Jack mentioned an email he received from Peter from last Friday that listed conditions. Jack asked if anything came in today. Everyone replied no.

Peter listed three conditions that he feels are outstanding. One is earth removal application date waiver. Jack read this condition that Peter asked for.

Peter asked for copies of what we were referring to, so that he could follow discussion.

The Board discussed what type of answer Peter would want. Peter said that we should go forward from here and hammer out an agreement, and have George work out the legalese. Jack said in a contractual term, we could not say that we will issue an earth removal permit for 100,000 yards for five years. We cannot

put that in a contract. Peter said you could put contingencies on any type of contract. This is a property transfer. Peter said it is a contract. You can put any contingency in it you want. Ramesh asked if we have ever given out 100,000 yards for five years. Will this be precedent setting, and is he violating any laws? What are we afraid of, if we are precedent setting? Jack said yes, it is precedent setting. Jack said permits were granted for one year, and they could put conditions and be sure that they were met. Ramesh asked Peter's rationale and reasoning for why he wants this. Peter said: have any of you ever gone through site plan review in this town? The average time is multiple years. Throw that in with contingency planning, transfer with Weddleton and the MBTA. The reason for the 5 years is that it is going to be chewed up like nothing. The time and dealing with so many other boards. He doesn't want to have to deal yearly with a Board who could be completely different, and have a different agenda. Jack said we couldn't impose our will on a future board. We cannot take away the responsibility of a future board. Peter said that is not true. You vote it now and they won't be voting it later on. Ramesh said he agrees we shouldn't bind a future board, but he agrees that on a practical basis and if someone were going to develop that area, wouldn't it make sense to do this for a 5-year period? Jack said yes, but we do it when he applies for the permit. It doesn't happen in a contract. Ramesh said Jack is willing to consider a multi-year permit, but not in a contract. Ramesh suggested putting it in the contract, but with specifications.

Peter said that Jack has a problem with this. Jack agreed that he does have a problem with this. He said that you couldn't bind a future board.

Butch said that he spoke with George Hall, and George said that you couldn't put this earth removal in a contract. You have to go through the process. You cannot tie up another Board. You can do this in the permit, but you can't do it in the contract.

Jim said everyone is willing to do a permit that would allow you to remove 100,000 yards for five years. It cannot legally be done through a contract, but the Board will agree it can be done through a permit.

Peter is requesting a waiver of the fees that go with the permit. He doesn't feel that he should have to pay for this, since it is a land transfer deal, of which we are a part. Jack said that this was already agreed to this. The Board will agree to all fees having to do with earth removal fees.

Hearing, advertisement, engineering and inspection associated with the earth removal permit.

Jim and Ramesh agreed that they would support the earth removal permit when it is submitted. He will try to get the application and plans to the Board no later

than August 1, 2004. The town will waive all fees. The Board has assured Peter that if his application comes in with the conformity of what we discussed, then they will support his application.

With respect to Storm Water, Butch said that we are right in the numbers. We are talking 98,000 square feet after the taking. The system will take this. There is plenty of capacity. Butch said he needs to finish the drainage project.

Peter would like all eminent domain rights surrendered on both 201 and 220 Main St. Bob talked to George, who said that these rights couldn't be surrendered to bind a future Board. Jack asked if that is a showstopper? Peter said he would have to speak with his attorney. He doesn't always necessarily agree with George Hall's opinions.

In other matters, the Board discussed the dugouts at the school fields. Should we wait for 2 weeks? Bob Bullock will give his recommendation as to safety. The Board agreed that if there is any danger at all, it should come down immediately.

Jack asked that we start scheduling Butch in on a monthly basis, same as we do the Finance Director and Water Superintendent. The Board will try to schedule all department heads at least once a month, or every other month for updates.

Bob Markel announced the DPW legislation, and the pending election.

Contingent on the Governor signing the legislation, Ramesh Advani moved to ask the Town Clerk to hold an election to put on the ballot for September 14th, the formation of the DPW of the Town of Norfolk. Jim Lehan seconded, and it was **so voted**. Jack McFeeley abstained.

At 10:45 p.m., Ramesh Advani moved to go into executive session for contract negotiations. Jim Lehan seconded, and it was a roll call vote: Jack McFeeley, **aye**; Ramesh Advani, **aye**; and Jim Lehan, **aye**.

At 11:41 p.m., being no further business, Ramesh Advani moved to adjourn. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of May 17, 2004.



Ramesh H. Advani, Clerk

June 7, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

At 7:04 p.m., Jack McFeeley opened the meeting. Bob Markel read the agenda contents.

PETER PETRUCHIK

Present was Lt. Peter Petruichik, Fire Chief Coleman Bushnell, and Deputy Fire Chief Stephen Wood.

Jack McFeeley, on behalf of the Board of Selectmen, acknowledged Lt. Peter Petruichik's service to the Town as Acting Fire Chief during the months between Chief Kelley retiring in December, and Chief Bushnell being hired in May. The Board expressed sincere thanks and appreciation from the Board and the residents to Peter for his efforts, and most importantly, his sacrifices to his family in order to get the job done. He was given a Certificate of Appreciation from the Board.

Peter thanked everyone for their confidence in him and assistance while he performed the duties of Acting Chief.

Chief Bushnell said the transition for his coming aboard has been seamless. He said the foundation that Chief Kelley laid was superior. He thanked Peter for his help when he came to Town, and for all he did to help pave the way to a successful transition.

Deputy Chief Wood thanked Peter for all his help in the department on behalf of the entire Fire Department. Deputy Chief Wood said the department is proud of him.

Bob Markel said that Peter showed him more than he ever knew about the Fire Department. He also thanked him for the assistance he gave the Town, and sacrifices to his family.

Ramesh Advani said his presentation at town meeting, and at Chief Kelley's retirement party was outstanding. He expressed his thanks for a job well done.

Jim said he didn't go through the process with him, but said that he has seen the end result.

ERIN HUGHES – ARTS COUNCIL

Erin Hughes as a music interest. She graduated from Skidmore, and her family is full of artists. She does dabble in photography. She has 2 children and feels art and music is very much a part of life. Erin is very interested in helping with the Arts Council. She has attended two meetings and is aware of what they do.

She hasn't any hard-core ideas yet, but she is involved in fundraising and has some music programs and things in mind. Ramesh questioned conflict resolution and how she would resolve it within the Committee.

TISH DONOVAN

Tish Donovan is a resident of Maple Street. She is involved with Special Needs kids and works as a teacher. She is very interested in ADA compliance. She said she doesn't know a lot about the Committee. The Board suggested she contact Tom Terpstra or Barbara Ward to see when they meet, and what they are currently doing. They meet mostly when there is a project going on.

JEFFREY KANE

Jeffrey Kane told the Board that this is the first Town he has owned a home in. He has over 11 years of construction experience. Has attended several Conservation meetings and is impressed with what they are doing.

Jim asked what his understanding of the ConComm's mission is? Jeff stated to protect the wetlands. Protect the watershed with all the development going on. He discussed mediating between personalities and developers.

Ramesh explained that Norfolk has been very protective of its natural resources. This is a board that's very active. Jeff said he would like to learn, as well. Ramesh asked how his style of work is. Mr. Kane said he is very up front. You know where he stands, and there are no questions later on. Ramesh asked him about working for the town, or doing what's right for the homeowner. Jeff said it would depend on what the mission of the Commission is.

Jack liked his comment on the resume, and said he is impressed with his credentials.

ANDY BAKINOWSKI- CONSERVATION COMMISSION

Ramesh thanked him for volunteering. Looking back and now moving forward, how do you see yourself operating any differently? Andy Bakinowski said you learn from each experience. You learn from your mistake, past experiences and your successes. He said that the technical stuff is what he likes, and he will pursue that more than other stuff. He has been consulting for the Commission for the past two years. A has gotten some new licenses in public water supply and others. He has gotten them for professional reasons, but yet they will work with the Conservation Commission as well. Ramesh asked about the mission of the Conservation Commission – if there were questions that were subject to interpretation, what would you do? Andy agreed that if you come prepared, and what you are doing is defensible, there shouldn't be any questions.

Jim said he spoke with Andy Bakinowski for awhile this afternoon. It was mostly a discussion. It was regarding the Conservation Commission's mission, lessons learned, etc. Jim asked what would he do from prior experience that might

change. Andy said he can't give specifics, but in any business, you are always learning. You need to think out of the box, and he feels that this is a dynamic board. Some people consider them too flexible. He has worked with and for people who have given him compliments and want to know when he will be back on the board. Jim said other things they discussed were Andy's background. Jim said his perception is that the Conservation Commission is one of the most difficult boards to participate in.

Jim asked why he wants to get back on? Andy said he likes the technical part, and the regulatory part. There is satisfaction in how you can see what you've accomplished.

Jack told Andy Bakinowski that he is impressed with his qualifications.

ERNIE ALIX – PERMANENT BUILDING COMMITTEE

Ernie Alix, North Street. Jim Lehan asked Mr. Alix why he is interested in the Permanent Building Committee? Mr. Alix told Jim that he has been on this Committee before, but resigned. Ernie said that he was the Clerk of Works for Town Hall, and the H. Olive Day School. He said he is seeing things around Town that he doesn't like. Ernie said that the PBC members are anxious to have him return to the Board. He said that he knows a lot about things with this building that haven't been corrected. He mentioned problems with architects, state laws, etc. Ernie said he resigned previously because he had no cooperation with prior individuals in the Board of Selectmen and office.

CHRISTOPHER TIMSON, ESQUIRE – 84 ROCKWOOD ROAD

Present was Atty. Christopher Timson; his client, Jim Gagne, and Bob Bullock, Building Commissioner.

Attorney Timson introduced himself, and his client, Jim Gagne. Atty. Timson said that the property in question tonight is 84 Rockwood Road which is owned by Mr. Gagne. He said that the used car sales use should have come with the property when Mr. Gagne bought it. He said that as long as the use is within the framework or within reason, you shouldn't put a number on it. Atty. Timson needs to make a decision on whether to go to court or not because this is a business decision. He doesn't feel Jim Gagne is getting the "bundle of rights" that he bought with the building. Atty. Timson said he would like to resolve this and open up avenues of discussion to see what decision they can come to. He said that one of the rights Mr. Gagne is entitled to is a used car sales use. He researched it and found that there were around 10 vehicles being sold there, according to people they got affidavits from.

Jack McFeeley described the various licenses issued from Vi Ingraham through 1999.

Jack McFeeley said that we just received a copy of the Zoning Board of Appeals' (ZBA) decision. The decision clearly states that they have a limit of five (5)

vehicles on the property. Jack McFeeley read the decision. Jack gave Atty. Timson a copy of the decision, which was mailed to him today.

Atty. Timson said that five is not a figure they feel is appropriate.

Bob Bullock said that he feels since the Zoning Board has had a hearing and made a decision, it would have to go to court to have their decision changed. With the zoning, it states that with a non-conformance use, you can only extend that use by 50% over the lifetime of that property from whenever it became non-conforming. We have to go back prior to 1968. In 1971, we added 47% to the non-conforming use. That only leaves 3%. Bob Bullock said that he grew up in this town, and he recalls only 2 or 3 vehicles being for sale there at any time. They were usually vehicles used for his business and then sold. Bob Bullock said that this discussion came up during the ZBA public hearing. Bob Bullock said that at this point, he feels this would have to go to the Appeals Court to be overturned.

Attorney Timson said that they are prepared to do that. However, he feels that it can be resolved between the parties, and not go to court. He said they would need to file an appeal. He hoped this meeting could happen before the ZBA decision came out. Jack McFeeley said that his expectation from the time you wrote me the letter on April 26th to scheduling this meeting up to this point, was that was exactly what we would be doing. We will check with our Town Counsel, however, he feels that Bob Bullock is correct. Jack said he thinks that both of their expectations as a result of that ZBA meeting was that they were going to toss this back to the Selectmen, and that was the purpose of the meeting tonight.

Atty. Timson said he had hoped to have this discussion prior to the ZBA ruling coming out. He doesn't think that the fact that the decision has come out, negates their ability to discuss the matter.

Jack McFeeley said that at the last meeting, you suggested to the ZBA that even 10 cars was a sufficient amount. Now the decision has come at 5 cars.

Bob Bullock said that this is an ancillary use for the businesses that are there. Not just the car dealership. The car dealership is a new business. Jim Lehan pointed out that there can be no advertisement whatsoever of the car dealership. Bob Bullock said that Mr. Gagne's landscape business could sell off some of the vehicles he has over time, and put up to 5 vehicles out there and sell them, but for him to have another business there as a used car dealership, that's not under this ruling.

Atty. Timson said that there has been a used car dealership there, and as he recalls a former Selectwoman (Helen Cleary) said that it was always known that if you had a vehicle to sell, you could take it to Mr. Ingraham, and he would sell it for you.

Bob said that under this decision, a used car dealership is not allowed. Atty. Timson said he would appeal that.

Jack said his understanding that the requirements of a Class II business is that it has to be their principal business. This is not Mr. Gagne's principal business.

ACTION ITEMS

Jim Lehan moved to allow the Norfolk Community League permission to place a sandwich board sign at the entrance to the Pond Street fields and Main St. at the intersection of Independence Drive through June 12th to advertise their Run/Walk Road Race on Saturday, June 12th. Ramesh Advani seconded, and it was **so voted**.

The Water Department requested all electrical and building fees be waived, associated with the Gold Street Pump Station Renovations and Water Facilities SCADA System. The Board took no action on this request pending further information.

BOARD OF SELECTMEN GOALS

Bob Markel read the 2004 Goals of the Board of Selectmen.

Jack McFeeley questioned the Internal Roundtable. It will be whatever key people have on their plate. This will keep all departments involved and knowledgeable about what each is doing, as it may involve more than one dept. working on a project. This was a goal the Board gave Dr. Markel for the coming year.

Jack felt that the Board had made good progress on these goals. Ramesh agreed, but said a lot of work can still be done.

Ramesh felt the completion and finalization of the DPW Consolidation, and establishing an office for grant writing and a grant writing program are key.

Jack McFeeley and Jim Lehan both submitted written goals for FY'05. Ramesh had nothing to add, but liked both Jim and Jack's goals. He said we should categorize again like we did last year, and pick 4 or 5 goals as main goals to strive for during the year. The Board agreed.

Jim felt we are very consistent on the goals in terms of broad definitions. He would like to see specific benchmarks under each goal. This would help measure them. There should be a bullet under here that applies to Leadership. He thinks it is a critical component of the role of this Board.

Ramesh will categorize a list of goals and forward it to the Board for review.

LIAISONS

The Board agreed on the following liaisons: Jack McFeeley: Advisory Board, Affordable Housing Committee, Board of Assessors, Building Department, Capital Outlay Committee, Cemetery Commission, Charles River Pollution Control District, Charles River Watershed Association, Finance Department, Highway Department, Permanent Building Committee, Road Safety Committee, Treasurer/Collector, Town Hall Offices, Veterans Graves Officer, Water Department; Ramesh Advani: ADA Compliance Committee, Cable Committee, Community Preservation Committee, Conservation Commission, Council on Aging, IT Coordinator, King Philip School District, Norfolk Schools, Recreation Commission, Southwood Development, Tri-County Vocational School; Jim Lehan: Animal Control Department, Zoning Board of Appeals, Communications (dispatch) Department, Department of Corrections, Fire Department, Fire Station Project, Board of Health, Insurance Advisory Committee, Legal Counsel, Library, MAPC, Personnel Board, Planning Board, Police Chief and Lieutenant Contracts, Police Department, State Senator/Representative, Zoning Bylaw Study Committee; Bob Markel: Kingsbury Pond Committee, MBTA, Mirror Lake Study Committee, Norfolk County Advisory Board, SWAP.

TOWN ADMINISTRATOR REPORT

Bob Markel noted that because we are a heart-safe community, we now have the defibrillator in Town Hall hooked up to the Fire Department once the case is open. Once the door opens, it automatically rings at the Fire Department and the ambulance is dispatched.

The Permanent Building Committee asked Bob Markel to sign a contract for the contractor for the Library, so the project is underway. Jack questioned if there will be a groundbreaking.

Building Commissioner has determined that the dugouts at the Freeman/Centennial School must come down. Highway Department will remove the dugouts.

Bob Markel will get the Personnel Study Committee underway. The Board of Selectmen should be thinking of members they want on this Committee.

OLD/NEW BUSINESS

Jim Lehan questioned a Committee to do the trees. Marie Simpson may have names to consider.

Jim would like to see more on the Town Center project on cable, as per the show Butch Vito recently did.

Jim discussed the sidewalk plan. He would like to see this progress. They are being scheduled for August.

Ramesh wants us to put the liaison list on the website.

Globe West had a community brief on the new DPW department. She quoted Bob incorrectly, and said that after the vote on 9/14, it will go back to town meeting. That is not true.

Ramesh Advani moved to appoint Ernest Alix to the Permanent Building Committee, the unexpired term and subsequent term, expiring June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh would like to open up for discussion possible candidates for town counsel.

At 9:23 p.m., Ramesh Advani moved to go into executive session for contract negotiations. The Board will not return to open session, except to adjourn the meeting. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**.

At 9:37 p.m., being no further business, Ramesh Advani 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 June 7, 2004.



Ramesh H. Advani, Clerk

June 21, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

At 7:34 p.m., Jack McFeeley called the meeting to order. Bob Markel read the agenda contents.

CANDIDATE INTERVIEWS FOR BOARDS AND COMMITTEES

Alyssa Flynn Poppey – Zoning Board of Appeals

Ramesh questioned some of her comments at town meeting. He said he wanted to get a sense of where she was with development, especially the town center. Ramesh said he is quite concerned after her comments at town meeting that we have this moonscape, and he really would like to see some commercial development just to improve our tax base. Alyssa said one concern she had at town meeting is that it affects the whole town, not just the moonscape. She was concerned about increased litigation for the town by not including loading docks on a footprint. She said if the footprint isn't included, it changes the build-to line. She was concerned about one project, because she didn't think it met criteria for a special permit. Alyssa was concerned about increased traffic congestion.

Jim questioned her input. Alyssa said she looks at ways to work with things. The downtown development is happening. What will happen to the rest of the downtown once this goes in.

Alyssa said that she puts personal visions aside and thinks about what is the best for the town.

Judith Ross, Affordable Housing

Ms. Ross has been a school teacher in Norwood for 33 years. She is an elementary science specialist. Judith does professional development, and is a volunteer for Purrfect Cat Shelter. She has lived in Norfolk 19 years.

She is interested in the Affordable Housing Committee because of the Norfolk airport issue. She would like to be part of the process and be prepared. She would prefer to be in control, rather than have the developer be in control. She feels it is important that we have something in place.

Her accomplishment would be to adhere to the Planning Board's guidelines. She sees the value of multi-cultural, and would like to see it done in the proper way.

Janice Healy, Affordable Housing

Janice Healy is a relatively new resident to Norfolk. She is involved in the Norfolk Airport Committee. This is what made her aware of this. She has spoken with Patrick, and he told her to consider this committee. She is for

affordable housing. She feels it is a necessary requirement, and is needed in town.

Jim asked her how the airport committee made her consider this committee. She said that it was because she feels that all residents should be aware of affordable housing and any plan for this to happen.

Jennifer Tharrett – Mirror Lake Advisory Committee

Jennifer Tharrett has lived here for 4 1/2 years on Mirror Lake Avenue. She said that 3/4 of Mirror Lake is in Wrentham, the rest is in Norfolk. She has wanted to be active in town, instead of calling when they need something.

Jennifer would like the Committee to be more involved with the neighborhood. She said there are probably more concerns that no one is aware of. She would like to keep the lines of communication open.

Jennifer didn't want to wait until something happened. The Board told her to talk to her neighbors, and see if there is any more interest in this Committee.

Michael Kulesza – Zoning Board of Appeals

Michael Kulesza has lived in Norfolk for 7 years. He has 3 young children, and runs his own business. Michael is very interested in becoming active in the town.

He has attended several meetings, and likes the way Bruce Simpson runs his meetings; he runs a tight ship. Michael feels that this committee will be a good fit.

Michael said he was Chairman of Board of Trustees of the condo association for approximately 5 years in the condo he formerly lived in. The condo association rules were very similar to ZBA regulations.

Ramesh said that Michael has spoken with him several times, and he mentioned he had an interest in the committee. Ramesh told him to look at what he thought he might want, and submit a letter of interest to the Board.

Jamie Mann, Zoning Board of Appeals

Jamie Mann is an attorney. He is an overseer of the Board of Deacons at Beth Israel Hospital, but he has not been on any residential boards. Ramesh brought out the point that our boards don't work well together, and that is why Norfolk is a tough town.

The Board asked Mr. Mann if he would consider appointment to another board or committee if he wasn't appointed to the Zoning Board. Jamie said that he preferred this Board as he was very interested in real estate.

Paul Parrino, Conservation Commission

Paul Parrino has lived here 2 years. He used to work in the environment, and protecting wetlands, wildlife and watershed. He would like to get back into it. He feels he can offer a lot because of his expertise.

Mr. Parrino considers himself a conservationist. He attended a Conservation meeting that he was invited to.

Paul said he likes the environment and the outdoors, and he likes to see it not disturbed. He would like to enforce against building. He feels the Conservation Commission is doing a good job.

Jim Lehan questioned overall building in town. Paul said he is not for building if it is going to turn Norfolk into a big city. He wants to protect the environment, and the water from contamination.

Marvin Weaver, Community Preservation Commission

Marvin Weaver has lived here just under 30 years. He doesn't feel Norfolk has changed all that much, except for the town center renovations. He told the Board he retired from 36 years at Ford Motor Company in March, and is looking for something to keep him busy.

After seeing the development in the town, he would like to see the town continue to develop in a way that they would be proud to have someone come into the town and say that they live here. He feels the committee is to preserve the charm of the town. Historical preservation, community preservation (open space), and affordable housing.

Marvin said he saw the town center project online. He's interested in keeping the town attractive, and keeping it a town to be proud of.

He has not attended any Community Preservation Committee meetings.

Paul Terrio, Community Preservation Commission

Paul Terrio told the Board he grew up in Millis, and has lived here 21 years. His two children attended the school systems.

Paul said he is interested in the community. He wants to bring his knowledge to the committee.

Paul said he was impressed the most that there is \$200,000 available for employees' first time buyer programs. He has a strong concern for Norfolk turning into a "Franklin type community". He does not want the high density, high traffic community. He feels our development could be much stronger, but it is a nice place to live.

Paul was asked why this board? Paul said that this board came into focus and he wanted to step up and become more involved in the community. He is one of the town's Constables. He would like to see this board as balanced, and not just open space. He feels all the aspects should be considered.

His choice of committees is that his primary interest is the CPC. He is also interested in the Economic Development Committee.

Jack noted that there is representation needed on the Affordable Housing Committee. He was blunt about the airport project. Did this make you want to be on this committee?

Paul said yes, he is a pilot and a former aircraft owner. He said that he was never on one side of the fence or other. He was always concerned about the cost of the property to the town.

ACTION ITEMS

Jim Lehan moved to approve three (3) directional signs for Jane and Paul's Farm, 33 Fruit Street as described on the application; and seven (7) directional signs for Norfolk Rink Management, Inc., One Dean Street as described on the application. Ramesh Advani seconded, and it was **so voted**.

Bob explained the Miller Street bridge project, and the roadway construction by Franklin.

Ramesh moved to approve the request for additional Chapter 90 funds in the amount of \$18,541.24 to cover unforeseen expenditures for review of the Miller Street bridge project, per the documentation received from Remo Vito. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to approve the bid for roadway rehabilitation (overlay) to Aggregate Industries of Saugus. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to award the bid for tree planting to Nolan Landscaping and Tree, Norfolk, MA, and tree services to Jerry McMillan Professional Tree Service, Inc., Ashland, MA, and alternate bid for tree services to David Tripp, Norfolk, MA. Ramesh Advani seconded, and it was **so voted**.

The Board reviewed the letter from John Creedon of Seekonk Street. The Board suggested we send Mr. Creedon a letter informing him that we have referred his letter to Town Counsel.

OLD BUSINESS

Jim Lehan wanted to update the public on Cleveland Street. He stated it is not an issue of this Board that is against the housing of mentally challenged residents. This makes the 4th home in Norfolk.

The issue is that the DMR has no guidelines on how they place the residents in their care. There is a bus stop right at the end of the driveway of this home. Jim said he feels that this is setting them up to fail. They should protect both the sex offenders and the residents. Other towns are having the same problem.

NEW BUSINESS

Jim Lehan discussed a goal to make the process for the residents/developers easier to go through. The purpose of the dialog would be to improve the workflow process, the timing, etc. In this roundtable process, we can decide how to help everyone get through the process. Internal is good as far as the administrative people, but Jim feels that the chairmen of the committees need to be included as well. The goals should be set by this committee. Jim would be willing to head this committee.

The Board reviewed a letter from the Norfolk Community League regarding funding guns for the Police Department. Jack McFeeley said that weapons are replaced through a program funded by the town. Funding shouldn't be requested through the NCL. Bob Markel will discuss this with Chief Stone.

Jack McFeeley requested representatives from ComCast come in to discuss their recent letter about services.

REAPPOINTMENTS

The following appointments were made for FY'05:

Ramesh Advani moved to appoint the following to the Affordable Housing Committee for one year: Walter Zagieboylo, Patrick Morganelli, Robert Shannon, Judith Ross, and Janice Healy. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint the following to the ADA Compliance Committee for one year: Thomas Terpstra, Barbara Ward, and Tish Donovan. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Erin Hughes to the Arts Council, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Kathleen Lovell to the Capital Outlay Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Richard Connors (Precinct 4) to the Community Preservation Committee, term to expire June 30, 2006. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Paul Terrio (Precinct 1) to the Community Preservation Committee, term to expire June 30, 2006. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Robert Kirby to the Cemetery Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Brian Butler to the Conservation Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Larry Harrington to the Conservation Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to appoint Jeffrey Kane to the Conservation Commission, term to expire June 30, 2006. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to appoint Andy Bakinowski to a two-year term on the Conservation Commission. There was no second, and Mr. Advani withdrew his motion.

Ramesh Advani moved to reappoint Lisa Newell to the Corrections Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Irene Cahalane, George Clinton, Richard Connors, and Harriet Fisher to the Council on Aging, terms to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint John Buchholz to the Design Review Board, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Robert Bullock as Fence Viewer, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Mary Jane Benker as Assistant Fence Viewer, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Suzanne Burns, William Domineau, Marcia Johnston, Mary Power, Betsy Pyne, and Thelma Ravinski to the Historical Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Jennifer Burke, Edward Donahue, James Dyer, Eric Dupont, and Bruce Shapiro to the Insurance Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

James Lehan moved to appoint Ramesh Advani as the MBTA Advisory Committee representative, term to expire June 30, 2005. Jack McFeeley seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Joseph Gilio to the Mirror Lake Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Jennifer Tharrett to the Mirror Lake Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint John J. McFeeley to the Norfolk County Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Tim Walsh to the Permanent Building Committee, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint William Crump, James Leonard, Joseph Sebastiano, Beth Strubeck, Charles H. Stone, Jr., and Remo R. Vito, Jr., to the Road Safety Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Robert Shannon as Sealer of Weights and Measures, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to appoint Mark Kantzer as Assistant Sealer of Weights and Measures, term to expire June 30, 2005. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Jane Lepardo as Tax Title Custodian, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Robert T. Markel as Town Administrator, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Remo R. Vito, Jr., as Tree Warden and Shade Tree Manager, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Anthony Mastroianni as Veterans Agent, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint John Olivieri as Veterans Graves Officer, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Robert Nicodemus and Glendon Coulter to the Zoning Bylaw Study Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Martin Murphy as a full member to the Zoning Board of Appeals, term to expire June 30, 2009. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Robert Garrity as a full member to the Zoning Board of Appeals, filling the vacancy of Nancy Lancellotti, term to expire June 30, 2007. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Michael Kulesza as an associate member to the Zoning Board of Appeals, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to reappoint Ellisa Flynn-Poppey as an associate member to the Zoning Board of Appeals, term to expire June 30, 2005. Jim Lehan seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed the storm water project debt service analysis. He gave the Board a copy. This is an estimate prepared by bond counsel. Ramesh Advani moved to fund the storm water project using the state revolving loan program. Jim Lehan seconded, and it was **so voted**.

Bob handed a draft on the Memorandum of Agreement on 201 and 220 Main Street. The Board will review and get back to Bob regarding finalizing it.

Bob gave the Board the resignation of Paul Anderson, Water Superintendent. His last day is July 9th.

Bob handed out a letter from the Water Commissioners that will be read and reviewed at their leisure.

Jim Lehan moved to waive all electrical and building fees associated with the Gold Street Pump Station Renovations and Water Facilities SCADA System. Ramesh Advani seconded, and it was **so voted**.

Bob reviewed with the Board several end of year transfer requests. There are two from the Fire Department for repairs, one from ZBA for salaries; one from us for medical bills – insurance account; and Tri County needs money because their assessment changed during the year.

Bob discussed the alternate process for doing financial transfers. Money can be transferred among departments with the approval of the BOS and Advisory Board; however, the Board decided to pay them from the Reserve Fund Transfer. The Board wants to wait and see if anything else comes in.

Ramesh Advani moved to approve a transfer from Fire Department Salaries to Fire Department Expenses. Jim Lehan seconded, and it was **so voted**.

Bob discussed needing candidates for the Personnel Study Committee. Bob has a few names, and will discuss it with the individuals.

At 11:27 p.m., Ramesh Advani moved to go into executive session for purposes of collective bargaining. The Board will not return to open session except to adjourn the meeting. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**.

At 11:42 p.m., Ramesh Advani 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 June 21, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

June 24, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:33 p.m. Bob Markel said the agenda consisted of interviewing candidates for the position of Town Counsel.

KOPELMAN & PAIGE

Representing the firm of Kopelman & Paige was Jason Talerman and John Giorgio, Esquires.

Jason Talerman said he has been with Kopelman & Paige for 7 years. He was in private practice prior to that. He told the Board that the proposal he gave them previously accurately reflects their firm. He said Kopelman & Paige is a 50-attorney firm located in Boston. They represent 120 cities and towns, which is 99% of the municipalities in Massachusetts. Their firm represents only municipalities. They have no private clients, developers, etc. Jason said that he mainly concentrates in land use. He has volunteered his time to the town, working with the roundtable discussions, and 40B with the Zoning Board.

Jason Talerman said he would be the attorney handling matters for the Town. Jason complimented George Hall and his work for the Town. Jason just felt that they could offer as much, or maybe more to the Town, because that is their specialty.

John Giorgio said he has been with the firm for 20 years. He said that Jason is one of the bright stars in the firm. John wanted to stress that the critical thing is not only the expertise the firm brings, but the experience in always working with many cities and towns. There is almost nothing that they haven't seen before, or dealt with at one time. Atty. Giorgio said they practice preventative law as well. They provide training sessions for the boards and committees, or departments for free of charge. They keep everyone updated on laws, any new laws, and other pertinent information. He said that if we wanted a seminar on Community Preservation, they would come out and do one. If we had employees who needed help on liquor licensing, they would do that. Atty. Giorgio said that they would recommend that all requests for Town Counsel use go through the Town Administrator. Bob Markel said that is how it has always been done.

Ramesh Advani said that they asked the departments, and employees for feedback. They all praised George Hall, and Ramesh said if it isn't broke, why fix it? Jason Talerman said that their reputation in Millis speaks for itself, plus the work he has done for Norfolk says a lot. He feels they can do an even better job

than George Hall is doing for Norfolk. He said they have the manpower and ability to go the extra mile. Jason stated that living in town means no travel time, and he is available on Saturdays and Sundays, if needed. He has five partners who dedicate their time to land use.

John Giorgio said that they want to provide our clients with a quick response. They will put a small team together, but Jason would be the principal contact person.

Jim Lehan said that clearly there is an advantage to being a large firm with many resources. But we wouldn't be a major player as we are a small town, and may get lost in the process. He asked how they would differ from George Hall, regarding resources? Mr. Giorgio said they can put us in touch with other public officials who have had the same issue we had, and successfully resolved it.

The Board thanked them for their time, and will get back to them soon.

PLANNING BOARD JOINT APPOINTMENT

Planning Board members Art Spruch, Bob Nicodemus, Tom Poppey, and Tom Burke were present to jointly appoint their associate member with the Board of Selectmen.

Art Spruch nominated Andrea Langhauser as their associate member. Jack McFeeley seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jack McFeeley, **aye**; Jim Lehan, **aye**; Bob Nicodemus, **aye**; Art Spruch, **aye**; Tom Poppey, **aye**, and Tom Burke, **aye**.

GEORGE A. HALL, JR., TOWN COUNSEL

Present was George A. Hall, Jr., of Anderson & Kreiger, LP, and his associate, Dan Hill, Esquire.

George Hall is our current Town Counsel. George told the Board that he has been with Anderson & Kreiger since 1989, and has been a partner since 1993. He has practiced law for approximately 20 years. George concentrates in land use and environmental law. George has been Town Counsel for Wrentham since 1989, and lead counsel for 10 years. He has been Norfolk's Town Counsel since 1998. These are the only towns he is Town Counsel for. He assists in Topsfield, where he lives, and helps Hopkinton.

George Hall told the Board that other than Town Counsel work, his clients are private land owners, non-profits, and colleges, among others.

George Hall told the Board that he has represented Norfolk for six years. It took a few years to get acclimated, and get familiar with the Boards and the players. He had to develop an understanding of how the town works, and get a management position with you.

George told the Board that he was Town Counsel as this building was completed. There was a lawsuit brewing, and a lawsuit at the H. Olive Day School. When he first came on board, there were many hefty lawsuits that the Selectmen asked him to get rid of.

George said that he bills at a rate of \$150 per hour. He gives 16 hours a month, non-litigation, at a discounted rate of \$140 per hour. They did this because he didn't want people not calling Town Counsel.

Jim Lehan explained that with the larger firm, there are more resources. How do you compare? George said they have 9 attorneys, and 3 partners. The vast majority have much experience, and no trouble with resources. While a large firm works, they break everything into little pieces. George feels that if he doesn't attend town meeting, you don't know what is going on.

Jim Lehan questioned the conflict regarding King Philip? George Hall said that he didn't work for either town on that matter. He said that in the 10 years he has worked with Wrentham, there has never been a conflict with King Philip issues.

George Hall said he feels like he is just warming up. The first couple of years he was reticent about jumping in, not sure where he was landing. He has a better idea of what the boards are, and can work constructively to resolve conflicts. He said he loves making the town better managed.

Ramesh Advani told George that the people working here gave raving comments about his work. It doesn't take six years to warm up. Why would I not want more for my money?

George said there are different goals. You inherit tons of open files and you have to evaluate each one as to what to do with them. You pick your battle fields. Obviously, if you keep losing zoning battles, you need to revise your bylaws. George said that the Board made it clear to him several times that they want to keep the legal expenses down. If you are telling him that you want him to spend more time on town matters, let him know. He can spend as much time as we want him to. But how much do we want to spend? George said he can take a longer view, and accomplish what they want him to.

George said his top 2 or 3 goals would be to work with the Conservation Commission to make new local regulations that work better. Let applicants know what they're expected to do. Projects can move quicker.

He would try to be responsive of what is on the Board's plates.

The wireless facility for the Water Department to make money. He was hung up with this with Borrelli as there was no easement.

The Community Preservation Committee implementation. Need a process on how to spend money. This is a huge task, a lot of work, and limited income.

George felt he had a good rapport and good track record with all the Boards.

Jack McFeeley told George that he was not here tonight because of any dissatisfaction. The Board appreciates his work.

Jack asked if with respect to the residence at 59 Cleveland Street, is there anything we should be doing? It was explained to George that they are refusing to comply with building codes. George will work with Bob Bullock and lend his assistance.

Jack asked George if he experiences crunch times, i.e., Wrentham's town meeting, which would cause delays in work for Norfolk? George said it is usually conflicting Norfolk jobs that cause the crunch.

George said that he must be aggressive to meet objectives. He can always give a safe answer, but it isn't always what the Boards need.

Ramesh Advani said that we don't necessarily have a shared vision for the Town. Each Board has its own vision. An outside view from someone who isn't in the town is probably valuable.

Jack McFeeley asked Dan Hill if he had anything to add. Dan said no, George pretty much covered it. The Board thanked them for coming in, and will get back to him within the week.

At 8:45 p.m., Ramesh Advani moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 24, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

June 28, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

The meeting was called to order at 4:00 p.m., in the Town Administrator's Office.

The Board discussed the two candidates for Town Counsel. Based on the feedback, input from the various Town Boards, and the interviews conducted with both Jason Talerman and George Hall, the Board decided that they would retain Anderson & Krieger as Town Counsel.

The Board asked Bob Markel to write a letter to this effect to George Hall, and to thank Kopelman & Paige, especially Jason Talerman, for their interest and time and that the Board thinks they would also provide valuable services to Norfolk but that they saw no reason to make a change at this time. The Board also asked Bob Markel to ask George Hall to include in his offerings the additional advisory services that he will provide at no charge to the Town, that he included in his email to the Board, which is as follows:

1. As my firm now represents the Town of Acton, as well as Wrentham and Norfolk, we have already discussed internally the possibility of producing regular alerts concerning new developments in the law that we could send to all of our municipal clients electronically. As we do apprise our clients of new developments we think might be of interest to them from time to time, it is not a big step for us to regularize those alerts and distribute them to our clients in appropriate "e-groups," and we intend to have that service up and running in the next couple of months.
2. I have previously offered workshops on the Open Meeting Law and Public Records Law, the State Ethics Act, the Uniform Procurement Act, Chapter 40B and other subjects, and would be happy to do so at your request. This is something that we did discuss earlier in our tenure in Norfolk, but it has not been pursued in the last few years. I would be happy to offer four 2-hour workshops of this type per year, either during the day for staff or during the evening for board and committee members, without charge to the Town. I can work with the Town Administrator to develop a set of priorities for the subjects we should present, and I have some ideas about some topics we may want to cover.
3. One of the things I took away from last night's meeting is a sense that the members of the Board need more opportunities to communicate with me, not just about specific issues of concern pending before the Town, but also about your general concerns about the Town's priorities and direction. As always, I am happy to meet with the Board whenever the Board would like to see me to give regular status reports and to have a conversation with the Board as a whole about any issue. I would also be

happy to offer my time without charge, during the day or on evenings and weekends when I am available, to talk to any selectman on the telephone or communicate by email about any issue of general concern, or to discuss the background of any specific issue.

Ramesh Advani moved to appoint George A. Hall, Jr., of Anderson & Kreiger, Cambridge, MA, as Town Counsel for one year, term expiring June 30, 2005. Jim Lehan seconded, and it was **so voted**.

The Board also discussed the few outstanding points on the Fire Contract and resolved them.

The Board then discussed the approach on the upcoming meeting with the Conservation Commission, and asked Bob Markel to send them a note advising them of the purpose of this meeting, and what we wanted to accomplish at this joint meeting. Jim Lehan will draft up wording and circulate it to the Board. Bob Markel will use the wording as a guide for the note to the Conservation Commission, on behalf of the Board.

At 4:30 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 28, 2004.



Ramesh H. Advani, Clerk

July 6, 2004

Present was John J. McFeeley, Ramesh H. Advani, and James C. Lehan. Robert T. Markel, Town Administrator was absent.

Jack McFeeley opened the meeting at 7:08 p.m. Marian Harrington read the agenda items.

NSTAR REPRESENTATIVES

Barry Salvucci, Community Relations Officer, and Jack Lopes, Chief Engineer out of Walpole were present.

Jack McFeeley said that they asked them to come in tonight to discuss power outages in several areas of town approximately two weeks ago.

Barry Salvucci apologized for the June 19, 20, and 21st small power outages. They replaced the transformer, and installed squirrel guards. Jack Lopes brought in the squirrel guards to show the Board. They have a typical squirrel guard that they put on the top of the transformer at the connection point. They now have a more advanced guard that gives the squirrel a little surge so that they will leave it alone.

Jack Lopes said with respect to the three outages, they looked at the circuits and there is a recloser on the circuit. The recloser opens up the circuit and then will close back when the problem is gone. If the problem has not cleared and is still on the line, the recloser will open up and not close back in. This means a technician has to go out and close it. The recloser was working too fast, and they had to make adjustments to slow it down. This was on Pole 43, Seekonk Street. This affected Medfield and Millis, as well as Norfolk. All three towns experienced the momentary outages. Since they have made the changes, there haven't been any problems.

Barry Salvucci said that with all the high winds and thunderstorms, they did not have a failure with this new recloser. Barry also asked that residents call the 800 number at NSTAR, and residents should be calling them direct and not calling the Selectmen's Office. He said that they are wasting time by not calling the complaint in to them first. Barry said he is an old Boston Edison employee, and he knows that there were complaints that phone calls weren't answered. He said that they have to report to the Department of Telecommunications, and they have a very sophisticated system and it is handled in under 10 seconds.

Jack Lopes said that they should all call in, and not just one resident from the area. He said the more calls they get, the more helpful it is for him to do his job and know that there is a serious problem.

The 800 number is 800-592-2000 and it will be posted on the website.

JACK HATHAWAY, FINANCE DIRECTOR – UPDATE

Jack Hathaway said that he did not prepare a monthly update for the Board. He said that they are busy with year-end closing of the books. He explained what that entailed. They are in the process of cleaning up, and will give them the figures for FY'04 in a few weeks. Jack McFeeley asked him to also provide a list of the encumbrances. Ramesh said that he would like a high level of what the budget started with, and where we are after a full year.

Jack McFeeley said that one of the things we haven't closed on is the forecast. Jack said how do we finance the projects we have in front of us? We need to come up with clever ways to finance these, such as an override that won't be a great impact on the taxes.

Jack Hathaway said he is working with Bob Markel on trend analysis. The Board said they've seen that. Jack Hathaway said he would like to discuss this further with the Board. He said it doesn't do him any good to work on this without input from departments and the Board.

Jim Lehan suggested deviation reports. Jack Hathaway said he would be interested, and will talk more about this with Jim. They talked about year-to-year deviation. Ramesh said or a percentage method.

Jack Hathaway said that MUNIS is going live, as we speak.

Jim asked if they have done forecasting of the operating budget around the DPW? Jack Hathaway said he has not, and the Board suggested that might be good to do. Jack McFeeley suggested he contact Ed Melanson for information. Jim suggested this be assumptions and ranges.

Jack Hathaway said that he should have Jane Lepardo come into a meeting and discuss the pay online system. It doesn't cost the town anything, and there is a 50-cent fee.

The Board thanked Jack for all his help and hard work getting MUNIS up and running.

On another note, Jack said that speaking for all department heads, they are very disappointed to see that Paul Anderson has left. Everyone liked him and thought he was an excellent Superintendent.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of April 5, 2004, regular and executive session; April 26, 2004, regular and executive session; May 5, 2004, special meeting; and May 17, 2004, regular and executive session. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Ramesh Advani moved to approve the Rodman Ride to be held on October 2, 2004. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint David Forester to the Historical Commission, term to expire June 30, 2006. Jim Lehan seconded, and it was **so voted**.

OLD/NEW BUSINESS

The Board reviewed the letter from Michelle Wells regarding a problem she's having on Seekonk Street. Research will be done in old minutes dating back to 1989 to see what has already been done, and decided. An acknowledgment letter will be sent to Ms. Wells.

Jack McFeeley informed the public about the Personnel Study Committee.

EDUCATION FUND COMMITTEE

Kim Williams, Chairman of the School Committee, and Sally Grant, School Committee member was present.

Although he wasn't present, Kim Williams thanked Bob Markel for all his assistance in getting this Committee to fruition.

Kim said she has worked with Jane Lepardo, who asked that she get MUNIS up and running in order to accommodate this. That is almost complete now.

Kim felt at this point they need to get the Education Fund Committee appointed. Chris Augusta-Scott will be an ex-officio member of the Committee. The School Committee has chosen their members, and wondered if the Selectmen have done the same. She said she is aware that Dr. Markel is not present tonight for this discussion. Ramesh Advani said that as the school's liaison, he and Bob have discussed this, but do not have specific names for tonight.

Jim Lehan wondered if they had a reservoir of names, would they have anyone that they are not able to appoint, that they could pass on to us? Perhaps this

would help us in locating reasonable people who need to be on this Committee. They asked Kim to give us a list. Jack agreed that this would be helpful.

Jack asked Kim to explain what this Committee is and how it came to be. Kim explained MGL Chapter 60 that is how this Committee is developed. This is a voluntary thing. It is a way of contributing back to your community. It is not mandatory. It is contributed from the excise tax or real estate tax. Kim said that their donors were mostly parents. This gives residents a mechanism to send a donation, if they would like to.

The School Committee's selections are Kim Williams, Donna Spigarolo, 6 Stilwell Avenue; and Janis Daly, 9 Stilwell Avenue.

On another subject, Ramesh discussed the signs for the fields. Sally Grant said there is no real policy regarding signs on school property. Sally suggested that perhaps their policy sub-committee could draft a policy and have the Selectmen review it and maybe approve it. The Board concurred that they are in agreement with the School Committee that we will not allow advertising on school property. The Board of Selectmen will include this in one of their policies, as well. Sally Grant said they need to address the individual who already wants to do this. The Selectmen will send a response. Sally said this will also involve the Recreation Commission, and they will have to be advised of any policy we draft.

CONSERVATION COMMISSION

Conservation Commission members present was Jim Giebfried, Chairman, Allan Shaw, Jeff Kane, Larry Harrington, Brian Butler, Gail Hansche and Marie Simpson, Administrative Assistant.

Jack McFeeley asked Jim Giebfried if there was anything he wanted to say tonight. Jim Giebfried said he wanted to talk about the Conservation Commission, and what their jurisdiction is and what they have done this year.

Jim Giebfried said that the Conservation Commissions within the Commonwealth work on MGL Chapter 131. They hold public hearings, maintain all records of licenses and orders that come before them. They manage the Conservation funds, and they manage the lands. Presently in town, they have 160 acres that they manage. They will be bringing on another 20 acres shortly. They look for land grants. They serve as the resource for the Department of Agriculture, and they serve as the resource for the Department of Environmental Protection. They have had budget cuts and it has reduced their services to the town. This has put a strain on the town. Enforcement has been a problem. They have also been cut down to 33 officers to work throughout the State. The local areas have to do the enforcement. Jim said they work and promote Land Management, and

Forestry programs. They have created and manage sites such as the Pondville site that was acquired through Caritas-Christi, and the Lind Farm. They work at updating the Conservation Land Inventory so that other committees are aware of the changes. They investigate and certify vernal pools. Jim demonstrated a wetlands map. During July 2003 through July 2004, Conservation has heard 21 Notices of Intent, 3 resource area delineations, and 1 request for determination. Wetland fees generated \$11,000. Fines levied was about \$600, and some miscellaneous charges. Total fees was \$11,981.76. Only one order of conditions was denied during the whole year, and that was under a local bylaw.

They surveyed and looked at local Conservation agents. Currently, they use their Administrator, they use various agents that they have contracted with in the past, and they work with contractors on specific needs to watch what is going on. They have worked with a developer and the agent has been paid for by the developer. If they hire a municipal agent, costs will be covered by the town.

Jim mentioned a notebook put together by the Planning Board and the special agent they hired, did Phase II Management. EPA has required that all towns comply with their mandate in putting together a policy, and then how you would implement and prevent pollution from occurring. Jim read one paragraph of this policy regarding sediment runoff from construction sites. Construction sites deliver more sediments to a stream than can naturally go there. He wanted to emphasize the tremendous impact that can occur.

Jim felt this discussion was a golden opportunity for both Boards to share dreams, goals, and anything each Board has to question.

Jim Lehan said that what happens within the next 3 to 5 years will be permanent, and in terms of impact it really will be 20 years from now. One of the goals the Board of Selectmen has, is to find a way for everyone to share a common vision. Jim said that Ramesh said it very well, that he believes that each board has it's own vision, but the Town does not have one common vision. We would like to try and bring the boards together as to what that common vision is. We are trying to establish a roundtable discussion to try and make the process better. It may mean different things to different boards. We are trying to improve on making the permitting process easier for developers. Some of the committees have different definitions of the same issue. Jim Lehan asked Jim Giebfried, as you see your board today, what is the vision for your board, and how do you see that connecting to the vision of the town in terms of its development in the next 3-5 years?

Jim Giebfried said that as a Commission, they have a number of issues. One, because of the time constraints they have, and being a volunteer and appointed board, they meet only once a month to address hearings because of budget

constraints, it is difficult to spend additional time on other things you would like to do when you are trying to meet the business requirements and timing requirements in addressing public hearings. They have timelines in which to respond. They need the appropriate funding so they can do the best job they can. They need to work closer with the Board of Selectmen in budget preparation.

There are changes coming forward from the federal government, and they have been coming forward every month with regard to wetlands and how they have been looked at by the DEP. They are looking at the wetland regulations, and try to make them less restrictive. Jim said they will try to move forward and see that lands that exist in town be something that can tie into area towns, or open space planning, or planning board. They would like to have a green belt in Norfolk which would attach to a green belt in Wrentham or Millis or Medway.

They would like to look at their regulations. They are looking at planning processes. They now have maps that will assist them, instead of having to go out into the field to look at what they are talking about.

Jim Lehan said there is a perception that the Conservation Commission at times, is very difficult to work with, and will, on occasion, find reasons not to do things, rather than taking the approach to find a reason to do it, where there is an opportunity to go left or right which, on occasion, that has gotten the town into litigation. Jim said that a few weeks ago one of your members was present when we interviewed Town Counsel, and we discussed the Conservation Commission, and that was echoed by Town Counsel, as well. How do we work together – if it is perception, change it. If it is reality, we need to work toward making sure there is a fairness approach.

Jim Giebfried said it depends on who you ask. Some people feel they are difficult, and some feel that they are flexible. They look at the DEP regulations and policies to see what has come before. They use previous past practices to guide them. They have used counsel. They try to be as fair as they can. If those situations arise, the individual has the right to appeal. The hard part is DEP being cut with their budget, and not having the services. The woman from DEP felt they were doing a superb job, and keep it up. She is a PE with DEP – Elizabeth DeBurjeron.

Jim Giebfried said they abide by the oath they took before the Town Clerk to abide by the bylaws. It is their responsibility as the DEP's representative to make sure they do what they are supposed to.

Jim Lehan's concern is the fairness of the application process, not just with the Conservation Commission, but with any board that the Selectmen appoints. He

said the Selectmen are the only voice the voter has. They have a voice with the Selectmen, but they have no voice with the appointed Board. The Board needs to take the appointment process seriously, and sit down with more Boards to discuss what is going on. He is hopeful that the roundtable discussions that they are setting up with the permitting boards will work. Jim Lehan said it is the fairness and consistency of applying goals that would be any concern of his.

Allan Shaw said he would like to address the fairness and consistency part. That has always been a goal of their Board. They try to be fair and consistent, because you can't let one applicant do something, and then not let someone else do the same thing. You have to be fair and consistent, especially legally. He said on the first 3 years of being on the Commission, he found a problem with that. But the past few years, he has seen a real difference and feels the Board is very fair.

Jim Lehan asked how can we help you with this goal? Alan said that more and more pressure is going to be put on the Conservation Commission because of the buffer zone protection. They will need more help. Jim Giebfried said the bylaws may have to be looked at, and some changes made. This could be accomplished by working through the Bylaw Study Committee, and working with the Selectmen. Jim Giebfried said that Marie Simpson spends a great deal of time with Bob Markel, and working with town counsel. Jim Giebfried said George Hall tells them to be as consistent as they can possibly be. Jim Giebfried added they would like residents to be aware of the Conservation bylaws before buying property. There are Conservation restrictions on their property, but they don't know what it means. Jim Lehan said he hopes this would certainly be something to be discussed at the roundtable.

Larry Harrington said the Selectmen could help with money, and one way is manpower. He said that he was shocked at how low funded this board is, along with the resources that go with it. The resources are small, for the importance of this commission. Funding an agent would be something valuable for the town. The Board generates income, but it goes back to the general fund and does not stay with the Commission. Jim Giebfried said since 1995, they have had about \$3,000 for a Conservation Agent. Jim Giebfried said for some small issue, there is no agent that can go out, and they have to email the board to see who can go out. They usually end up having Marie go out. Brian Butler also said that anytime Marie goes out, it takes away from the office, and her workload suffers.

Ramesh Advani said this is probably the most influential board of all the Commissions. Ramesh said he appreciates the time they are putting in to the town. Ramesh would like the televised public to understand that there is a lot of very good work being done. Your meetings aren't televised. Ramesh thanked

them all for showing up tonight. He would encourage all to have this regular dialogue, so that the public can hear what the Conservation Commission is doing. He thinks they need to hear about specific issues. He doesn't believe there is a collective vision that has been voiced. Ramesh feels they are leaders as much as anyone else, and the work they do should be supported by the Selectmen. What is your personal approach to resolve conflict? Allan Shaw said that in working on a filing, they have to go through all the steps. He said that all the issues weren't dealt with, but the hearing was closed, and there were problems later on. He feels the hearings need to be kept open until everything is worked through. Jeff Kane said there is a conflict that evolves in the field, if the people enforcing this code have a firm understanding of what it involves, they don't have to quote the whole code, but explain that you are enforcing the code for a certain reason and explain the issue, then that should resolve the conflict. Larry said preparation would avoid a lot of conflict. It works both ways. Some applicants come ill-prepared and aren't prepared to hear no. They have to be able to understand the rules. The Commission can also be prepared better by understanding the project and knowing alternatives to that project. If you are better prepared, you can resolve. Managing the amount of work and the amount of projects that come before them will make a difference.

Ramesh laid out a thought process that he wants them to consider – in order to be fair and consistent, he is inevitably setting themselves up for another conflict. Time is money. He suggested that they put more information on their website that may help the applicants. Ramesh said he got several "take-aways" from this discussion. They were: Funding for manpower (conservation agent); assist in understanding and communicating changes in the regulations and federal process for environmental protection; help in their efforts to tie in land use as part of open space planning, working with other town Conservation Commissions and Community Preservation work; look at and review existing regulations and policies of our town; and participation in the creation of a collective vision through a roundtable.

Jim Giebfried agreed with Ramesh. Jim said they give a list to the applicants that they must do before their hearing. He reminded the Board that the Conservation office is only open two hours a day. Applicants must meet those two hours, which isn't always easy. Every month the federal government is changing things that were gold standards from EPA.

Ramesh wanted to know if once a quarter, they would come to our meeting and share with the Selectmen some significant issues that are closed, or these are things that are still open and we can use your help. Jim Giebfried said that things that are open cannot be specific and they cannot give out any information.

Marie Simpson said regarding preparation, Conservation is different than other boards. She said that only the applicant can decide when the hearing is closed. The Commission cannot decide when the hearing will be closed. Even if you don't have all the information or all the facts, if the applicant wants it closed, then you have to close it, and make a decision.

Jim Lehan said that this is a critical board. He thanked them for coming, and thanked Marie Simpson for the information she gave him to prepare for this meeting. He said that he hope they can continue working together. He applauds the efforts of the Commission, and had the same "take-aways" as Ramesh, only he would add the roundtable discussion. He would like to come to the table with all the issues and work through them all.

Jack McFeeley said that Jim Lehan said we can speak to the collective vision. We have not really defined the collective vision, but we have begun to walk the talk, and we can go from there.

Claudette Healy came to applaud the Conservation Commission.

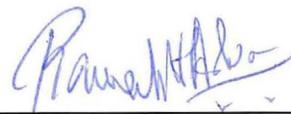
OLD/NEW BUSINESS (continued)

Jack McFeeley noted the letter from Comcast about their change in hours at their East Belcher Street location in Foxboro.

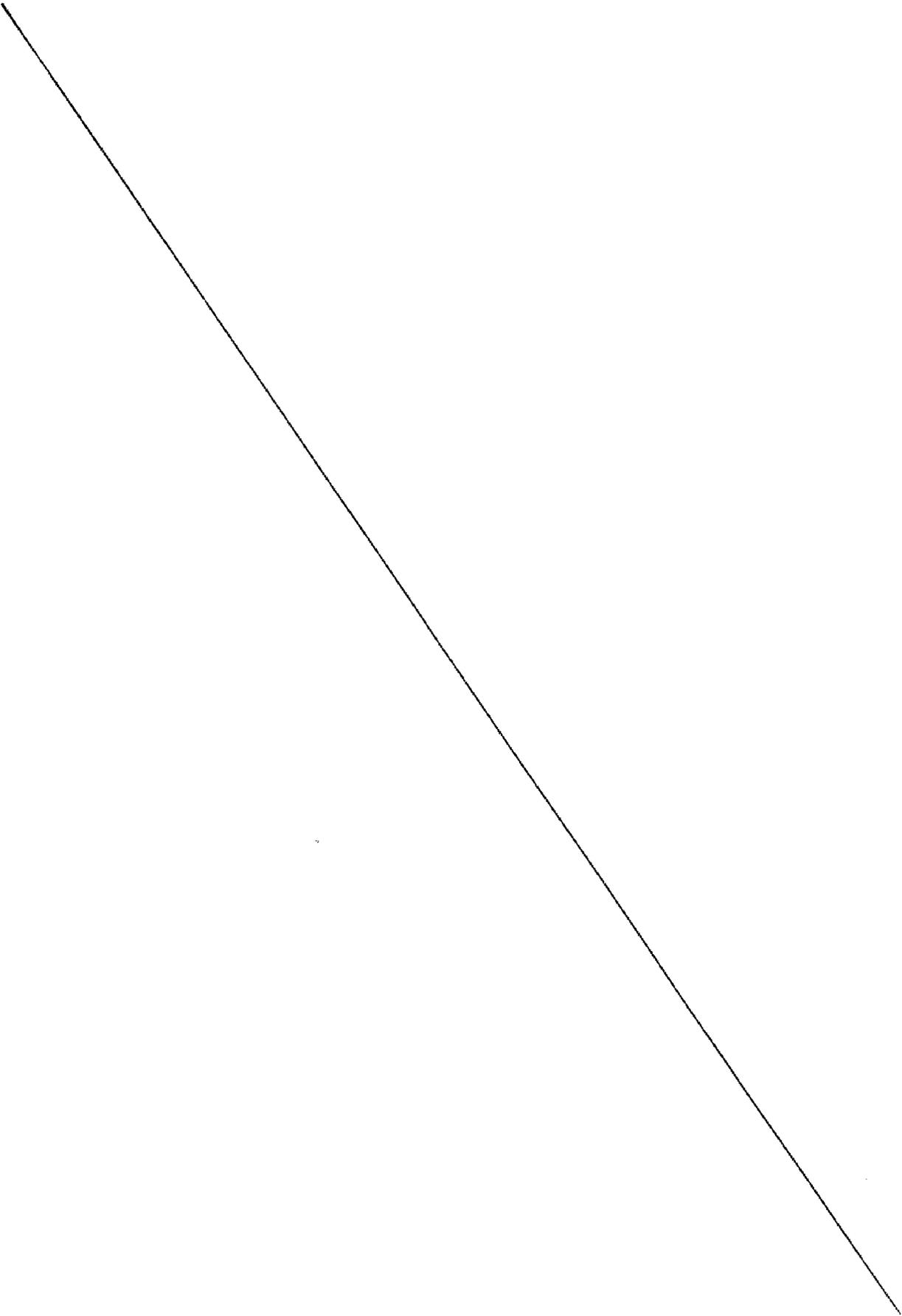
Jack McFeeley read the letter from the FBI regarding child abduction. Tuesday, August 3, 2004 is National Night Out. Check with Chief Stone to see if we are doing this. You need to register online.

At 9:40 p.m., being no further business, Ramesh Advani 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 6, 2004.



Ramesh H. Advani, Clerk



July 19, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:32 p.m. Bob Markel read the agenda contents.

EARTH REMOVAL PUBLIC HEARING – CANTERBURY ESTATES

Jack McFeeley opened the public hearing regarding an application from Norfolk Enterprises to be allowed to remove earth from their property at Canterbury Estates. Jack McFeeley read the public hearing notice, as advertised in *The Sun Chronicle*.

Bob Bullock, Building Commissioner, introduced members of the Earth Removal Advisory Committee who were present. Members were Jim Giebfried, Conservation Chairman; Tom Burke, Planning Board, and Andy Bakinowski, citizen engineer. No abutters were present.

Bob Bullock also read the committee report, and said they had a list of what they felt was missing. Bob Bullock read his report for the record.

Present were applicants John Glossa, of Glossa Engineering in East Walpole, and Paul Borrelli, property owner. John Glossa presented the certified mail receipts to the Board, proof that he notified abutters of the hearing.

John Glossa explained to the Board that this property is a series of low hills with very steep slopes and steep grades, with many undulations on the property itself. A subdivision has been laid out and approved by the Planning Board. He has approvals by Conservation Commission and Board of Health. There is a bridge by the west end of the property. Actual roadway construction has been undertaken and as far as rough grading and utility installation, it is 60-70% complete. The Order of Conditions specifies when the crossing of the intermittent stream can be made. It must be the driest part of the season. The roadway down to the crossing has been graveled grade and will be paved soon.

The third part is the actual construction on each lot. Soil tests will be done, groundwater table elevations established, and existing grades established. Houses will be placed on the lot with regard to the existing topography on the lot, zoning requirements, and preference of owner as to the size of the building. That is done.

This site has severe slopes. In order to achieve buildable lots, they have been laid out according to these procedures. Town regulations and Title 5 regulations will be applied and the site is more or less designed. You end up with the house location, septic location, driveway location and connecting roadway to the location of the house. You cannot have more than 3' of grade over the septic

system. All septic systems are designed as if the houses are going to have a garbage disposal.

Second part of the regulatory is to look at the grading. He looked at each lot. They must all apply to the requirements by laws.

John Glossa said so much soil and topsoil must be moved. 30,200 cubic yards moved. They are going to strip the topsoil and subsoil. They are going to strip and stockpile this. John went over the questions on the application. Jack McFeeley questioned how much you can remove without a permit? Bob Bullock said 400 cubic yards. John Glossa said you take off 24", you put back 6".

The Board questioned the chart on removal of earth. He is allowed to remove 6,000, he is removing 24,000. John Glossa said that it is a hardship to do this any other way. That is why they are before the Board tonight.

John Glossa presented a letter to the Board, as a rebuttal to the Earth Removal Advisory Committee's report. He reviewed the letter with the Board.

Jack McFeeley asked Bob Bullock if he felt the information is in the application, or do you still need more information? Bob Bullock said it was very confusing. Information probably isn't missing; they just didn't know where to look for it. He said based on what John Glossa is telling them tonight, they will need more time to review this.

Bob Bullock questioned if 900 truck loads were coming to Norfolk Commons, they were concerned about the new road with the town center project, and liability if the new roadway tears it up. The Board will discuss this with Butch Vito, Highway Superintendent.

Andy Bakinowski presented a map regarding #7, and will be available to discuss this further.

Jack McFeeley admitted the letter from Bill Domey, Board of Health Agent, into the record.

Jim Giebfried reemphasized the environmental requirements.

Ramesh Advani moved to continue the hearing to August 16th at 8 p.m. Jim Lehan seconded, and it was **so voted**.

John Glossa offered to meet with members of the Earth Removal Advisory Board to review his application with them, before August 16th.

THEODORE REGNANTE, ESQUIRE – CHAPTER 40B

Present was Attorney Theodore Regnante, Ron Nations and his son Chris, and George Connors of Connorstone Engineers was present. Jose Martins was not present.

Attorney Regnante said they have spent more time looking at the previous proposal, and think they have come up with a better proposal that will meet the Board's approval. They will then submit to the Mass Housing.

They will use the entire 14.8 acres for this development. They are proposing to raze the present structures on the property. This will be a conventional subdivision plan with 50' right of way and sidewalks. 32 single family homes (instead of 42 duplexes). They will each be on their own lot. 3 bedroom homes. Size will be 11,000 sq ft to 13,000 sq ft. 2 units to the acre. 2200 to 2400 sq. ft. for each home and will have a 2 car garage. Colonial type homes. Each lot will have its own septic system and leach field. They will have 18% dedicated to open space. One area for recreation. Boxes are 40x60. 36x28 – main house. 14x24 – garage.

They have done a market study in which they determined high 300's and low 400's. Affordable units (25%) will be priced \$175,000-\$181,000. There will be eight of these units with 70% local preference, and they will set up a lottery for that.

They are talking with the abutters. Attorney Regnante said they are currently working with Vera Kolias in Southboro.

George Connors came forward, and he had a plan that he described what they are going to do to the Board. In all, he showed several different plans with details. Pavement will be 24 feet for the roadway.

Attorney Regnante stressed that they are very amenable to working with abutters and neighbors, and hear what they have to say, as well as town officials. They want to make this work.

The Board questioned the timetable to submit the application to Mass Housing? Attorney Regnante said he will probably complete the application and file to Mass Housing within the next month.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of May 4, 2004, special meeting; June 7, 2004, regular and executive session; June 21, 2004, regular and executive session, June 24, 2004, special meeting; and June 28, 2004, special meeting, with the edits as provided. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Jim Lehan moved to waive the fees for NSTAR to replace fixtures at the Highway Department, Police and Fire Station, and Freeman/Centennial Schools, per the request of Ron Bain, Facilities Manager. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to approve the request of Chief Stone to place 30 MPH signs on Noon Hill Avenue, subject to favorable response from Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to release Street Opening Permit #03-11, 60 Priscilla Avenue per the request of Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to release Street Opening Permit #02-04, Liberty Lane/Independence Drive per the request of Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to open the Fall Town Meeting Warrant to begin today, July 19th, per the schedule presented by the Town Administrator. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to approve the "Oversize Load" delivery to occur over the streets of Norfolk on or after July 21, 2004. This delivery request is from the Department of Correction. Chief Stone reviewed and approved the request. Jim Lehan seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel said the Development Guide should be discussed tomorrow at the roundtable and be updated.

Bob discussed the Paramedic services. We cannot have four paramedics certified, as we had hoped. In speaking with state officials, we need to have eight certified in order to run ALS services.

Bob has told Fire Chief Bushnell that Paramedic services are a priority for the Board of Selectmen.

Bob Markel noted that Julie Riddler resigned from the Personnel Board to return to her native Wisconsin. The Board will send her a letter.

Ramesh Advani moved to appoint Betty Sundquist to the Council on Aging, replacing George Clinton who chose not to be reappointed due to health reasons. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to appoint Mark O'Brien and Regina O'Connell to the Chapter 60 Education Fund Committee. Ramesh Advani seconded, and it was **so voted**.

Bob Markel discussed the feasibility plans from the Police/Fire for a new facility. They have been to the PBC.

Bob Markel noted a donation of land on the Walpole side to Norfolk, from a client of Jonathan Smith. As part of the process for a small subdivision, they have offered land to the town.

Ramesh Advani moved to approve the Norfolk event board location to be in front of the Town Hall as located on the map furnished by the Highway Superintendent, and approve the location for the four sided clock at Avery Square (corner of Union and Liberty Lane). Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to accept the draft union contract for the Highway Department for July 1, 2004-June 30, 2007. Jim Lehan seconded, and it was **so voted**.

The Board reviewed their 2005 Goals. They amended #2 to improve personnel function within the town for an effective HR service to management and employees. In #1, they will add "subject to a successful town meeting vote".

Jim Lehan moved to accept the 2005 Board of Selectmen Goals as amended. Ramesh Advani seconded, and it was **so voted**.

The Board discussed the issue of the former Water Superintendent's vacation time. Jim Lehan moved that Paul Anderson receive the appropriate approved vacation time for FY'04 – 10 days. Ramesh Advani seconded, and it was **so voted**.

At 10:57 p.m., being no further business, Ramesh Advani 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 19, 2004.



Ramesh H. Advani, Clerk

August 16, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7 p.m. Bob Markel read the agenda contents.

POLE HEARING – MAIN STREET

Present was Chris Parrella of Verizon.

Jack McFeeley opened the hearing at 7:05 p.m. This was a joint petition from Boston Edison Company and Verizon to approve one JO pole to be relocated, and one old JO pole to be removed on Main Street, northerly sideline, approximately 60 feet east of the intersection with Sweetland Farm Road, relocate Pole No. 115, approximately 35 feet east of existing pole location.

Chris said they want to relocate an existing utility pole in line with the existing utilities. This will culminate the development of a new roadway, Canterberry Lane.

Jack asked Mr. Parrella, on another issue, why do they have “no public hearing required” for the Miller Street hearing. Chris pointed out that that is not they, but Boston Edison. There are reasons that a hearing is not required, and pole removal could be one of them. Chris pointed out that a hearing was not required to relocate poles, either, as is the case tonight, but he forgot to mention that when he forwarded us the petition.

Jim Lehan moved to approve the request of the joint petitioners as mentioned above. Ramesh Advani seconded, and it was **so voted**.

SENATOR SCOTT BROWN, LEGISLATION UPDATE

Senator Scott Brown said there would be a supplemental budget coming out, which will represent about \$75 million in lottery aid. Norfolk will get their percentage. This was agreed upon in the last legislative session. Instead of \$100 million, they got \$75 million, which Scott said was more than the House was willing to give them, which was nothing.

He said we got the Chapter 90 dollar amounts – about \$213. We figured \$178.

Chapter 70 that was held harmless. We may get additional monies for that. They are working with the Department of Education now to work on '05 numbers, rather than '04 numbers.

School Building Assistance Reform will take the debt service for the KP project off the town rolls, so we can use the bonding for any other project that may come up.

Scott left his phone number for his office and urged residents to call with their concerns.

He said he has been working on the 59 Cleveland Street group home. Get through Senate budget amendment, but into conf. Committee it didn't survive. The lobbying effort to make it fail was intense. Many letters were written against this budget amendment. Jonathan Little has come up with a law that 21 other states have adopted. Scott gave a little history of where he is with this. They are keeping the dialogue going. Working on removing one of the residents of the home. They are filing bills, and working together to communicate with all. It is stuck in Rules in the House, Angelo Skosha's office. He urged all residents to call his office and help get it released. He is trying to find out how many group homes are in Norfolk, as well as how many are living in each home. Scott explained in detail what the law would do.

Ramesh questioned the amendment. Scott said they rewrote it 8 times with the Senate Counsel, House Counsel and Governor's Counsel. They even had the backing of the Chairman of the Ways & Means Committee, and they were all so disappointed to see it die as it did.

Jim thanked Scott for all his hard work on this issue. He asked Scott to give residents a phone number for Angelo Skosha, so they could contact him. Scott told residents to call 617-722-2800. Jim also commended Scott for the direction he is taking.

BILL O'DONNELL, REGISTRAR OF DEEDS

Bill O'Donnell wanted to update the Board on the modernization initiative. They have now updated their technology and are now online to the public to view records. You can use their website. They have also increased the amount of closing space for people who want to conduct closings at the Registry. Bill said that they have upgraded the computers for the staff at the Registry, which helps save time and increases service. There are computer terminals available at the Registry for public use as well.

www.norfolkdeeds.org is the website.

LYNN SAND, 495 CORRIDOR UPDATE

Gino Carlucci, Planning Administrator and Lynn Sand of the 495 Corridor Project was present.

Lynn said that they came in to give the Board an update on exactly what they have been doing. She said it is also important that they hear from Norfolk, and know what the issues are out there.

Lynn gave a background that they consist of 32 communities. There had never been a survey done on the 495 regions, and what it consisted of. They consider it the seam, rather than the thread.

The Board discussed at length issues with Lynn and Gino.

PAUL BORRELLI, EARTH REMOVAL HEARING CONTINUATION

Present was John Glossa, Glossa Engineering, and Paul Borrelli.

Jack McFeeley reopened the public hearing for Canterbury Estates, continued from July 19, 2004. Jack said that at this meeting, the Earth Removal Advisory Committee gave about 10 points that they were concerned about. Jack said that this Committee and Mr. Glossa and Mr. Borrelli were told to go and caucus between that meeting and this meeting, and try to resolve all the issues.

Bob Bullock, Building Commissioner, is present. He said that they met on August 10th, and reviewed the plans and discussed some of the problems with the lots, and the hardships involved. Bob said that in most lots, they could see where the hardships were. Bob said they never came to a vote on this, and asked the applicant to come in with how they were going to control the dust, the noise, the hydrology, etc. Bob said if they have the other information they were asking for, then it can be resolved tonight, or another meeting. Jack said he'd prefer to do this tonight. John Glossa said the Board has had this information since July 19th.

John Glossa said there was a request for comment or documentation about the application for the altered drainage patterns and if it would alter the vernal pool, intermittent stream or underlying aquifer. That was put in a letter to the Board.

John Glossa said the other issue was when the trucks would be moving, how dust control would take place, etc.

Jack McFeeley said that the Earth Removal Committee's memo of July 12th, has most of the questions been answered? Bob Bullock said no, they asked for more of a contract asking for concrete answers how you will take care of certain issues, and they haven't done that. Bob Bullock said he asked Butch about bonding for the roads, and Butch didn't feel that was necessary. Jim Giebfried commented on crushed stone being used to alleviate this from happening. He said they want detailed answers.

Jack McFeeley asked John Glossa if he is prepared to answer. John said yes. He said the first one, is that the subdivision road is going to be paved before they use it. Any mud falling off will fall off on their property. They won't be traveling on dirt roads. Jack said they will put that they need to wash it off, if it isn't. John said they encourage that as a condition. Sweep it, or wash it down, or whatever.

John said that could be a condition. That Canterbury Lane will be paved before materials are removed.

John Glossa said that if anything were removed other than this site, they would let Bob Markel know. They said that if there were any debris on the roads, they would clean it up within a 24-hour period.

Jim Giebfried asked about the height of the trucks. John Glossa said that in complying with the laws, RMV laws, they have to only fill the trucks so high, plus they have to cover them. So he understands Jim's concerns, but they comply with the law.

Bob Bullock questioned the hours of operation. Ramesh said he suggested 7 a.m. to 4 p.m. as discussed. Bob Bullock said he prefers 9 a.m. to 4 p.m. because of school buses. Paul Borrelli asked about 9 to 5? Jack said he doesn't see if we're doing 4, why we couldn't try 5. Jim Giebfried said some issues are that town hall and highway are closed at 4, if problems arise. Also, in the winter it is dark by 4. The Board agreed with 4 p.m.

Jack said the wetland protection and runoff seems to be the only issues left. The Board discussed this issue at length with Jim Giebfried. John Glossa said if you look at the plans, it shows exactly what he is doing.

Ramesh said that unless there is an objection from the Earth Removal Committee, then he thinks we have met everything we needed to. Jim asked that one of the Board members, or Bob, identify all the open issues so that they will be resolved. Jack disagreed saying there is only one open issue. Ramesh said there should be a summary document of what has been agreed to, and this can be attached to the earth removal permit. The one open issue, the direction of the runoff, can be done as a separate attachment. The Board did not agree to this. The Committee will meet with John Glossa and get this resolved within the next week.

Ramesh Advani moved to adjourn this hearing until 8 p.m. on August 30, 2004. Jim Lehan seconded, and it was **so voted**.

At this point, Bob Markel asked that the Agenda be modified to include Jonathan Smith of the Advisory Board, and Fire Chief Cole Bushnell.

JONATHAN SMITH, ADVISORY BOARD

Jonathan said that he comes around this time to ask that the warrant gets closed when it is supposed to, and that articles are submitted on time. Jonathan said they want to know if there will be any warrant articles that may be contingent on a successful vote on the DPW. He also wanted to know that there be some discussion about a possible debt exclusion override for some of the items that were voted on in the spring knowing that we took them out of monies that would be for budget items. Bob reminded everyone that the article deadline is next Monday, August 23rd at 4 p.m.

FIRE CHIEF COLE BUSHNELL

Chief Bushnell has three items for the Board.

1. Paramedic program that was originally scheduled to begin in September has been cancelled. It is now moved back to January. They do feel it will happen in January, and go forward.
2. ALS delivery. Chief Bushnell said that looking at the calls that have been coming in, it is obvious that we need the paramedic services. We have had several serious incidents that called for ALS, and we had to depend on other towns. He would like to have the ALS delivery moved up by a year.
3. His third issue is bringing on a new ambulance. He feels this is the year to do it. With the amount of mutual aid we have been doing, we are losing revenue in excess of \$15,000 a year. He would like to move ahead with a lease/purchase for a new vehicle.
4. Would like fee schedule adjusted. Norfolk is way behind other communities, and it will help bring in revenues. The board questioned when it was last updated. No one knew the answer. Jack asked if the fee is too high or too low right now? Chief Bushnell said that it is probably a five-year run. These fees will last them five years.

Ramesh Advani moved to revise the permit fee schedule as proposed by the Fire Chief effective September 1, 2004. Jim Lehan seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

No action was taken on the minutes.

ACTION ITEMS

The Board discussed a request from Carol Fuller Osborn to place a plaque on 677 square feet of land she is donating to the Town, in memory of her parents, Clarence and Edna Fuller. It was noted that the plaque might have to go on her property, as opposed to town property, and she would need to deed us an easement to go on her property for maintenance. Ramesh wanted to be sure Mrs. Osborn was okay with this. Jack McFeeley did not see a problem with this, either on her land or someone else's land. The Board was in favor of the plaque, but Bob Markel will check on this.

Ramesh Advani moved to release street opening permit #03-12, 5 Lark Road, per the recommendation of the Highway Superintendent. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to approve street opening permit for Hugo Equipment, Inc., for drainage improvements at Sweetland Farm Road/Main Street in connection with the Canterbury subdivision roadway, contingent on a signature by a Water Commissioner on the application. Work will begin August 18th. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to approve the snow removal rates for Winter 2004-2005, per the attached memorandum from Remo Vito, Highway Superintendent. Jim Lehan seconded, and it was **so voted**.

Stony Brook Audubon has requested permission to install a banner across the center of town advertising their Fall Fair, from September 18th through October 2nd. Jim Lehan said there would be conflict, as the Norfolk Federated Church will also want to hang their banner overlapping some of these dates. Bob Markel will check with both organizations and try to work this out.

Ramesh Advani moved to approve a petition of Boston Edison Company, d/b/a NSTAR Electric to remove two (2) poles and anchor guys on Miller Street, southerly side approximately 443 feet northeast of Leland Road. Jim Lehan seconded, and it was **so voted**.

Matthew Dias of 22 Village Green has requested a portion of Stanhope Drive be closed for a neighborhood block party on Sunday, August 22 from 2 p.m. to 9 p.m., with a rain date of August 28. The Board had a lot of questions, particularly about the road being closed and emergency vehicles access. Bob Markel will look into this, and if the Chief's approve, Bob will approve this party. Jim Lehan moved to authorize Dr. Markel to grant the closing after feeling comfortable that all safety issues have been addressed. Ramesh Advani seconded, and it was **so voted**.

Paul Borrelli of 284 Main Street, Norfolk has requested the speed sign near his property of 45 mph be reduced to 35 mph. The Board will have this reviewed by Chief Stone and Remo Vito.

Ramesh Advani moved to approve a Blind Driveway sign for Lawrence Piccone of 88 Myrtle Street, subject to the approval of the Highway Superintendent. Jim Lehan seconded, and it was **so voted**.

The Board received a letter from Mary Jo Gothorpe of the Friends of the Norfolk Public Library, requesting permission to use the Town Hall Parking Lot for their Annual Book and Bake Sale on Friday, September 17th from 7-9 p.m., and Saturday, September 18th from 9 a.m. to 4 p.m. The Board was not in favor of this idea, as the stakes for the tents would need to be driven into the concrete in the driveway. The Board suggested that they seek permission from the H. Olive Day School to use their parking lot for this event.

TOWN ADMINISTRATOR REPORT

The Board discussed a letter regarding litter on the side of the roadway, in particular, Route 115. The last pickup was in April; October will be the next pickup. Jack McFeeley said that the prisoners do the litter pickup. Perhaps we need to have it done more frequently.

The Board suggested putting an article on the Fall Town Meeting to address the legal services with respect to the 59 Cleveland Street issue.

Bob Markel reported that the Call & Wait situation is being addressed. Bob will email the Board the steps that are being taken.

Ramesh discussed the letter concerning the train whistle ban. It appears they are unable to locate our documentation. Bob will discuss this with Frank Gross and put comments in writing that we don't want the train whistle ban removed.

At 11:47 p.m., being no further business, Ramesh Advani 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 16, 2004.

Ramesh H. Advani, Clerk

SPECIAL MEETING

August 24, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, Robert T. Markel, Town Administrator, Marian Harrington, Executive Assistant, and Joni Troyanos, Clerk.

Jack McFeeley called the meeting to order at 6:30 p.m. The meeting was an active work session to discuss administrative issues.

Bob Markel told the Board that he was concerned about organization in the office. He tries to start the day with larger items, such as goals. He has so many interruptions that it is difficult to spend time on any one project.

The Board discussed the action items for the meeting. The Board agreed that they don't need to see all the action items and discuss them at a meeting. It was decided that the action items will be forwarded to the Board during the week and they will decide on which items can be voted together as a "consent agenda", and if there are issues they can discuss those items separately.

The Board also decided that if correspondence comes in that needs input from someone else, such as the Police Chief, Highway Superintendent, etc., that correspondence will not be put before the Selectmen until all responses have been received, and a final decision has been determined. This will avoid an issue being voted by the Board, without all the information from other departments.

The Board agreed to have the department heads in to a meeting on a regular basis so that we can be aware of what they are doing. It was also agreed that the liaisons would report anything important going on with their departments.

Bob mentioned that he is going to use an Issue Tracker on First Class that will enable to the Board to track what items have been worked on or resolved. He told the Board he would show them on his computer at the close of the meeting.

The Board discussed the fundamental business structure of our meetings. They reviewed the process. It was mentioned that the Board is micromanaging items, and spending too much time on things.

The Board reviewed the process with which the Selectmen interact with the office, before and after meetings.

The Board discussed communication. All agreed that the use of email is overwhelming. Communication is key, and we need to follow through on issues and control the flow of information. It was noted that the Board needs to be careful not to overload the staff with one-on-one requests. If each Selectmen

gave directives to the staff of things they wanted worked on, it could overwhelm the staff, especially with the directives added to their daily workload.

Ramesh discussed communicating with the press, both individually and as a Board. He suggested that the Board, or Bob, after speaking with the press, email or phone each other and advise them what the conversation was. There was much discussion about this request, and some felt that this was inappropriate. It was now agreed that we would keep each other informed after conversations with the press.

The Board suggested that we have one business summary at the end of the meeting, which will summarize key issues.

Marian Harrington discussed the Board members picking up their packets over the weekend, as opposed to right before a meeting. The members need to have time to review the information and be familiar with what will be discussed during the meeting.

Marian also brought up that if she is not present at a meeting minutes aren't being taken. The Board discussed that it's difficult to focus on the meeting and be part of a discussion, and try to take minutes. Joni Troyanos offered to attend and take minutes in Marian's absence.

Marian asked the Board if they wanted to continue their policy that no correspondence will be handed to them at the meeting. This policy was adopted because too many people were bringing in documents on Monday and expecting the Board to take action on it at the meeting. It was difficult for the Board to review and digest some information, without having seen it prior to the meeting. A prior Board made a policy that all information must be into the office by 7 p.m. on Thursday evening, or noon on Friday, so that the Board can review these items beforehand. If a document comes in after that time frame, it will be considered at the next Selectmen's meeting. Exceptions are emergency items that cannot wait. Bob Markel, or Marian Harrington will decide an emergency. The Board agreed to continue with this policy.

Marian asked the Board how they wanted to handle the occasional off week when there isn't a meeting. Do they want a packet? The Board agreed that a packet would be in order, so that they are aware of what is going on even though there isn't a meeting. This is not for the every other week, but for the occasional third week that is very rare.

The Board asked Marian to put pending items on the agenda on First Class. This way the Board can see what is coming up at a future meeting.

The Board would like Liaison Report put under Old/New Business quarterly at the meetings, so that they can report on their departments. Bob Markel will review the Board's Goals on a quarterly basis, as well.

At 9:30 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of August 24, 2004.



Ramesh H. Advani, Clerk

August 30, 2004

Present were John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:37 p.m. Bob Markel read the agenda contents.

CAPITAL OUTLAY COMMITTEE/ROAD SAFETY COMMITTEE

Present was Capital Outlay Committee members Ed Melanson, Kathy Lovell, Arlie Sterling, Jim Tomaszewski, Road Safety Committee members Joe Sebastiano, Bill Crump, Jim Leonard, Beth Strubeck, Police Chief Charles Stone, and Highway Superintendent Remo Vito. Mario Damiata was also in attendance.

Joe Sebastiano handed out a sidewalk expansion plan. He explained that they have been working in depth, but have no funding. Jack McFeeley asked how much a sidewalk costs? Butch Vito said \$30 per foot.

Joe said they are at a crossroads. They cannot do anything else without funding. They ask, but they have been working on this for over 5 years, to no avail. They are not making any headway without having the funding to do this. Butch said there is about \$100-\$120,000 in donations.

Joe said that when they are discussing sidewalks, he doesn't think he has enough people around the table. Perhaps there should be a Planning Board member, or Capital Outlay member present. Joe said they have people for streetlights, etc., but not with sidewalks. You need tree hearings, etc. It can be involved.

Jack asked what they would like each year? \$50,000, \$100,000? Joe said that they feel they should have a recurring amount every year. He suggested Butch give a figure.

Ramesh asked how many miles of sidewalk we have in town now? Butch said he wasn't sure. Joe feels pedestrian safety is what is driving this. Ramesh was asking how the funding fits into the priorities. Ramesh asked why this doesn't succeed at Capital Outlay?

Ed Melanson commended the Road Safety Committee for the great job and work they've done. Ed said that he isn't sure that the whole community is supporting this. It also deals with the amount of money it takes to do this project. Phase 1 is the most affordable, but it is still a million dollar project. This would be done

over a period of time, such as the Library. Ed is afraid that after all their work, he would hate to have this not supported at town meeting. Ed said another shortfall is trying to fund it in \$10,000 and \$20,000 segments. He doesn't feel this is the way to go.

Jim Lehan said the community should understand this. If they don't, that's awful. Jim said we are trying to have a pedestrian friendly community. We have pedestrian friendly areas, but they don't connect to anything. Jim said we need a strategy to get the people to go for it. We need to figure out how to get this out to the people. How do we make this happen?

Jack asked Butch how many sidewalks could be built in a year, if money wasn't an issue? Butch said trees and hearings take time. Butch said possibly 3 or 4 miles a year.

Ramesh mentioned the internal roundtable discussion, and said that they had a brainstorming session and came out with a list of things they want to tackle. He suggested perhaps Road Safety, Highway, Capital Outlay and any other committee should put their heads together and come up with another model to present to the community. Planning Board will be putting this forward into the Master Plan, for the final edition. Butch said that it has been discussed, and Planning Board is aware of this.

Butch said that we had put a plan together, and the last time they were with the Selectmen, their charge was to investigate funding. They did that. They pursued grants, and any available funding. They really had no direction with the funding, and that is what they would try to get tonight.

Ramesh said there are many other ways to do this within the state.

Joe asked how to meet, and what the target is. Where do we go from here? Jack asked the Board if they are interested in moving forward and supporting a plan including investigate funding. The Board agreed that this would be something they support.

Ed would like to sit down with the Road Safety Committee and start the financial discussion going. He said he knows time is limited here, and they would like to meet with them to discuss this further. Joe would like a Planning Board liaison, and we need a liaison from the Selectmen, as well.

EARTH REMOVAL PUBLIC HEARING – CONTINUATION

Present was John Glossa, Glossa Engineering; Paul Borrelli, applicant; and Bob Bullock, Building Commissioner and Earth Removal Advisory Committee.

Jack McFeeley opened the hearing. He stated that this is a third continuation of the public hearing for Canterbury Estates. Jack said that where we left it was that John Glossa and Paul Borrelli were coming in with a diagram showing the water flows during rain storms.

John Glossa told the Board that he gave them a spreadsheet, rather than a diagram, containing the information they asked for. He gave them an "existing conditions" plan. The proposed conditions are the conditions that he has shown on each of the house lots. The changes in the grades of each of the house lots. John Glossa created a spreadsheet and he compared the existing conditions with the changed conditions. The Earth Removal Committee asked him to look at 3 design points, the vernal pool, the intermittent stream and the underlying aquifer. The only change that he can see is that 10,400 square feet of land will be changed from discharging to the intermittent stream to discharging to the underground aquifer. He gave the Board a copy of a document that was filed with both the DEP and local Conservation Commission, which shows that upstream from Mr. Borrelli's property, the area of the intermittent stream is .676 square miles - not acres. It turns out to be 18,845,798 square feet. They are proposing to change 10,400 sq. ft., which is $\frac{1}{2}$ of 1% of the watershed area. He said we talked about the hydrology, but if we make changes to the surface, what happens underneath is de minimus. It's nothing. The other reason that he said that is that the surface water that heads towards that intermittent stream, when it joins the intermittent stream if it gets that far, that intermittent stream dries up every year. When spring ends, the water drops very quickly. This was submitted to DEP as part of the judicatory appeal of the case whether that was an intermittent stream or not. His point is that by changing it 10,400 square feet, that is .055% of the watershed area, that the change to the stream is de minimus. If you think it is a change to the underlying aquifer, all of the land is within the aquifer. The change to surface water is de minimus. It changes by 10,400 square feet. Change in time. Deep cut 7.6% of the whole lot area. In these areas, he looked at the percolation rate (not permeability). It is usually 1 minute per inch. It is de minimus.

The spreadsheet is based on water quantity only. He asked the Earth Removal Committee if they were happy with water quality, and they said yes. So he narrowed his study to quantity only. No adverse affect on the vernal pool, intermittent stream, or underlying aquifer.

Bob Bullock read nine issues that the Earth Removal Committee agreed to. John Glossa agreed as well. The nine issues are as follows:

1. The Plans for each lot were reviewed and found that there was a hardship with all but four lots, the four lots were given consideration since the amount of material

being removed on these lots were within reason given the septic, house foundation and driveway construction.

2. As Built drawing on each lot once completed to show compliance with proposal.
3. All areas will be covered with a minimum of 6" of loam.
4. In the event a lot is not under construction within 6 months of removal then the lot would be covered with loam and seeded.
5. It is agreed that all truck traffic will exit and enter on the West end of the subdivision and that it is the intention of the applicant not to start removal until the subdivision is base coated and or they will use a filter fabric in the road covered with stone in long enough length and depth to clear tires of debris in order to keep Main St. clear of silt and dirt.
6. Dust will be managed by keeping level loads on all trailers, covering each load, wetting down the street and material if needed and sweeping the street route at least every two weeks or sooner if needed.
7. Any complaints will be addressed and corrected within a 24-hour period.
8. The hours of operation will be 9 AM to 4 PM Monday through Friday.
9. There is a lingering question as to the water flow once the landscape has been changed and to the amount of water flowing to the back and front portion of the subdivision and whether this earth removal is going to offset the existing amounts. The board has asked the applicant to show a pre-drainage report and a post drainage report to be able to consider the impact. This report will be sent in by August 23rd for review prior to the next Selectman's meeting.

Bob Bullock said they do meet the bylaw requirements.

Jack said that an email received from Jim Giebfried, Chairman of the Conservation Commission will be part of the record as well. Jack did not feel that the email is pertinent at this time. Jack said that he would also ask that Mr. Borrelli keep a log of the trucks, as done in the past. Paul Borrelli agreed.

Paul Borelli said chips are an immediate prevention. He would prefer that to loam and seed. He would like that as a temporary option. Bob Bullock said that is something they would have to take a look at, but he isn't really opposed to it. Jack said that recommendations would be done in the future.

Jim Lehan moved to approve the earth removal request by Paul Borelli subject to the terms and conditions outlined in the Building Commissioner's letter, and amounts as stated in the application. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to close the earth removal hearing. Ramesh Advani seconded, and it was **so voted**.

In another matter, Jack McFeeley asked Butch Vito and Chief Stone about the speed limit requests from the Road Safety Committee. Jack asked if the State needs to approve all speed limits? Chief Stone said no, only Rt. 115.

Jim Lehan moved to approve speed surveys on Medway, Union and Myrtle Streets. Ramesh Advani seconded, and it was **so voted**.

The Board agreed to hold off on Paul Borrelli's request for a lower speed limit on Main Street until the study is done.

HIGHWAY SUPERINTENDENT

Remo Vito was present to update the Board on Highway issues. Butch discussed Miller Street. He said the worst case is Spring 2005. Jack asked how we can bring this back to winter. He would like to see it opened sooner than later. Butch said there was a problem with an emergency call, and he needs to talk to Chief Bushnell to see what the problem was. He thought there was mutual coverage from Franklin, and doesn't know what happened.

Butch told the Board that the Town Center is a month ahead of schedule. By December, he hopes to have most of it finished up. They should be in fairly good shape. He said he doesn't see any problem with the Veterans' Day parade. There may be a problem with the tree lighting and Santa parade, because town hall won't be useable for that. We may use town hall for tree lighting. He hopes to be able to start in the spring with landscaping, paving, etc. for town center.

Jim Lehan asked about the poles. Butch said they are going to start stripping after Labor Day. Ramesh asked when are poles coming down. October 1? Butch wouldn't commit, because there are problems with the main cable in front of Dunkin Donuts and the Fire/Police station. He would hope the critical poles would be removed by the end of September. He will reapproach them after Labor Day to get a better feel of where we are. Everything is fed underground.

Butch mentioned the discussion with Comcast on September 15th regarding they won't pay for fees, it has to go through the users. They aren't a utility.

Discussed the situation in the town center. Butch said it is a temporary situation, and it is not the roundabout that will be there. He said it is a disaster, and they will be doing more work on it this week. He realizes it is a nightmare for people passing through.

Jim asked when the Daley project would start? Butch said he is nervous about this one. Mr. Daley is probably still about a month out from getting his permits. Butch said they need to change grades, but they have held off waiting for the

Daley's to do their project. They were supposed to be ahead of Butch's work, and it's not happening.

Stonewalls. Butch met with the Permanent Building Committee to discuss the Library stonewalls, and how the Library didn't continue the stonewalls. The two projects don't come together there.

Jack said people are concerned about fire trucks and tractor-trailer trucks going through the roundabout. Butch said that the roundabout is designed to contain these larger trucks. Butch said he did a cable program, and he illustrated a fire truck going through. Butch said that this is why they want to be set for winter, because if there needs to be changes made, they will know it. Jack said that he had concerns mentioned to him about the church losing a lot of property. Butch said no property has been taken, and they have lost nothing. Jim concurred with that.

Butch told the Board that Chapter 90 State aid funds are \$213,000 this year. All roads can be done; they are not restricted by the State. Butch combined the \$300,000 road money with the Chapter 90 funds, and that is how they come up with \$500,000 annually.

Butch said that old projects needing to be done are Rockwood Road and Seekonk Street. Jack mentioned the Cohen/Wells issue. Butch said he has set aside \$120,000 for the intersection project. He is going through hearings in September and October.

Butch discussed the roads program with the Board. He read off a list of streets that will be tentatively scheduled. He will have a complete, detailed list posted on his website in the near future.

Butch said he is working on the "quiet zones". VHB is working with the federal and state, but so far we still have the quiet zones. They are re-visiting the quiet zones and looking at them. Criteria for a quiet zone are 10,000 cars per day.

Jack questioned the light at H. Olive Day School. Butch said they installed a new pole in the island with a light that shines into the street on the patrolman. It can be controlled by them. Jack was concerned about the light shining in the patrolman's eyes. He went back to the vendors and discussed it, and they said there is no problem. Jack can't understand how the light can shine on the cop and not be in his eyes. Light will be controlled on the pole by a switch and can be turned on and off for events. Chief Stone said it depends on the height of the light, and how it's directed. Chief Stone said headlights from cars are just as bad shining in their eyes. Butch said the light is being installed either this week or next week. The poles are up, the conduit is laid, and the fixture is at the

Highway Department, just waiting for the electrician. They will do a test when school has the open house next week.

Jack questioned Mr. Jones' letter regarding a hole in Campbell Street. Jack asked Butch to check on this and get it resolved. Butch will check on it, but is pretty confident that it is repaired.

Bob Markel discussed many complaints about litter on Rt. 115. Bob said that we have a bylaw, but no fine attached. We will take care of that at the fall town meeting.

Butch discussed sidewalks and trees on Medway Branch.

Butch asked the Board to approve the vehicle bid. Ramesh Advani moved to award the bid for one Ford F550 Super Duty 4x2 or equivalent, to Interstate Ford Truck Sales of Hartford, Connecticut for a price of \$42,006.00, as submitted by Remo Vito in his memo of August 27, 2004. Jim Lehan seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to approve the minutes of July 6, 2004, and July 19, 2004. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Ramesh Advani moved to approve the annual road race for the Federated Church's Harvest Festival to be held on September 25, 2004, beginning at 9 a.m., and the route being Main, Lake, Medway and Myrtle Streets back to Holmes Field on Myrtle Street. Jack McFeeley seconded, and it was **so voted** by Jack McFeeley and Ramesh Advani. Jim Lehan abstained from voting.

Ramesh Advani moved to allow the Federated Church permission to hang a banner over town center to advertise their Harvest Festival. Due to a conflict with another group, they will hang it for one week, from September 11th through September 18th. They will then hang it on church property for the week of September 18th through 25th. Jack McFeeley seconded, and it was **so voted** by Jack McFeeley and Ramesh Advani. Jim Lehan abstained from voting.

Ramesh Advani moved to allow Stony Brook permission to hang a banner over town center to advertise their Fall Fair. They will hang it from September 18th through October 2nd. Jim Lehan seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel gave out a permit fee structure given by the Building Commissioner. He will attend a future meeting to discuss this in detail.

Bob gave the Board a handout of the fact sheet for the DPW mailing. Ramesh informed the public that he is for the DPW, although a recent Boston Globe article neglected to include his position.

OLD/NEW BUSINESS

The Board discussed a Call & Wait letter from Mr. Wile to the Building Commissioner. Bob Bullock is doing follow up.

The Board reviewed correspondence from Mr. John Creedon. Bob Markel told the Board that the matter was given to Town Counsel to write a letter.

Jim Lehan said he did an interview with the Fire Chief focusing on the ALS. It is on cable, and he would like feedback.

Jim informed residents of the newly formed internal roundtable and that we are beginning the process. These meetings are posted and public.

Discussed Tri-County allotment. Bob will check to see what King Philip received, and what is our figure.

FALL TOWN MEETING WARRANT

Bob Markel presented the first draft of the warrant. The Board will review it and discuss it in detail at the next meeting.

At 10:37 p.m., being no further business, Ramesh Advani 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 30, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

September 7, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Also present was Bob Bullock, Building Commissioner; and Art Spruch, Planning Board Chairman.

Jack McFeeley called the meeting to order at 7:38 p.m. This meeting was to review the warrant articles for the Fall Town Meeting.

The Board first reviewed the Planning Board articles. Article 13 was the first article. Art told the Board that this should be a Zoning Bylaw Study Committee article, not sponsored by the Planning Board.

The Board **voted aye** to support this article.

Art Spruch told the Board that articles 14 and 17 should be placed together, because they are both Stop River articles.

The Board **voted aye** to support this article.

Art Spruch told the Board that articles 15, 18, and 20 should be placed together, as they concern Christina Estates. Article 18 should be changed to read "Evergreen Road to Massachusetts Avenue" as opposed to Cypress Lane as written.

The Board **voted aye** to support this article.

Art Spruch suggested that articles 16 and 19 be placed together, as they both concern Berkshire Street/Erin Lane.

The Board **voted aye** to support this article.

Art Spruch said that in Article 21, the only change was the date. The Board **voted aye** to support this article.

This ended the Planning Board articles.

Article 22 was a Selectmen sponsored article. There is no fine associated with the penalty on littering in our bylaw. This article puts a monetary fine with the penalty. The Board **voted aye** to support this article.

The Board then moved on to the Zoning Bylaw Study articles.

Article 24. Bob Bullock told the Board that they added "swimming pool" for Zone 2. It was just to clarify that you can include swimming pools, as there was much confusion.

The Board **voted aye** to support this article.

They all discussed Articles 25 and 26. Bob Bullock said this involved zoning within the B-1 district. It gives more flexibility to the Planning Board. After discussion, it was decided that Bob Bullock would do some work on Article 26 and change the wording a little.

The Board **voted aye** to support this article.

Article 27. Bob Bullock said the purpose of this article is to take front yard parking out of the B-1 to B-4 districts. Doesn't include the C districts.

The Board **voted aye** to support this article.

Article 28. Bob Bullock said he wants to get rid of this article, because it is hard to manage. He said that zoning covers it, and it is too cumbersome.

The Board **voted aye** to support this article.

Article 29. It was decided that the Planning Board would look at this article, and get back to us with feedback. Bob Bullock said the change allows a larger footprint, and gives more flexibility. Discussed removing the 45,000 and making it 50,000 and removing the Special Permit. Discussed removing 25,000 and make it 30,000 and remove the Special Permit.

Jack McFeeley and Jim Lehan **voted aye** to support this article. Ramesh Advani **voted no**.

Article 30. Bob Bullock said that Residential Density is key. B-1 took it from 6 bedrooms to 16 bedrooms.

The Board **voted aye** to support this article.

Article 31 and 32. The Board **voted aye** to support this article.

Article 33. Bob Bullock would like to get rid of this article. It's instituted into F-11. There are plenty of measures in place to protect this.

The Board **voted aye** to support this article.

Article 34. The Board **voted aye** to support this article.

Article 35. One sentence change was made in this article. Ramesh feels that we should look at the whole permitting process. Jim Lehan said that if this helps now, let's not wait.

The Board **voted aye** to support this article.

Article 5. Sponsored by the Fire Chief. This was regarding the grant to replace self-contained breathing apparatus (SCBA). The Board wants Peter Petruchik to let us know what the money has been spent on in the past, and what's been done.

Articles 6 and 7 were stricken from the warrant.

Article 8. Ask Senator Brown if the language in this article will allow us to do what we are attempting to do.

Article 10. The Board would like 3 separate articles for capital improvements, sidewalks, and ambulance.

The Board of Selectmen **voted aye** on articles 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

At 9:40 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of September 7, 2004.



Ramesh H. Advani, Clerk

September 13, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:10 p.m. Bob Markel read the agenda contents.

59 CLEVELAND STREET

Present was Sandy DiBacco, spokesperson for the 59 Cleveland Street resident group, and George Hall, Town Counsel.

Jack McFeeley told everyone present that this would be an information session tonight. He said that what we can discuss in open session, we would. However, there may be information that will have to be discussed in an executive session, and not publicly. Jack said the Board is very much interested in what is going on, and considers this not a Cleveland Street issue, but rather a town issue.

Jack said that one of the reasons for having this meeting is for all of us to be on the same common ground to understand what is happening, recent events, and to give Town Counsel the opportunity to hear what is going on and to help lay the foundation for future discussion of where do we go from here.

Ramesh said from his perspective, he is looking at this as the second formal discussion regarding the issues surrounding this topic. He said he and Jack, even before Jim was on the Board, had had numerous discussions and involved state officials. We have gone through many phases and he thinks this is only fair and appropriate at this stage, to say that we need to work as a community to address this on a formal basis. He personally views this as a state-wide issue, and not just a Norfolk issue.

Jim Lehan said that this resident group has been very diligent and conscientious in continuing to work on this issue. They have not allowed themselves to be deflected from it, nor have they let people deflect them from it. They have worked very hard and have done an incredible amount of work and research, and worked with Senator Brown. They have worked around legislative issues he is working on, they have campaigned, and they have done everything they could to keep this in front of the community. Jim said the Selectmen have been supportive, and they do have the support of the full Board. Jim said this has never been an issue, and he has never heard anyone in the community say it is an issue of Norfolk being against the mentally challenged. It is not the issue, it has never been the issue, and it is not the issue today. The issue is that Massachusetts has no placement guidelines in where it houses its sex offenders.

There are 21 states that do have such guidelines. Massachusetts has none. That is the problem. They have placed sex offenders in a community surrounded by some 24-26 children within a quarter of a mile without any regard to the community.

Furthermore, initiatives and efforts by this board and the citizens, and letters and phone calls have been fundamentally ignored. Not just unresponsive, but almost rude and obnoxious and arrogant in their response. It is morally and ethically wrong. We need to come up with a strategy that is meaningful in helping to move something forward. There is legislation that has been stuck in committee that has not been allowed on the floor for a hearing and it is an unfortunate set of circumstances and we, as a community, are not going to let this go.

Jack said that there would be an article on the fall town meeting, Article 4. This article will be for funds for a Special Legal Account to help them with legal expenses. He said that residents should make an effort to support this at the town meeting on October 26th.

Sandy DiBacco said they have been working hard and have hit a brick wall. Jerry Morrissey, who is the Commissioner of Mental Retardation, will have nothing to do with them. Sandy said that at the meeting held in March, there was supposed to be a meeting set up with representatives of the Dept. of Mental Retardation and 15 residents. She said that meeting has never happened. They refuse to sit face to face with them and answer their questions. She said they sent Dr. Mark Fredovich; the Deputy Commissioner who came out sat with a group of them for an hour or two, and walked around the property, seemed sympathetic, left and did nothing for them. They never heard another word.

Sandy DiBacco said that we need to have a meeting with Jerry Morrissey, but he won't return her phone calls. There was a Level 3 offender in a group home in Harwich, and the Dept. of Mental Health came and met with the town, and that offender has been moved out of the group home, and relocated out of state.

Sandy said she called the May Clinic who also houses sex offenders. They told her they don't put sex offenders in with non-sex offenders. Sandy said this means that either Delta House has 4 sex offenders there, and the other two are Level 1's, or they don't care about the men and just want the money they are getting from them.

Sandy said that when she spoke with Richard Hayes, attorney for Delta Projects, she got the impression they are just looking for the money. They went to the Board of Health and lied about the people he was with, and he lied to Sandy when she asked him if he was a lobbyist. She said she knows he is a lobbyist, and he is registered and she has his agent number. She told him that she was

going to report him to the Board of Bar Overseers. He told her if she did that, she should be prepared to face the consequences.

Sandy said that she reported to Gail Gillespie the incidents where the kids saw the men looking at them through binoculars. Gail told Sandy that the kids were lying. Sandy told Gail that she heard the kids screaming, and Gail basically called Sandy a liar as well.

Sandy said that these men are also at the kid's baseball games; they smoke on the field, and play on the playground equipment. She said many residents probably feel this issue is localized to Cleveland Street, but it's not. They are in Norfolk Food Mart. The sex offender was in the store unsupervised, and the aide was sitting in the van. They have been in Dunkin Donuts unsupervised. She lives two doors away, and said they have walked by her house more than once unchaperoned. She said these are only things she knows about. There are probably many more happenings that she's unaware of. They are not being supervised, and if they are, their supervisors are not qualified.

Sandy said she feels we need a meeting with Governor Romney. She said she tried to meet with him and was told that he doesn't meet with ordinary citizens. She said someone else needs to try to meet with him.

Sandy said that we need to fight for guidelines in Massachusetts. Other states have them; we need them too. She said that Senator Brown has legislation and is doing an awesome job. He responds to all her telephone calls and emails. We need everyone to work on this together.

Jack told Bob Markel that there are some things that we need to do. One is to reinstitute the planned meeting with Jerry Morrissey, whether it is with 15 people in town, or another number. He thinks it might be appropriate through the Board of Selectmen to try to seek a meeting with the Governor, to provide Sen. Brown with some help, and he needs our support as well, and the Governor's support.

Jim said that he has a desire to be in Richard Hayes' face every chance we get. He is manipulative and a liar, and he is a member of the Bar. Jim said we have documented problems we have had with Mr. Hayes, most recently at a Board of Health meeting where he misrepresented individuals that were in attendance at that meeting. That is on video and verbal. He strongly feels that we have some opportunity to do this. Jim feels a letter should be sent to the Board of Bar Overseers stating the different occasions that he has been a problem and bring it to their attention. George Hall will help. George said the Bar will inform Mr. Hayes that complaints have been lodged against him, and will ask for his side of the story.

Jack stated that for clarification, what Jim was talking about was that the Board of Health asked Mr. Morrissey how many bedrooms were in the group home? He said he did not know, even though he had been in there. He eventually said there were only three. When they pointed out Kathy McNeil said there were four bedrooms, on two different occasions, at the meeting at the State House, and Mr. Morrissey was sitting right next to her, he denied that Kathy ever said that. Then we discovered that Kathy McNeil was sitting in the room that night and we directly asked her how many bedrooms were in the house, and he would not allow her to answer the question. Also, when he was asked during the Board of Health meeting who was with him, he would not give names. Instead he said they were members of his staff. Jim Lehan stated that unless all of the Delta employees work for the Delta attorney, whom he suspects is not the case, then they are not members of his staff.

Ramesh feels we need to get with other communities and wondered what resources are out there. He wondered if the MMA or Mass. Selectmen's Association could join forces with us. We can't be the only ones going through this. Ramesh asked that we contact Jeff Beckwith to get this going. George said it's a good time, because legislation has to be in by the end of the year. Jack suggested even Norfolk County Advisory Board. Bob will work on this.

Sandy said she is working closely with Lori Myers and Debbie Savoya of the North Shore. They have been successful in working to get a Sex Offender Registry bill to go through. Ramesh said we should recruit them into this process. Sandy said she worked with an Ann Harrington in Harwich.

Jack is concerned that they are hiding behind the fair housing act. If you read it, it doesn't apply to sex offenders.

Ramesh said it's an issue of what to do with sex offenders. People are pretending it doesn't exist. Sandy said that we bought this house for these men to live in. Our taxes are paying for it so they can live there. Delta Projects owns the house.

Jim asked George if there are any other avenues that the town has that we can continue to use legally to get in their face. George said he is going to look at some means of legislation that we need to introduce, perhaps. Dover Amendment. Ramesh said that every time he had asked Delta to explain what training, it gets brushed aside, and not answered. George said he would look at this again. George said that uses are regulated through zoning bylaws, so that is one-way we can control this. At present, we don't have anything.

A woman in the audience asked how we can get them to reply to an inquiry of how much they are paid, and a copy of their tax forms, etc. George Hall said that under the Public Records Law, they have ten days to respond. If they don't, you can send a complaint to the Supervisor of Public Records. Jim said they should also make inquiries as to how appropriately they are running their business? George said he would look into this.

Sandy said that the President of the Board of Directors of Delta Projects and on her quote from Delta Projects her description is she also oversees the DMR State Operated Service in Residential Programs. So she is taking the guys from the Delta Project and taking money from the State. That is an unethical issue that needs to be looked into as well.

Jim said he called the Ethics Commission, and filed a complaint based on her roles and responsibilities with Delta and her role with a State Board, and he never got a response. George Hall questioned what she does? Jim said she is part of an organization that has responsibility for placing individuals in these types of organizations, of which she's President of one of these organizations. In looking into it, they found out that they regionalize these committees. She serves on a committee of a region that Delta does not serve, but other organizations similar to Delta serve. Ironically, people who sit on these committees are also Presidents of those organizations. It's a vicious circle. Jim feels this is an ethical violation. Sandy said they have had meetings and sent letters, etc., and receive nothing back, and get no response from these people.

Jack said the Board needs to exercise their voice more frequently and be heard. Ramesh agrees that we need to have other people listen from other communities.

A gentleman in the audience asked what the qualifications are for an aide; and what an aide does, etc.? He has asked what the Board is doing, and what is our plan? Why can't Dr. Markel send a letter? He said we had a previous meeting in March, and it's clear nothing's happened.

Jack said that he mentioned that the Board has a bigger soapbox. Sometimes that doesn't help. A resident stated he is upset that the Board hasn't answered anything. Ramesh said that he makes a valid point. He said in the initial meeting, they first suggested that Dr. Markel take all the information. Then they went down a different path. Now they have tried other approaches, and have hit a stonewall. Now they should try a different approach, and have Town Counsel help us ask the correct questions, and then see where we go from there. Ramesh feels we should collect all information for the town meeting article on October 26th. Jim said that this has been a learning curve.

George Hall asked if the information requests from residents were in writing for specific documents? The answer was yes. Jack asked them to all be sent to Dr. Markel.

A woman asked if the Board would request a meeting with the entire Board of Directors from Delta House? Jack said yes.

Jack said that we would follow up, and see where we can get. We will step up the pace, and play hardball.

Peter Chipman said that Jerry Morrissey runs the DMR. He was not a Romney appointee, and maybe if we embarrass him, then it may help get rid of him.

Jim Lehan summarized with nine items he got out of this meeting. The Board added two more additions to his list: Bob Markel will receive comments from everyone, and a letter to Mr. Morrissey with a cc to the Governor of what has not been followed through with.

Ramesh would like to have some of these items dated and put time lines on them. Some should be done so that we can make a report at town meeting when we discuss the town meeting article. Jim Lehan offered to work with Dr. Markel on this and set up an action plan. George Hall will prepare a public records request; provide the Board with a complaint to the Board of Bar Overseers, and a memo with legal requests/issues, within two weeks.

Bob Markel will try to investigate why these men were moved from Foxboro to Norfolk.

POLE HEARING – PARK STREET

Paul Schneider was present representing Verizon. There were no abutters present.

Jack McFeeley opened the hearing on a joint petition from Verizon and Boston Edison for Park Street, on the easterly sideline, approximately 33 feet south of the intersection of Timberline Drive, place new pole #19 ½. Again on the northerly sideline, approximately 670 feet north of the intersection with Timberline Drive, place new pole #13 ½. Two new JO poles to be placed.

Jim Lehan moved to approve Verizon/Boston Edison to place these two poles on Park Street. Ramesh Advani seconded, and it was **so voted**.

CONSERVATION COMMISSION WARRANT ARTICLE

Present was Jim Giebfried, Conservation Chairman, Marie Simpson, Administrative Assistant, and George Hall, Town Counsel.

Jim Giebfried explained what the purpose of the ConComm article is.

With respect to Section 53G, George Hall gave a brief summary of what they are trying to do.

Jim Giebfried wanted to remove #6. There was much discussion. If George Hall reworks #6, then Jim Giebfried is agreeable to leaving it in. Jim Giebfried will get back to the Board of Selectmen regarding #6.

Ramesh disagrees with this bylaw. George agreed that the volume and content that is included in this bylaw is necessary.

Jim Lehan moved to accept the article. Ramesh Advani seconded, and it was **so voted**.

OTHER TOWN MEETING ARTICLES

Bob Markel mentioned the Community Preservation Committee articles. He should do the same for FY'03 and '04. He will put in to reserve a sum of money.

Bob mentioned the Southwood contaminated land. The State had advised that we need an entity to convey the money to. He was told the vehicle should be to create a redevelopment authority. Article 9 and 10 – majority vote. He will check the wording as it appears part of it is missing.

ACTION ITEMS

Consent Agenda

Ramesh Advani moved to approve a waiver of building and electrical fees for the tent to be used for the Friends of the Library Book and Bake Sale; approve a street opening permit to Ledgewood Construction Co. for utilities and driveway for a new house at 167 Seekonk Street; and approve a waiver of permit fees to construct the two Little League dugouts at the Freeman/Centennial School. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to allow the Friends of the Library permission to hang their banner on town hill behind the veterans' stones to advertise their Annual Book and Bake Sale. Ramesh Advani seconded for discussion purposes only.

Jack McFeeley was not in favor of allowing the banner on town hill because we set a policy that no use or activities could happen on town hill until further notice. Jack pointed out that Butch Vito, Highway Supt., agreed that town hill shouldn't be used. Jack suggested we approach Eastern to see if they will allow the banner there. Ramesh was not sure he was in favor of allowing the use of

town hill. It was suggested the banner be placed in front of Town Hall. Jim Lehan argued that only a handful of people would see the banner if it were anywhere but in town center. He said that the banner would not be in the way of construction workers, and should be allowed for the short time they are asking for. Ramesh Advani moved to amend the motion to permit any municipal groups and nonprofit groups that wish to display a banner do so in an appropriate and safe site on town hill to advertise their event. Jim Lehan seconded the amendment. Ramesh Advani and Jim Lehan voted **aye**; Jack McFeeley voted **no**. It was suggested that Butch Vito define the site. Ramesh Advani and Jim Lehan voted **aye**; Jack McFeeley voted **no**.

The Board discussed the Short Term Loan for Fire Truck. There would be a savings of \$6,500 over bid price. Interfund Loan. Ramesh Advani moved to advance funds in lieu of borrowing for the fire truck in the amount of \$340,000. Jim Lehan seconded, and it was **so voted**.

At 9:55 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**. The Board will only go into open session to vote to go back into executive session.

At 10:11 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**. The Board will only go into open session to vote to go back into executive session.

At 10:32 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**. The Board will not return to open session.

At 11:18 p.m., being no further business, Ramesh Advani 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 September 13, 2004.

Ramesh H. Advani, Clerk

SPECIAL MEETING

September 15, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 8:07 p.m.

THOMAS CURRIER

Thomas Currier is interested in the ADA Compliance Committee. He works for the Town of Barnstable in the Engineering Department. Mr. Currier has lived on Medway Street for about 6 years. He is friends with Tom Terpstra and Tom briefly advised him of what the Committee does.

Jim Lehan moved to appoint Thomas Currier to the ADA Compliance Committee. Ramesh Advani seconded, and it was **so voted**.

JON COPPOLA

Mr. Coppola is interested in any committee that the Board feels he can assist with. He has a strong financial background and is a CPA. Jon has lived here for 7 years, moving here from Washington, DC. The Board members all agreed that he would be good for the Capital Outlay Committee. Ramesh explained to him what the charge of the Capital Outlay Committee is. Jon Coppola said he would be interested.

Ramesh Advani moved to appoint Jon Coppola to the Capital Outlay Committee, for a two-year term. Jim Lehan seconded, and it was **so voted**.

DAVID SMITH

David Smith is more interested in the building side, but could be interested in the Conservation Commission. Mr. Smith has lived in town 3 years at 5 Eagle Drive. He is a licensed contractor, and was more interested in Appeal Board, Permanent Building Committee or Design Review. He has run \$38 million companies, and has been on both blue collar and white collar side. Mr. Smith said he doesn't know a lot about ConComm, but would like to contribute to the town. If this were a fit, he would like to serve. If not, is there an opportunity to help somewhere else? He has spoken with the Housing Authority as they have a vacancy. He wasn't sure about that because it is State appointed, and he'd prefer a town board. Jack McFeeley questioned the Affordable Housing Committee, but Mr. Smith is not in favor of 40B projects.

Jim Lehan thanked him for volunteering. Jim said that ConComm is one of the most challenging committees in town. It requires a fairly extensive background in relative fields.

Ramesh Advani thanked him as well. He said we have trouble getting the right mix of people to serve on the ConComm. He did say that we need people of

certain backgrounds, and he doesn't quite see that in Mr. Smith. Ramesh touched on development in town, and our tax base. He suggested that the Economic Development Committee might be a committee where he could use his background. Mr. Smith said that he could be interested, but said the Board could also discuss if there is somewhere else he could be a better fit for.

David Smith said that in Florida he owned a pesticide/insecticide business along with construction. If they found damage from insects, they would then make the repairs.

Jim Giebfried explained to Mr. Smith that a problem with him being a builder is that he cannot sit on the ConComm and do work within Norfolk. Jim Giebfried said David has pesticide and insecticide experience that we don't have. Jim said they lost that when Aimee Dudley resigned. He also noted that David has the construction background. Jim wasn't sure how quick it would take him to get up to speed, but being in construction, Jim said he must be aware of some of the codes and bylaws even in a general sense.

Jim Lehan said he is intrigued. He would think David would be a good fit. Ramesh is also interested. The Board suggested to Mr. Smith that perhaps he attend a few ConComm meetings and get back to us and see if that is what he wants to do, and then we can make an appointment.

BUDGET

Bob Markel discussed the Budget and Financial Procedures Manual. Bob said that the timetable has a crunch in January and February. The time allowed for the Selectmen in January to review the budget is too short. The Governor isn't releasing his H-1 budget until January 25th. That doesn't help us do the budgets. We are going to have to wait until January 25th to finish the budget. Then you have to crunch, and the Advisory Board gets upset that they don't have time.

Ramesh feels that Jack Hathaway and Bob should put the budget together, and it's only the job of the Selectmen to review what they have done. Jack McFeeley disagrees. He said that we are changing everything that we have done in previous years. He said the Advisory Board could go ahead and meet with departments and go over their budgets, even without budgets from us.

Bob said that the two big pieces of the budget is the elementary schools and KP. They do not submit their budget on time. The budget is the "Selectmen's Budget". Ramesh said we need to lay this out and have a process.

Jim Lehan agreed with Jack McFeeley. He said that we need to have a procedure and follow it.

Bob said that his goal is to have the Board of Selectmen present the budget at town meeting, as opposed to the Advisory Board. They can make comments later and give their recommendations. Jack McFeeley disagreed, saying he doesn't see a problem with the Advisory Board presenting the budget.

Bob will change the manual to say the Advisory Board will get the budget on or about February 25th.

Jim Lehan said that we should involve the Advisory Board in the process and explain to them why we are working the schedule that we are. We need to communicate. It wouldn't hurt to involve the schools as well.

Jack McFeeley said that if budgets are due on November 3rd, then the Board members should be working with their liaisons to ensure that you are on top of what they are submitting for a budget. Especially be sure to recognize committees that are not under the Selectmen.

On another subject, Bob Markel gave them the Police Chief and Lieutenant's contracts to review.

Ramesh Advani moved to designate Dr. Robert T. Markel, Town Administrator with the authority to represent the project to DEP regarding Stormwater Phase II Project Approval. Jim Lehan seconded, and it was **so voted**.

Ramesh questioned Comcast. Bob Markel said he and Butch Vito met with representatives today. They are bagging the town on the design. Bob feels they owe us \$9,000. On inspections, they have theirs and we have ours. Nothing was decided. Comcast reps have gone back for discussion for resolution. Ramesh said we are not going to pay the \$40,000 later on if they demand it. Bob said we couldn't because it's a bond.

The Board wants Jim White of Comcast scheduled in to a meeting.

Ramesh discussed historical use of funds from the Community Preservation Committee. Ramesh will be going to their meeting, as he doesn't get return phone calls from Kevin Hughes. He is talking about the Federated Church to use funds for historical purposes to repair and replace the steeple and painting.

At 11:21 pm., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of September 15, 2004.



Ramesh H. Advani, Clerk

September 27, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:34 p.m. Bob Markel read the agenda contents.

EARTH REMOVAL APPLICATION – 201 MAIN STREET

Present was Peter Chipman and Bob Bullock, Building Commissioner.

Jack McFeeley opened the public hearing at 7:35 p.m. Jack swore Peter in, and told him nothing can be entered into the deliberations and/or discussions unless it is through this vehicle. Peter Chipman presented to the Board his certified mail receipts as required. Jack read the public hearing notice. Jack told the audience that we have received a letter and application for an earth removal permit from Peter, along with a plan.

Peter Chipman said the reason for his request is to satisfy zoning in the B-1 district to bring the pedestrian way down to street level. They were very careful not to take out any more than they needed. Depending on how the roadway, extension of Liberty Lane, which is why they needed a longer time period than usual, if it pans out much of the soil may be used to grade up to that at that point. Until the State and Town do the plans, it can't be used in this equation. They went with a maximum of 13,000 square feet, and it was to bring it down to the grade level of elevation 235. You will basically see a handicapped accessible flat pedestrian lot in the B-1 district.

Jack reviewed the plan. He said you are talking about removing all the earth outside of the dotted line on the plan. Peter said no work would go outside the dotted line. The work he will be doing is inside the dotted line. Peter said it does include the 56 feet for the roadway that they are working on with the town. The Board reviewed what he was doing on the plan Peter presented. Peter is bringing it down to the level of the right of way – street grade. Bob Bullock said it isn't actually 235, because the street grade is 234 or 235 at the high point, and then goes down to 228 on the left side. Based on the 10' elevation of high water, 235 was the lowest he could bring it. Bob Bullock said he is staying within the bylaw.

Bob Bullock read the list of conditions that was drafted by the Earth Removal Committee, as part of the record. Conditions are:

1. The Plans for leveling the lot with the street grade to elevation 235 is within reason since zoning in the B1 district requires Pedestrian ways are to be level for handicap access.
2. As Built drawing on this lot once completed to show compliance with proposal.
3. In the event the lot is not under construction within 2 months after removal then the lot would be covered with loam and seeded.
4. It is agreed that all truck traffic will exit and enter on the West end of the lot and that they will use a filter fabric in the road covered with stone in long enough length and depth to clear tires of debris in order to keep Main St. clear of silt and dirt.
5. Dust will be managed by keeping level loads on all trailers, covering each load, wetting down the street and material if needed and sweeping the street route at least every two weeks or sooner if needed.
6. Any complaints will be addressed and corrected within a 24-hour period.
7. If any blasting is required in this earth removal, it will require this permit to be reopened for further review.
8. The border of trees along the railroad track will remain as a buffer.
9. The hours of operation will be 9 AM to 4 PM Monday through Friday.
10. This is a transferable special permit based on conversation with Town Council. All conditions of this agreement will remain in full force whether transferred or not.

Jack questioned what #3 meant? Bob said that if he goes and strips a lot out, and levels it off, that we don't have a bare lot blowing dust around in the neighborhood. Jack asked what determines "after removal"? In other words, if he wants to remove 13,000 cy, and he's saying he might not remove all of that, then removal isn't over until 13,000 cubic yards are removed? Peter said that in keeping with the bylaw, the bylaw is pretty specific that it relates to an existing site plan. Therefore, in keeping with the site plan, they have to start, put up bond money, etc. It's not something they are going to do without an approved plan. Peter said that there is a checks and balance built right into the bylaw. Bob Bullock said that a condition of the final permit could be that none of this can be done without a site plan approval. This is just based on if he was going to remove everything, but wasn't going to start construction within two months, which would require a site plan anyway. Peter said there is a redundancy in the bylaw.

Jack said to Peter that you provided an addendum to the application. Peter said the bylaw requires 500' of the wetlands. Jack referenced the statement that "The property has no wetlands, is not within 100 feet of a wetland, or within 200 feet of a river." Peter said that he was going by Conservation regulations, and then read in our bylaw that we state 500 feet. Peter said he checked with his engineer, revised his statement to read that it is not within 500' of the wetlands.

Jack introduced Bill Domey's letter into the record. Peter, of course, did not have anything to do with this, being a Board of Health member. He said most of it is boilerplate. Elevation of high ground water needs further study. His comment to that is they have readings from the existing wells that are on the site. They were on the plans based not only on walking the site from behind where the 40' rock wall is – no water coming out of there. They worked 25' feet across the street when we dug out and cleaned up the tank ray at Cliff's. We went down 15' of taking out soil and didn't hit water there. We went 14' down for perk testing at Cliff's behind the building for the new septic system, and we didn't hit water there. The 11' level that my engineer showed in within a reasonable safety.

Jack asked Bob Bullock if all the 13,000 cubic yards were to be taken out over the 3 acres that would amount to a straight removal of 3 feet. In your opinion, and the Committee's opinion, is that a problem? Bob does not see that as a problem.

Jack asked Peter if he had a problem if they put all of the Earth Removal Committee's conditions into the permit? Peter said probably not, he would have to see it.

Ramesh asked about the five year time duration. Have we ever given a five-year permit before for earth removal? Jack said that in the past, we had ongoing earth removal permits and the Earth Removal Advisory Committee would review them at the end of every year. It didn't go through all the rigors of a new submission, it was just a review. Ramesh agreed that if we did a five-year permit, he would like to see it reviewed annually without going through all the rigors, as mentioned. He said that he has lived with the moonscapes for so long, especially since this is a transferable permit. Ramesh was concerned about the permit being transferable, because he doesn't know what might happen in the future. He would like this in writing. Peter said this was discussed at length back in May. Reasons they tried to justify the length was it is to get the existing regulations into this plan, and into this site so they can work with the town and try to get grant money, get site plan approval, etc. It chews up time trying to get this done. This was the original reason back in May, and it is still the original reason now. He doesn't see it as a hardship, especially since we have a pretty onerous earth removal bylaw that ties it to a site plan. It would make it easier to market in case regulations change in the future. He doesn't see it as a problem.

Ramesh said he isn't against a five-year permit. He is not in disagreement with the reasoning for why you want a five-year permit. All he is suggesting that normally people come for an earth removal permit and want to start activity in a construction area that is the jurisdiction of an existing board. This board changes its composition on an annual basis. It isn't unreasonable to ask for a

report back from the Earth Removal Committee annually. We wouldn't be asking you to go through any process. Peter said he doesn't have any problem with that, but like boards, bylaws can change and it can radically affect his permit.

Jack said he feels we could put wording in the permit that grandfathers you from any subsequent future bylaw changes. Jack said he agrees with Ramesh that the town has been stuck with moonscapes from many earth removal projects in the past. He said that this would protect us so that instead of looking at bare ground for five years, you would have to loam and seed it once it is complete. Jack agrees that we need to have a review of this on an annual basis if we are granting a five-year permit. We don't want to grant a five-year permit and then turn our backs on it for five years. We need it maintained. Peter doesn't want to have to come back and re-apply. The Board isn't asking him to re-apply. We would just review. Jim said that he remembers the conversation Peter is referring to. He said Peter is correct, this was discussed at length. The rationale for five years was also discussed at length. We are not disagreeing with the concept. You should be comfortable with the review, as long as it is not conditioned on any changes, you are grandfathered for the current provisions so no one can retroactively change the conditions of the permit you applied for, and that the review didn't create any additional conditions or restrictions that weren't originally agreed upon in the original agreement. If it doesn't vary from the original agreement, then it is just a standard review without requiring any process to come before this Board for another approval. Peter asked if this includes further engineering, etc? Jim said he would not favor requiring him to come before the Board as long as it was consistent with what the agreement was that we originally worked through and we agreed to.

Jack said we will have a periodic review on an annual basis, and we will study whether he is in compliance with dust control. We may require him at that time to seed certain areas, whether that is in the permit or not, and we may require him to clean up certain areas if there is a problem in certain areas. Peter stated that only if it's after activity. Jack said yes. The Board all agreed.

Jerry Walsh, 225 Main Street, said he is an abutter to the property. Mr. Walsh asked if he starts the process, does he have a time limit to finish? What if he leaves it for 6 or 7 months? The Board told him that work wouldn't start until there is a site plan approval. Once the permit is granted, we will monitor it at intervals of one year. If nothing is going on, we will be checking it and having him seed it to control dust. If he sells it, the same conditions will apply. Mr. Walsh was fine with that.

Jack McFeeley closed the hearing for the purpose of the input of additional information. At 8:11 p.m., Ramesh Advani moved to close the hearing. Jim Lehan seconded, and it was **so voted**.

Jack said he would ask Marian to put together the permit, including all the conditions and extra comments made here tonight. At our next meeting, we will review it and take a vote on the issuance of the final, fully written permit.

PARAMEDIC SERVICES

Chief Coleman Bushnell. He handed out a transition document to the Board. This explains the transition from EMT's to Paramedics.

He said that he would like to go back to how this transpired. A lot of this began under Chief Kelley. There were some paramedics certified. Under Acting Chief Petrushik, more paramedics were trained with the support of the Board of Selectmen.

Chief Bushnell said they should discuss tonight if we are going to make that crossover from EMT's to Paramedics. He said that the daily workload by the Fire Department certainly demands this type of service. In the transition document, there are some things that are mandated by the Office of Emergency Medical Services. The dictate that we must have two paramedics per each transport ambulance. This would give us a better level of care to the residents, and would give us opportunity to set up a mentoring program for the existing staff as we marry them to the potential new hires that we look for.

Chief Bushnell said there is a window of opportunity that has opened to them. The State is now entertaining the ability to fast track the application. This could have to do with a situation that occurred with a member of the Police Department/Call Fire Fighter who went into anaphylactic shock and the publicity that this received. We are now in a position where we need to move on this.

Dr. Andy Geller, an Emergency Room physician at Caritas Norwood would serve as our Medical Control Physician. Dr. Geller's position has been to support the EMS regulations. Not from the standpoint that he believes that the two paramedic situation is paramount to the success of the program, but he looks at it from the standpoint of a practitioner. We would maybe be eligible to pursue what is called a "paramedic waiver". In such a situation we would be able to utilize one paramedic on an ambulance, with an EMT. Chief Bushnell said that we handle about 700 calls a year. About half of these calls would be ALS type calls. Dr. Geller looks at it from the standpoint that the skill level and practitioner level by those in the field would be such that if we ran with only one paramedic, we would be doing the paramedic harm and the patient harm. Dr. Geller stressed at a recent meeting we had, that it is for the safety of the paramedic and the safety of the patient to have two paramedics on board.

Chief Bushnell told the Board that what they are looking for is to begin their overall program in January 2005, by hiring two experienced firefighter/paramedics. They are not necessarily looking for someone to walk in with paramedic certification. They are looking for someone to walk in who is trained at a firefighter level, with certificates, has experience in that area, and most importantly, who has experience at a paramedic level. The two people they want to hire would be mentors to the two existing staff they have – Lt. Doug Johnston, and Firefighter Mike Findlen. They are the current two paramedics that we have on staff. They have been certified for over two years. Their skills are practitioner at the intermediate level. At this level, they are precluded from administering drugs and narcotics, or performing advanced heart monitoring, such as an EKG. He would hope these two mentors would train these two staff, and then when they become certified, they could help train other people as they become available to come online.

With this, we would need to purchase ALS equipment. We would need the heart monitors and medications. A heart monitor costs approximately \$25,000. Chief Bushnell said that the plan he has been working on with Richard Clancy is to pursue a new unit, and a refurbished unit. The reason they would want two units is they would have the 4 medics, two on each shift. In the event a paramedic is on vacation or unavailable for some reason, or if there was a shift not being covered by a paramedic, we would have the ability to deliver ALS service in the street. This would be a tremendous advantage. They could defibrillate in the street, using advanced life support, including medication and intubation. We are not able to do that right now, at our licensure level. This would require about \$1,000 per drug kit that they would carry. Once they have the meds, they would have an agreement with Caritas that they would take expired meds, old equipment, etc., and replace it with updated stuff.

In most instances, the Memorandum of Agreement (MOA) is signed by the Fire Chief, as opposed to the Selectmen or Town Administrator. He said they can certainly sign, but the MOA is the cornerstone document in the creation of a paramedic service. We need eight (8) paramedics before we can become an ALS; two (2) paramedics on each shift.

They would need to file application with OEMS. The licensure would cost about \$1,100. This breaks down to the \$600 cost for the upgrade of their licensure, \$300 cost for the Department of Public Health, which give authorization to maintain and administer medications and narcotics. It also includes \$200 for a second vehicle to be licensed to Norfolk that could bring equipment to the scene where a paramedic could administer ALS service without the benefit of an ambulance. The cost that they would be looking for in January would be \$52,092. He presented the Board with a breakdown. In discussions with everyone, it has all come back to the ambulance fund. Chief Bushnell said he

wants to be sure that once they start this, if they have any funding problems in 2005, they can continue using the ambulance fund. They don't want to start this, and then have to discontinue it. They would lose their license, and if they went to re-apply, it probably wouldn't be viewed favorably by the State.

Chief Bushnell presented a timeline that shows what they are trying to do, and the approval they are seeking tonight. He had previously given them a draft schedule, as well. It looks like the ALS program will get off in January without a hitch. It was supposed to start in September, but had problems.

Chief Bushnell said they are open to recommendations and suggestions. They would be looking for 4 new hires over the 3-year period. Personnel would be in place before licensure took place. Now they have given us 3 years. This is one option that he has given them tonight on the sheet.

Jim Lehan complimented him and the staff for their fine job. It was noted that Richard Clancy, Peter Petrushik, Mike Findlen and Peter Curran were in attendance tonight. In 2006, we would be done school. Jim said the only issue he sees here is the funding issue, because once we start this, he doesn't want to stop.

Ramesh wanted to layout the full cost impact of this program. 2 additional 2 hires - \$110,000. Two more additional staff members and the training of upgrading the current two, and coverage while people are in training, etc. One new and one refurbished heart monitor, medications, etc. Ramesh suggests that someone put the whole thing together and see what the actual cost is. Not to question the worthiness of this program, but it is a significant program, and we should see the funding impact. He would like to see this happen.

Chief Bushnell said Dr. Geller wants all staff to have 40 hours per year, so that each individual will stay skilled. Once we are onboard, the Agreement will be renewed annually at no cost to us. Chief Bushnell said that Dr. Geller does charge for his services, which is an additional cost.

Jack Hathaway will work on the funding impact they have requested.

If we move within the next few weeks, we can probably be approved by the end of the calendar year. We could have our licensure for the beginning of January. Without solicitation, they have received 4 resumes from firefighter/paramedics from other towns. It is a buyer's market.

Chief Bushnell said he would like to drive home tonight the point that they would really like approval from the Board to get the application going. Ramesh did not feel that we had to hammer out the values of the program, but he feels that the

funding needs to be looked at. Bob said we would have this before town meeting. Everyone agreed that's too late. We need to know immediately.

Questions were: Do we have enough money in the ambulance fund for January to meet the FY05? Having taken that out, do we have enough over the next 3 years to implement these options? Do we have enough in the ambulance funds to do long term?

Chief Bushnell said that the ambulance is on its last legs. It will cost \$150,000 for a new ambulance. He said that the ambulance doesn't have much time ahead of it. He would beg that the Board begin the process of bidding the ambulance. Of the last six days, the ambulance has been down three. Paul Vito has done a super job keeping the ambulance running. Delivery of an ambulance is 4-6 months. Jack McFeeley said that this needed to go through Capital Outlay.

Jim asked Jack Hathaway if there is enough time to have this for next Monday's meeting. The Board could perhaps make their decision next Monday.

DPW UPDATE

Present was Ellen Friedman, Harvey Nasuti, Jack Hathaway, Ed Melanson, and Debbie Robbins.

Jim Lehan thanked them all for coming. He said that this has been a very controversial issue. The voters have spoken, and they would like a DPW. Whatever differences we've had in the past have to be put aside, and this group has to move forward. We need to work under the premise that this is going to work.

Ramesh said he pushed to have this happen. Ramesh asked each of them to share 3 things: 1. Why are you interested in serving on this interim DPW board; 2. Give a brief background of your experience; and are you a water taker? and 3. What are some of the challenges that you see?

Harvey Nasuti said he is interested because he has been serving on the ad-hoc committee for over a year and a half. He has put so much time and effort into this that he wants to see it get off the ground. He was DPW director for the Town of Franklin for 5-6 years. Mr. Nasuti has had a DPW background for years. The new DPW director will be able to come before this Board and it would be helpful to have someone with experience in this field, so that the new Director won't be able to snowball the Board. He is a water taker and is very concerned about the changes that are occurring in the Water Department. He wants to go along the same lines of updates they were doing. There is room for improvement in the Highway Department. Different approaches to road

maintenance, catch basin replacements, etc. Challenges will be improving the water system and in the Highway division – maintaining the road systems and do the necessary work so things don't deteriorate and cost thousands of dollars down the road.

Ed Melanson said he has a professional background – registered engineer in MA and five other states. Electrical and controls is his specialty. Involved in water management (wastewater) for over 23 years. He has no experience in the highway side, but does on the water side. He is interested because he has spent a lot of time on the ad-hoc committee and wants to finish what he has started. He sees the 3-year timeline and knows that a lot has to be done within that timeframe. He sees getting everything done as a challenge. He is not a water taker; he is on a well.

Ellen Friedman was also an integral part of this committee and would like to see it to fruition, too. She works for a wastewater company, too. She is a water taker. Some of the challenges she sees now are that we are without a Water Superintendent. She thinks we need to get the DPW Director on board ASAP. She said the road situation is a hot topic for residents, and would like to see a plan in place. We are looking at 6 to 9 months before we get a Director on board. We are paying a consultant to operate the Water Department. Ellen has a tremendous amount of energy and would like to help.

Jack Hathaway is our Finance Director. Jack said he sees a lot of complex financial transactions taking place here, securing the enterprise fund, and setting up how to take advantage of combining the two forces. It will be an education and allow him to do a better job as Finance Director. He sees a lot of borrowing on the water side, and grants for the Highway side. This will help his understanding in what is going on here. There may be opportunities to save money in other places. Jack said he is a water taker.

Debbie Robbins is a former Water Commissioner, and Chief Assessor. Her main interest is to make sure that the programs that have been implemented in the water dept. stay and grow. She is concerned about getting the third well on line. She is concerned about getting a Water Superintendent. Debbie said they have to have a Water Superintendent in place by February, or we will be fined. They won't continue with what they have in place now. She is a water taker.

Harvey asked once this committee is formed, what is the availability of this committee for a meeting place, funds to advertise for a director, secretarial assistance?

Jack McFeeley said that as soon as the committee is formed, you have to get sworn in. You need to discuss when you can meet, and elect a Chairman. It

was mentioned that Maryellen Brooks has been providing secretarial assistance, and will continue until they determine what will be permanent. Funds – water or highway? Funds for this year at the October town meeting. Bob said that questions have arisen as to who signs payroll, etc. Another question was use of the old Highway garage. The Water Department put about \$30,000 worth of improvements into the building. Debbie said that since the DPW was voted in, thousands of rumors have been floating around. She feels that one of the first things we need to do is squash the rumors. Debbie heard that the Asst. Highway Foreman was appointed a Foreman, and she thought that this was one of the positions that were going to be eliminated. There should be a freeze on anyone in either department hiring anyone. Bob will check with Butch and see if this really happened.

Ramesh wants public communication put in place so that the public knows what's going on. He also said they should meet with the Board of Selectmen so that what they have to say is televised. Jim also asked that they draft a thorough business frame. They should put one together early on.

Jack McFeeley reminded everyone they will be working together for the good of the town as a whole. Bob Markel will forward things on to you for your thoughts, not necessarily for action.

Ellen would like to attend meetings and step in if needed.

Ramesh Advani moved to nominate, on behalf of the Board of Selectmen, Harvey Nasuti, Ed Melanson and Jack Hathaway to serve as members on the interim Board of Public Works. Jim Lehan seconded, and it was **so voted**.

REVIEW OF FALL TOWN MEETING WARRANT

Steve McClain from Planning Board was present to discuss Planning Board and Zoning Bylaw Study articles.

Article 4. Bob will ask George if \$10,000 will work for funding for the 59 Cleveland Street article, for a 5-month period.

Planning Board articles.

Article 26 – Steve said they are fine with this article.

Article 27 – Steve said they don't recommend this. Only relief for the 70% is in this bylaw. This will be left on the warrant, because we don't know how the Zoning Bylaw Study Committee feels.

Article 28 – don't recommend abandoning all controls for streetscape. Steve said to put a special permit from the Planning Board, built right in to the site plan review. That would give them relief. The language will be inserted.

Article 29 – If Article 28 is revised, we won't need Article 29.

Article 30 – Jack suggested to IP this at town meeting, but don't take it off the warrant.

Ramesh Advani moved to delete Article 30 per Planning Board's recommendation. Jim Lehan seconded. Jack McFeeley asked how many Planning Board members discussed this and voted? Steve McClain said 4 out of 5. Jim Lehan and Ramesh Advani voted **aye**; Jack McFeeley voted **no**.

Article 33 – Will remain on the warrant.

Article 34 and 35. Will remain on the warrant.

Article 36 – Will remain on the warrant.

Article 37 – Will remain on the warrant.

Article 23 – Change the date "removing a date requirement"

Article 18 – Will be moved after Article 25.

Article 10 – Get something in writing.

Article 1 – Bob reviewed this with the Board.

Ramesh Advani moved to accept the warrant as presented. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Jim Lehan moved to approve the Consent Agenda. Ramesh Advani seconded, and it was **so voted**.

The Consent Agenda consisted of: (1) the Norfolk Community League asking permission to install their signs for the Haunted Train Ride at the entrance/exit of Independence Drive, and the Pond Street Recreational Facility from October 8th through October 23; (2) Stony Brook requested permission to advertise their Fall Fair by installing signs at 6 locations: Boardman at the intersection of Medway Branch; Union at the intersection of King; North at the intersection of Pond and Needham; Main at the intersection of Independence Drive; Liberty at the

intersection of Independence Drive; and the Pond Street Recreational Facility; and (3) Highway Superintendent has asked us to award the joint salt bid for winter 2004-2005 to Granite State Minerals, Inc. of Portsmouth, NH – cc delivered at \$38.12/ton. Alternate supplier would be American Rock Salt Co., Mt. Morris, New York – cc delivered at \$40.49/ton.

The Board discussed the letter from Jeff Weaver asking questions. The Board will respond that they are not in a position to answer any of his questions, because of the lawsuit pending against the town. Bob will advise other Boards to respond in the same manner.

A letter was sent from Bob Evans of Winston Road regarding the subdivision Fern Ridge. Bob Markel will find out more information from Planning Board, and possibly schedule a Planning Board member in to a meeting to discuss this.

The Board prepared and executed a Proclamation for Mass. Audubon Society commemorating their 40th year.

At 11:25 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 27, 2004.



Ramesh H. Advani, Clerk

October 4, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:00 p.m. Bob Markel read the agenda contents.

CHAPTER 40B NORFOLK LANDING

Sarah DelMastro, Co-chair of the residents group by Norfolk Airport, was present. She wanted to discuss the proposed 40B project, Norfolk Landing. Sarah said this is a small 15-acre lot owned by Jose Martins and Ron Nation. It does consist of two areas, Lots A & B on the map. This does not include the airport fields. The tie down area and woodland area is the small 15-acre lot. Since the field is not part of their overall plan, they have redone their plan. The lot will consist of 32 single-family homes – 3 bedroom, 2-½ bath, 2 car garage, and single septic – private lots.

Sarah said that they now have a quiet neighborhood. They are looking at 32 single-family homes with 2-car garages. You assume 64 more vehicles, not counting boats, etc. She said two adults and two children alone would be over 100 people. They are concerned about 32 septic systems on 15 acres. We need to consider the impact on the existing residents. Sarah read a list of issues they would like addressed. They want as many trees kept as possible; possibly a no cut zone. She would like the vernal pool cleaned out, and certified, with maybe fencing around it. They would like a road maintained and become a public road. Would blend the new neighborhood with the old neighborhood. She described an area they would like as an emergency access only.

Jack asked if the developer was receptive to the comments. Sarah said yes. He has been very interested and has made plans accessible, etc.

Sarah asked if you can issue a permit that the developer would cut the trees lot by lot, rather than clear cutting? Jack said that the developer could do what he wants with his property, unless it's a scenic way. You would need to discuss this with the developer.

Sarah expressed an interest in setting up a roundtable. She would like to have everyone involved and discuss it as a group. How do you set that up? Jack said if the Board agrees, perhaps we could have Jason jump in on this. Ramesh suggested we wait until the developer has filed and see where it ends up. Sarah wondered if she could go to the ZBA? Again, the Board suggested she wait and said once he's filed, you will have something specific to go on. Jim agreed that you should wait until he has filed. Mass Housing will ask us for comments.

The Board would like Sarah notified when the letter arrives from Mass Housing.

OVERSIZE LOAD

Present was Paul Jacobs, Jr., Construction Supervisor for Charleyjane Development, LLC.

Paul Jacobs was present to discuss an oversize trailer move coming from Pennsylvania. Paul told the Board that the heaviest unit is 22,000 lbs. They are relatively light. This is split over four oversize trucks, and a fifth truck will be carrying dormers. They will have four axle trailers to distribute the weight. They will be coming down Rt. 115. They have looked at the capacity of the bridge at Stony Brook.

Ramesh questioned the weight and size. Mr. Jacobs stated the maximum weight is 22,000 lbs. 52' plus the 6' for the hitch makes them 58' long and 14' wide. Two flag cars accompany each truck. They will be coming in from Rt. 95 to Rt. 1 to Pine St. to Rt. 115. They will come straight through to this intersection here to Castle Road. Mr. Jacobs said that the width is a little bit wider than a normal trailer truck, which is why they have the two flag cars. The oversize part is the width.

They expect to arrive as close to 2 p.m., and as late as 2:45 or 3 p.m. Jack said that the Police Chief asks that the arrival time be 9 a.m., and the delivery part be over by the time school lets out for the day, which is 2:30-ish.

Mr. Jacobs said he can accommodate the 2:30, but he doesn't think they can leave Pennsylvania in time to accommodate the 9 a.m. Jim said that school buses would be traveling down Rt. 115 and Union St. specifically. They were asked if they could be out by 2:30 definitely. Mr. Jacobs said yes. Ramesh said or they could wait. Mr. Jacobs said yes, they would most certainly put them aside at the police department's request. They have no problem with holding them at a specific location, if needed.

Jack said Chief Stone wants two detail officers per oversize trailer. They have four oversize trailers. Mr. Jacobs said he doesn't mind paying for the extra officers. He said the trailers would be staying at Castle Road for at least a week. They won't be returning through town.

Mr. Jacobs said that an hour before delivery, they will probably be halfway through RI, and they can call ahead and we can advise them if we want them to hold somewhere, like the interstate or Route 1. Jack said make the call ahead to Chief Stone and/or his officers. Mr. Jacobs said they would bring them into town in any frequency that Chief Stone desires. One at a time, or two at a time, whatever he wants.

Ramesh Advani moved to allow the oversize trailers to deliver sections of modular homes to Castle Road, subject to the conditions stated in Chief Stone's letter. Jim Lehan seconded, and it was **so voted**.

PARAMEDIC FUNDING

Jack Hathaway, Finance Director and Fire Chief Cole Bushnell were present.

Jack Hathaway said this is a continuation of last week's discussion. Jack Hathaway gave a spreadsheet to the Board, and showed the impact of ALS staffing.

The impact of adding these additional staff vs. the receipts, the receipts will rise at a higher clip than the expenses will rise. This doesn't include the staff we have on hand today. You need to decide how important this program is. Ramesh pointed out that this is the ambulance and the ALS. He said that this is very good. Jack Hathaway said that Peter Petrushik put a lot of this together.

Chief Bushnell said that the only component that Peter left out was the town's share of the health insurance. Chief Bushnell said that Jim Lehan, Jack Hathaway, and Peter Petrushik did hours of work. Jim said that the Chief has been very aggressive in showing the financial analysis. These are also firefighters, not just someone certified at this level.

Ramesh asked about '08. The year we complete the program. It shows a shortfall of \$116. What is the \$120 below that? Jack said they carried forward the ambulance receipts fund. This is cumulative.

Ramesh asked if you are restricted by law how much you charge for an ambulance? Chief Bushnell said that insurance companies regulate some of it. Chief Bushnell said you can change the rates, but isn't sure what they'd be up against with the insurance co. They review the rates and make adjustments. Medicare flat lines the rates.

Chief Bushnell said that with the State they tied the town's hands by saying that we had to sign an agreement. They signed the contract and we received a \$20,000 check that was for arrears. Now they are trying to get paid currently. They met with the prisons back in June. Chief Bushnell said that the ambulance was going to the prisons quite regularly for non-emergency calls. It was supposed to be for critical care only. He put a stop to that, and very rarely do they go in now. They use private transports now.

Jack M. asked how much an ambulance goes for now? Chief Bushnell said around \$150,000. They are looking to downsize their ambulance. The current ambulance is a truck, and they would like a smaller vehicle. They would also like to be able to have two ambulances in service. They could use the older ambulance as a backup. In Norfolk, an ambulance lasts 4 to 5 years. We are now in the 5th year of the ambulance. They have exhausted the repair account. They had a serious problem with the rear end of the unit. Patient care was that they would not drive the ambulance, and there was a safety problem that took weeks to determine. Tires, drive train and a number of issues. Of the last 10

days, we did not have the ambulance four days. The ambulance will be used as a reliable backup.

Chief Bushnell said that the dates aren't firm. They have changed the dates. Certification is waiting for favorable approval from the State, so they can get in a Wrentham class. They could bring them back for an emergency if they are in Wrentham.

Jack McFeeley said there would be four additional personnel at the end of the program. How many of the number of people who are full-time firefighters are going to be constant? It appears there is no consideration for change in the Fire Department during the life of this program. Barring the most development process, the number of three personnel is going to be staffing to take us down the road for a good number of years. This is backed up by the Fire Chief, and backed up by swing. Once they have reached three, they will have the required number of personnel required. It still leaves one person in the station.

Staffing is now nine, plus the Fire Chief; 10 career positions. It will be a transition to 13.

Ramesh recapped what was discussed with the financial analysis. Not sure where the funding will come from. Additional taxes? Are the taxpayers willing to pay for ALS services?

Chief Bushnell said they wanted the actual cost ensured that it was money that was not derived from tax revenue.

Jack McFeeley said that the Advisory Board doesn't believe the ambulance should be in the ambulance fund, it should be a capital item. That would remove \$40,000 from that budget.

Chief Bushnell said the ambulance being replaced might come to a very critical position. Chief Bushnell would like to do the ambulance through a lease-purchase plan.

Jim Lehan moved to authorize the Chief to hire two paramedics, subject to funding at Town Meeting. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to authorize the lease-purchase over a 4-year period for an ambulance, subject to transfer of \$20,000 from the ambulance fund and subject to town meeting vote. Jim Lehan seconded, and it was **so voted**.

Chief Bushnell thanked the Board and said this is a historic moment in Norfolk as it is a quality of life issue.

TOWN ADMINISTRATOR REPORT

Bob Markel reported on the 2006 budget. Budget sheets will be going out, along with the Board of Selectmen's guidance letter. Bob will do a draft guidance letter and have the Board look at it. Jack McFeeley said to relay that we are still in a tight fiscal environment.

Bob informed the Board that the warrant is ready for the printer. We will do one mailing with the Advisory Board recommendations in it.

Issue Tracking Form. Will be online this week.

Bob discussed the brochure on Roundabouts. It will be mailed to every household, and given as handouts.

Bob will discuss with Butch the NSTAR poles that are still not down. The Board asked Bob to contact Barry Salvucci.

ACCEPTANCE OF MINUTES

Ramesh moved to accept the minutes of August 24, 2004, Special Meeting; August 30, 2004; September 7, 2004, Special Meeting; September 13, 2004, Regular and Executive Session, and September 15, 2004, Special Meeting. Jim Lehan seconded, and it was **so voted**.

CONSENT AGENDA

Ramesh Advani moved to approve the Consent Agenda. Jim Lehan seconded, and it was **so voted**.

Items on the consent agenda were: Friends of the Council on Aging wish to hold their Coffee Bar at the Fall Town Meeting on October 26 and 27. Butch Vito requests the release of street opening permits #03-19 – intersection of Medway Street and Chatham Road, and #03-21 – 23 Spring Street. All work is complete.

REVIEW OF GOALS

Bob Markel reviewed the Board of Selectmen's goals.

Jack McFeeley felt we are meeting our expectations. Jim said we have made a good start. Ramesh agrees, but feels the Board could put more input into the goals.

Jack McFeeley would like an audit of all of the personnel evaluations. Who has had a performance review, and when. He would like a documented review. Jim would like to know signature sign-offs. Secondary reviews as well. Who does the Selectmen sign off as secondaries?

Bob told the Board he is in touch with two people who are willing to help us with grants. One is the executive director of SERSG. He also knows another woman who does this. He would like someone who wouldn't be an employee.

At 10:00 p.m., Ramesh Advani 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 October 4, 2004.



Ramesh H. Advani, Clerk

October 18, 2004

Present was John J. McFeeley, Ramesh H. Advani and James C. Lehan. Robert T. Markel, Town Administrator was absent.

Jack McFeeley called the meeting to order at 7:32 p.m. Marian Harrington read the agenda contents.

BOB BULLOCK, BUILDING FEES

Bob Bullock, Building Commissioner present. Bob presented the Board with a packet of building fees, and outlined the revisions. He said that he mostly increased the inspector fees, such as electrical, gas, etc. He pretty much made the minimum fee \$50. He said most fees hadn't been changed since 1996, or 1999.

Jack questioned the \$80.00 per square foot. Bob said that they came up with this to get an average cost to build a house. They use a 1999 Means book. Ramesh said that costs have probably increased since then.

Ramesh said that this is long overdue. We did research and found that there was not a level of consistency. Ramesh would have preferred a matrix of other towns, because they are all over the place. Ramesh would like to see more definition in our fees, and doesn't feel we have enough detail in our fees.

Ramesh would like to see what is exempt and what isn't. He said we don't have enough detail. We need to spell out as much as we can to avoid a lot of controversy.

Jack has no problem with what he sees tonight, but he agrees it is confusing. He preferred a matrix. Jack asked for a spreadsheet as opposed to the paperwork. Bob said he would prefer a month to do this, and he will lay out the groundwork. Jim agreed that a spreadsheet would help. He would like to see clearly defined rules as far as who gets charged, who doesn't, what buildings are exempt, what isn't. The Board will pass along their comments to Bob as to what they would like to see.

Bob will be rescheduled in a month or so.

SANTA PARADE

Al Rao and Marie Chiofolo, Lions members and Ann Proto, Recreation was present.

Al explained that because of the construction both in the center of town (Town Hill) and Library, they thought using the lower level of Town Hall would work for this event. Regarding the parade route, they would defer to whatever Chief Stone recommends.

Ann Proto said that Recreation would like to use Town Hall as opposed to Town Hill in order to have the tree lighting. They have ordered a 20' tree from the Lions that they hoped to put at the Town Hall.

Al said that they have never had a problem with parking. They said that they could use the MBTA parking since it is on a Sunday. The Board reminded them that the MBTA lot is owned by the MBTA, and we cannot give them permission to use this property. Jack said he is concerned about all the parking, use of town hall, etc.

Al stated that there is more parking available here than other venues. There is only more parking at the schools. They did consider the schools, except they cost more, and they are working on a limited budget. They prefer to use the center of town.

Jack said he doesn't want to be a hard nose. Where is the crowd going? to back up into and where are they going? Concerned about going into the other two floors of the building. Ann said they would have people to control the crowd. Both Al and Ann stated that with the exception of handicapped individuals, who would need to use the elevator, there will be no elevator access and they will put people there to monitor kids and adults try to leave the first floor. It was agreed that the main door to Town Hall off the parking lot would remain closed and locked during this event. People will enter and exit through the two entrances by the Multi-Purpose room.

Ramesh said that if we limit the parade route on behalf of the police, he thinks we should have the tree lighting in front of town hall. If you keep watch at the doors, he is in favor of doing this with some precautions. Ramesh feels that with all the construction, we should do it here.

Jim agrees that the Town Hall should be used. As long as we manage the people, we will be fine. It would be a great location, and as long as Chief Stone is okay with the route, he is okay with having it at Town Hall. Ramesh suggested if the weather is nice, refreshments could be outside. They discussed where KP Band would stand. It was suggested that saw horses be placed in the front driveway turn so no one parks near the front door by Town Clerk's office. It was also mentioned that Lions/Recreation members should make sure people stay on the sidewalk going to and from the parking lot, and not stray into the driveway.

Jim Lehan moved to allow the Santa Parade and Tree-Lighting Celebration to be held at Town Hall on Sunday, December 5, 2004, beginning at 3:30 p.m., with the conditions mentioned above. Ramesh Advani seconded, and it was **so voted**.

CLIFF'S CYCLE SHOP

Frank Hallion present. He explained that Cliff Frazee is retiring, and he and his partner, Ronald St. Pete will be taking over the business. Mr. Hallion said he will

make no changes, and there will be no additional products. It will be done exactly as it always has been.

Jim asked if he would be adding anything or doing anything different. Mr. Hallion said no. Jim asked if they have had any complaints? Frank Hallion said not that he is aware of. He doesn't think there has ever been a complaint since they've been in business.

Bob Boucher, an abutter of Fleetwood Drive, asked if he had any affiliation with the other business on the property? Mr. Hallion said no, they just rent space in the same building.

Jim Lehan moved to approve a Class I license to Cliff's Cycles, Frank Hallion and Ronald St. Pere. Ramesh Advani seconded, and it was **so voted**.

OVERSIZE LOAD

Paul Jacobs, supervisor of Charleyjane Construction was present to request permission for another oversize load move. Mr. Jacobs apologized again to the Board for the problem with the last move. He assured the Board he would be using a company approved by Chief Stone this time.

Mr. Jacobs told the Board that he has been instructed to pour the foundation, and the Building Inspector has asked them to bring a machine in. They will have to move the trailers off site and bring in an excavator. They are limited by Conservation so they cannot extend the excavation at all.

Jack mentioned that we are not given much notice. Paul Jacobs said that they are using land on Pine/Valley Streets, across from Fore Kicks. Trailers will be well set off the road. No concerns with State Police or Mass Highway to use Rt. 115.

Jim thanked him for his apology and is comfortable, if Chief Stone is. Ramesh wants to be sure the hauler has the bond, and that our office has a copy. The Board would also like written permission from the landowner, giving them permission to use his land. Ramesh questioned notifying the electrical or utility company. Paul Jacobs said no, they are well under the height requirements.

Jack said we would put the same restrictions on the permit as last time.

Ramesh Advani moved to allow Paul Jacobs, Charleyjane Construction permission to move an oversize load to the vacant lot on Pine/Valley Streets, with the same conditions as the last permit, in addition to written permission from the landowner, and a Certificate of Insurance. Jim Lehan seconded, and it was **so voted**.

UPDATE ON FIRE/POLICE STATION

Jim said they met this week and discussed several sites. The most feasible plan right now would seem to use land from the Federated Church. They will be

looking at certain locations to see what will and will not work. Right now it is just a feasibility study.

Jack said that Millis Selectmen asked would something be able to be done as a substation of their Rockville station? It would not be our main station, but just something to consider.

This is all very preliminary for the future. Nothing we are going to do right now.

PERSONNEL STUDY COMMITTEE

Jim gave an update of where this Committee is right now. The Committee has not accepted the report yet. It is a very positive group. They will give a report at town meeting.

CONSERVATION COMMISSION

Ramesh noted that there was a good discussion about having a Conservation agent. He talked with Dr. Markel about several budget items. Bob Markel had done some research about how towns are staffed, and the ConComm did the same.

MISCELLANEOUS ITEMS

The Board discussed reviewing what is in our wetland bylaws, and having Town Counsel conduct seminars or workshops. Bob should talk with George Hall to have some of these things happen. The Board would especially like some workshops for reviews for the Conservation Commission.

Jack reported that he attended the Lt. Governor's forum today. He brought up lack of PILOT funds; regional transportation; and 59 Cleveland Street.

Ramesh wants to know the current status of the poles coming down. There are certain poles that have street lighting. What is the plan? He would like Barry Salvucci from NSTAR in at our next meeting.

ACTION ITEM

Ramesh Advani moved to proclaim October 24th as United Nations Day, and issued a Proclamation. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to approve the earth removal permit for Peter Chipman, with the conditions specified by the Board. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to allow Norfolk Marketplace to use the parking lot at Town Hall as their satellite parking for their event at the H. Olive Day on November 6th. Jim Lehan seconded, and it was **so voted**.

NEW BUSINESS

Jim brought up the letter from Art Spruch expressing his views on the Fire Chief's fees. The Board would like either Art or the Planning Board to give us some specific examples, and clarify their memo.

Jim discussed the report on the ambulance, and that it is not critical to get it repaired ASAP. It will be serviceable for quite some time. Bob will discuss this with Cole.

Jim mentioned the letter from Elizabeth Manning regarding speed on Massachusetts Avenue in the Christina Estates subdivision. She requested stop signs be installed to control speed in the development.

Jack and Jim agreed with Chief Stone's recommendation. Ramesh said he wasn't clear about the Chief's recommendations. Jack said the Chief was suggesting that stop signs be installed on the side roads, not the main roads. Jack said that her complaint was the speed of the traffic. Chief Stone's comment was that you don't put stop signs up for that purpose. Ramesh said that the Chief did recommend a stop sign at Applewood, Willow, and Mass Ave. Jack said yes.

Ramesh Advani moved to agree with Chief Stone's recommendations for stop signs. Jim Lehan seconded, and it was **so voted**. The Board would like a letter sent to Mrs. Manning with respect to this decision.

With respect to the Trout Club letter, the Board would like the departments to tell us what is their position? Should we support it, or not support it?

WARRANT

The Board discussed their positions on articles for the Fall Town Meeting.

Bob Markel will address Articles 1, 2, and 3. Jim Lehan will talk to the ALS salaries, if needed.

Article 4 – 59 Cleveland Street legal funds will be addressed by Jim Lehan.

Article 5 - Homeland Security Firefighter's Assistance Grant will be addressed by Bob Markel, Jim Lehan, and Chief Bushnell.

Articles 10 and 11 – Redevelopment Authority – addressed by Bob Markel and Jack McFeeley.

Article 12 – Committee Reports. Bob Markel will report on the Board's goals.

Article 13 – Capital Improvement Stabilization Fund. Jack McFeeley will address this.

Article 14 and 15 – Stabilization Funds for Ambulance and Sidewalks will be addressed by Jim Lehan.

Article 16 – Cottage Court. Ramesh Advani will address this.

Article 17 – Pine Road. Bob Markel will address this.

Article 23 – Litter Bylaw. Ramesh Advani will address this.

Article 24 – Wetlands Protection Bylaw. Ramesh Advani and Larry Harrington will address this.

At 9:53 p.m., being no further business, Ramesh Advani 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 October 18, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

November 16, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:23 p.m., prior to the Fall Town Meeting.

Jim Lehan moved to impose the Winter Parking Ban, effective November 15, 2004, through April 15, 2005. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to approve a street opening permit to Bay State Gas Company for installation of a new gas service at 167 Seekonk Street. Jim Lehan seconded, and it was **so voted**.

At 7:26 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of November 16, 2004.



Ramesh H. Advani, Clerk

November 22, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 6:35 p.m. Bob Markel read the agenda.

AWARDS

The Board of Selectmen presented awards to employees who have reached the five, ten, and fifteen years working for the Town of Norfolk. Each Selectmen praised and commended the employees, and said a few opening remarks before presenting awards.

Awards were given to: Five Years: Betsy Fijol, Board of Health; John Finitis, Highway Department; Debbie Carr, Police Department; Ten Years: Remo Vito, Highway Superintendent; and Fifteen Years: Janet Poirier, Highway/Police Departments; Thomas Degnim, Police Department; and Norma Shruhan, Council on Aging.

NSTAR

Barry Salvucci and Jim Armstrong, NSTAR representatives were present. Also present was Remo Vito, Highway Superintendent.

The Board invited these gentlemen in to discuss the town center project. Jim Armstrong said that the project is pretty much together. There was one glitch, but they worked through that, and it is done.

Butch Vito said we should take delivery of the lights within a couple weeks. These would be the permanent lights. If they don't arrive, we will put up temporary lights.

Jack asked what remains. Is circuitry in for the clock? Butch said yes. Butch said that NSTAR has done an excellent job. They have been involved in a lot of issues, and have done a great job. They were working on the Miller St. project, too, and have done great.

Jim Armstrong said they were concerned about it being dark and there are commuters. They took the poles and lights down as late as they did in order to keep lighting in the center.

Bob Markel mentioned that they entered this project to the MMA Innovation Award to see if it would win. We did not win the top prize, but will get a certificate.

It was mentioned that the light fixtures were bid out by the State. All the bases are in. All you need to do is erect the poles and wire them to the meters. Ramesh was concerned about the holidays in the middle of the schedule.

Ramesh wanted a brief update about the roundabouts and town center project. Butch said that the roundabouts are going in. Larger STOP signs will be erected to help designate the 4-way stop. Ramesh questioned the schedule being complete by December 10. Butch said they are right on schedule. The contractors are still going to work if the winter stays mild. He said it will be a day-by-day schedule during winter, and they would like to keep working. Ramesh said we put a plan out and we are following it, and things are going well. Butch said we are where he wants to be. Butch named several changes that have come up during development that was done by NSTAR in order to help us.

Jack McFeeley questioned why Carlson Circle wasn't included? Butch said there was too much on it – too much of a load, too many transformers. It would have to be done as a separate project.

Jack thanked them all for their assistance and fine job. The Board discussed with Mr. Salvucci and Mr. Armstrong how the power outages have been minimal since they were last in.

Ramesh brought up the clock location. It will be on the corner of Rt. 115 and Union Street on town hill. Butch said the four-sided clock would be able to be seen from anywhere.

HOLMES TRANSPORTATION

Richard Holmes, Holmes Transportation and George Cronin, G. Cronin & Sons were present.

Richard Holmes wanted to talk about the new curbs on Rockwood Road, and how much trouble it is for the buses to maneuver. Mr. Holmes showed the Board photos of the roadways by Rockwood/Boardman. Butch said the old Rockwood was 24' on the school side.

There was discussion on the length of the school buses and the fact that they keep hitting the curb and popping tires. It is becoming a cost issue.

Chief Stone commented. People are taking corners far too fast. His concern is that people try to pass on either side, and head on. Chief Stone said people need to slow down on these intersections. This was the second worst intersection. The intersection has evolved over the years. Site distance has

improved dramatically. Seekonk and Main is the worst intersection. Boardman Street and Main Street was a "slow and go". They wouldn't stop, but slow down and go. Numerous intersections have been changed. People need to go slower. Whether it's by accident, or design, we've accomplished our goal. Chief Stone said that we have to think about pedestrians, as well. We are creating more sidewalks.

George Cronin said his truck drivers have to wait if there is an oncoming car. His trucks aren't that long. He said that when the snow comes, it would be worse. He said the roundabouts won't work. They will be hitting the curb. Butch said no.

Butch said the issue with Boardman and Rockwood is a different story. Tim Holmes complained that Rockwood Road needs to be wider. He said they have 15 buses and they hit the curb and pop tires. It is costing them money. Butch said that they haven't paved the road, because they are hearing their concerns.

Jack McFeeley explained that speeding on Rockwood Road is part of the issue. We are looking at safety here. They start at Rockwood Road and are going 40 before they even hit the 30 mph sign on Boardman Street.

Ramesh said that he thinks there is a real problem here that needs to be looked at. He discussed the buses trying to approach the school from Rockwood onto Boardman. Ramesh agreed that the curb isn't lined up, and it does present an issue for the buses.

Jim said he went and watched the buses. He said the other bus could not make the turn, coming from Millis. The buses had to go into the other lane, and wait for oncoming traffic in order to make the turn. Something needs to be done. What harm does it do to make sure that the bus or even truck can make that turn? He suggested angling or making it wider to accommodate the buses.

Chief Stone said he suggested that we look at Gump's side.

Butch said we can put in something temporary, and he will have to have his engineers look at it. He tried to stay away from land takings and easements. No one wanted to get into this. Butch said they would like to move the entrance to the school, down by the Bicentennial Park. It is school property, and we have a right of way.

Jack said the yellow line on the school side isn't straight. If it was centered, it would give them more room.

Jim said that the bottom line is that we need to have this intersection made maneuverable.

Butch said the only option is to pull the curb. They have no other options because winter is coming. He needs to run the curbs out by Cahalanes. The wheels hit on Simpson's corner and Gump's corner. Butch said that they didn't change anything by Simpson's.

Sand bags could be used at any place that something would hit. He's talking intersections and the roundabouts.

Holmes would like the sidewalks lowered in front of their driveway by Main St. Hardware. Butch said this is another issue, and we may get more requests from other people. Butch said there was a reason for that, and said that for people walking or in wheelchairs, it can be a problem. He doesn't recommend dropping the driveway. Bourques Restaurant may be another issue.

The Board assured them that this whole curb issue will be looked at.

On another matter, the Nate Fletcher issue was discussed with Butch. There is a town bylaw that prohibits employees from selling materials to the town without the vote of the Board of Selectmen. Jim Lehan questioned if this is precedent setting. Has this been done before? The Board would like him not to drive the vehicle, but we can lease the equipment. Next year we won't even lease the equipment.

Jim asked if there is a precedent for doing this?

Butch Vito said we are actually renting the equipment. Jack McFeeley asked if Nate Fletcher will be driving, or will someone else? Butch said yes, someone else could be driving it. Jim he can see a very good reason why that bylaw is there. Nate would be furnishing labor to the Town by contract for snow removal, and the Board would need to authorize to purchase or secure materials, supplies, or labor for the Town in an express vote and stating the reason therefore.

Jim asked if we have done this before, and is this precedent setting? Butch Vito said that Art Marshall does a mailbox repair service that they have used during severe winters and mailbox damage from plows. Butch said he didn't know about the bylaw until Jack Hathaway brought it to his attention now.

Butch said it probably does get down to whether it is precedent setting. Ramesh said that if we have not done such a thing and we have allowed such services to exist, people have violated the bylaw. Now that it has been brought to our attention, even if it is precedent setting, all we are doing is having a formal vote.

A vote of each of these events that take place in the future. We might be setting a precedent following the bylaw.

Jack said that because of the lateness of the year, he suggests that we allow it. We are only leasing the piece of equipment and not getting his services, correct? Butch said we are paying him rental of his equipment. He has to pay his driver. Ramesh said it says "owned and operated by..." Jim said you are contracting with him for snow removal. Period. Butch said yes. Jack said that means he will be driving the vehicle? Butch said whether he will be driving the vehicle at every storm, he doesn't know. He could hire someone to drive the vehicle. Jack said we could ask him to exercise the option not to drive the vehicle, and only lease the vehicle and make it clear to him that next year we will not be leasing his equipment either. This way it won't disrupt Butch's schedule for this year. Butch said he could ask him to have another driver. Jack said that we would vote for the lease of the vehicle for this year, and this year only, and make it clear that we won't do it next year. Butch said that is what he is asking. Jim said the bylaw does allow for exceptions, so he is okay with making the exception. He doesn't see any distinction whether the gentleman drives it, or doesn't drive it personally. Neither he nor Ramesh have any problem with him driving his equipment.

Ramesh Advani moved to allow the town to contract with Mr. Fletcher for snow removal equipment owned and operated by Nathan Fletcher. Jim Lehan seconded, and it was **so voted**. The Board would like all employees aware of this bylaw.

TOWN ADMINISTRATOR REPORT

Bob Markel mentioned that Chris McClure has been hired as the IT Director, as this position was approved at the Fall Town Meeting. He will also work 5 hours per week for the School Department. The School Department will reimburse the town for those 5 hours.

He has been a contract employee since 2001, and a request has been made to give him two weeks vacation, as opposed to one week. The Board would like information regarding this, and Bob will get back to them.

Ramesh said he would consider being fair to other employees. Jim feels that this is a unique set of circumstances, and we need to look at this.

We have advertised for a Chief Assessor. The deadline is December 1, and when that passes, we will begin the interview stage.

Budget process for fiscal 06 is underway. We are going to use the full process as identified in the manual this year. This will be another difficult year for the

town. The State is not promising extra state aid. He met with the departments last week, and asked them to submit three (3) separate budgets -impact statements, level funded, and expansion budget.

Bob noted that the Issue Tracking form will be modified, and the Board will be given it soon to review.

Bob reported that we had a Compliance with Stormwater Phase II meeting. It was the first meeting. We will be mapping our utility infrastructure. It will be mapped digitally and begin our GIS program. It will be a very limited system, but will comply with Federal mandates.

Bob said he will be back into contract negotiations with superior officers of the Police Department on Wednesday.

ACTION ITEMS

Ramesh Advani moved to approve the consent agenda. Jim Lehan seconded, and it was **so voted**.

The consent agenda consisted of: (1) KP Music Association wants permission to sell wreaths at the Transfer Station on Saturday, November 27, 2004 from 9 a.m. to 12 noon; (2) Norfolk Community League requests permission to hold their annual Jingle Bell Run on Saturday, December 11, 2004 at 11 a.m. starting at the H. Olive Day School. Route will be from the school, to Medway St., to Tucker Rd., to Medway Branch, to Barnstable Road, Brewster Road to Wellfleet to Medway Branch, to Boardman St. and back to the school. Chief Stone has approved; (3) Norfolk Community League would like permission to advertise their Jingle Bell Run and Santa's Breakfast by placing their signs on Independence Drive and the intersection of Main and Boardman Streets from November 27th through December 11th; the Garden Club would like permission to put signs at Main Street at the intersection of Independence Drive, and North Street at the intersection of Pond Street and Needham Street from November 20th through December 4th to advertise their annual holiday green sale; approval of the SERSG 2005 DPW Services Bids (see attached).

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of August 16, 2004; September 27, 2004, and October 4, 2004. Jim Lehan seconded, and it was **so voted**.

OLD/NEW BUSINESS

A letter was received regarding parking at elections. This would be the jurisdiction of the School Department and Town Clerk. Bob Markel will advise this gentleman that it is not our responsibility, and it's been forwarded to the appropriate people. We don't have jurisdiction.

Jonathan Smith said they want to meet with King Philip in December because the enrollment has increased and there is a significant increase. They could be asking for more money.

It was noted that Jim Ward resigned from the Advisory Board because of more responsibilities at work.

At 8:35 p.m., Ramesh Advani 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 November 22, 2004.



Ramesh H. Advani, Clerk

SPECIAL MEETING

December 2, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:03 p.m.

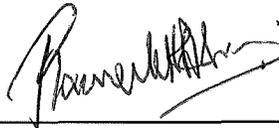
Ramesh Advani moved to approve a street opening permit for P. J. Hayes, Inc. for installation of a new water service at Lot 2A Main Street. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to approve the request for Chapter 90 funding, recommended in a November 23, 2004 memorandum from Remo Vito, Highway Superintendent for unforeseen expenses in the amount of \$150,000.00 for the town center project. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to approve a street opening permit to Bay State Gas Company for installation of a new gas service at 45 Everett Street, with the condition that if there is any pavement disturbance, an infrared repair will be used in the spring of 2005. Jim Lehan seconded, and it was **so voted**.

At 7:13 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of December 2, 2004.



Ramesh H. Advani, Clerk

December 6, 2004

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:07 p.m. Bob Markel read the agenda contents.

BUILDING COMMISSIONER

Bob Bullock, Building Commissioner was present. Ron Bain, Electrical Inspector was also present. Bob said he wanted to increase fees, and discussed the building fee structure with the Board. Bob said he felt fee levels being charged weren't covering all costs. He said the fees weren't increased since 1996. He said most fees increased were for electrical, gas, and plumbing. They reviewed the fees and took a look to see if they would meet the needs for the number of inspections that would take place.

Bob Bullock explained that they did a review of seven area towns and tried to do a comparison. This review was given to the Board.

Bob forwarded an exemption sheet for the Board to review. He gave four reasons and some of these could be an assumed exemption, and the person wouldn't have to come before the Board to have this waived.

Jack told Bob Bullock that the language read, "Any permit fee that would be subject to disbursement from Norfolk's general fund would be exempt from a permit fee." Jack would like the words "general fund in total". Jack said in other words, if the entire fee is paid from the general fund.

Jim Lehan said where it says "any civic organization" on bullet #3; he would feel more comfortable if you would add "not-for-profit civic organization". Jim said there are many profit-making civic organizations. Jack still wants "in total" added there as well. It was decided that the words "exclusively for the town's interest" would be added instead. For example, if the Lions Club took on a project to construct the dugouts.

Ramesh asked where does this go, in the bylaws? Bob Bullock said it will go on the building permit fee schedule, and will be on the Building Department's website. As you are looking at the fee structure, the exemptions would be listed below it. Ramesh said we should run this exact verbiage by Town Counsel so that it does not open itself up to issues and interpretations.

Ramesh noted that the following conditions will apply: Any permit fee subject to disbursement from the general fund in total will be exempt from a permit fee. Enterprise and revolving fee would not be exempt from the permit fee. Any not-for-profit civic organization made up of Norfolk residents working on a project exclusively for the town's interest will be exempt.

Ramesh questioned if we have funding for some Norfolk project that the funding comes from the Community Preservation Act, would these three things cover? Ramesh said suppose we paid 100% for the funding. Jack said he would include this with the general fund – this is solely taxpayer monies.

Jack said in addition to the enterprise fund, we should add anything from the tax base. This would exclude the Transfer Station. Bob Bullock said he considered the Transfer Station as a revolving account.

The Board asked Bob Markel to have these reviewed with Town Counsel. Jack McFeeley also asked Bob Markel to put the building fee comparison on our website. Jim Lehan felt this information would be confusing and misleading to the residents, as it differs from community to community. Ramesh agreed, but said some of the information is valuable to the residents, but not the commercial information. It was agreed to put the residential information on the website, but not the commercial.

Jim Lehan to accept the recommendations of the Building Commissioner for the new schedule of building permit fees, to be effective 1-1-05. Ramesh Advani seconded, and it was **so voted**.

NORFOLK AUTO – CLASS III HEARING

Kevin Roche, was present representing Norfolk Auto.

At 7:20 p.m., Jack McFeeley opened the public hearing for renewal of a Class III license for Norfolk Auto, 38 Main Street. Jack read the language on the current license. Jack noted that there have been no problems or complaints of that establishment, and Bob Bullock, Building Commissioner concurred. Jack asked if any of the Board members had any concerns or comments. They did not. There were no abutters present.

Jim Lehan moved to close the public hearing. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to approve a Class III license to Norfolk Auto for calendar year 2005. Jim Lehan seconded, and it was **so voted**.

ARTS COUNCIL INTERVIEW

Richard Denzer, Berry Lane was present.

Jack McFeeley thanked him for coming, and asked him to tell us about himself.

Mr. Denzer said he works in commercial printing, selling graphic design to museums and universities. His interest is in promoting the arts in town. He would love to encourage young people to get involved and explore their talents.

Mr. Denzer said he is aware there is space in town hall to be used as a gallery.

Ramesh thanked him for volunteering. Ramesh mentioned a project he may be interested in, and related the Mass. Municipal Association's contest of town-wide photos that best depict your town.

Jim said he was thrilled that he volunteered. He suggested they secure some of the artwork in children's books and display it in the children's library or school libraries. Jack suggested there is grant money available for that purpose.

Jim Lehan moved to appoint Richard Denzer to the Arts Council. Ramesh Advani seconded, and it was **so voted**.

JACK HATHAWAY, FINANCE DIRECTOR

Jack Hathaway was present to update the Board on two of the budgets that are historically problematic; the Town Hall budget and the Fire budget.

Jack Hathaway would like the Board to focus on the utilities within the Town Hall budget. He is working with Bob Bullock regarding the electricity budget. It is running high – about \$5,000 a month. Bob Markel explained to all he had a company come and look at our rates, and they said they can't do better. We are having special rates right now that expire in spring of 2005. Once these rates expire, we can look at the competition and try to get better rates.

Jack Hathaway noted that in the fire budget, we are already over in the vehicle repair account. Besides the vehicle repair account, he feels they are doing okay. Jim stated that the ambulance is 151% over the budget for ambulance vehicle repairs, and we are only halfway through the year. The vehicle repair is 115% over budget.

The Board commended the Chief for keeping them well informed. Jack Hathaway noted that Peter Petruichik is watching the budget closely with Jack Hathaway.

Jack Hathaway gave the Board a report of capital items and where each department is. The Board was impressed with these reports.

Jack Hathaway will be meeting with Kathy Reed tomorrow to look over the tax recap. He said it looks like ballpark of \$12.50. Tax classification hearing will be in two weeks.

Jim asked for a copy of all our debt and the expiration dates.

Jack McFeeley noted the adjustment for the rate for the Water Department. We need to do this before March. This also now requires a public hearing to set the new rates.

TOWN ADMINISTRATOR REPORT

Bob Markel reported that beginning December 13, he and Jack Hathaway would begin budget meetings with the department heads. The School Committee will present their budget on December 22. Bob is trying to get King Philip to submit their budget as early as possible. They will be looking at capital requests. Ron Bain will be submitting 5-year maintenance budgets for all buildings. That way we will have preventative budgets, and we can keep ahead of maintenance and repairs.

The Board discussed a zero based budget for some departments, namely, DPW and Highway.

Bob said that Jack Hathaway has also been involved in health insurance. We have looked at the Southeast Massachusetts Medical Group, which is similar to the West Suburban Group. It's a group of 19 towns with excellent records, so they have low rates. Bob noted that the Insurance Advisory Committee, appointed by the Selectmen, is going to do the investigating for us.

Bob Markel said that they have received applications for Chief Assessor. Interviews will be started soon. The Screening Committee will be Jim Lehan, Jack Hathaway, Bob Markel, and a member of the Assessors.

Bob Markel said he advertised today for the DPW Director and Water Superintendent.

Bob noted that the Issue Tracking System is up and running. Ramesh wants a printout.

ACTION ITEMS

Ramesh Advani moved the consent agenda. Jim Lehan seconded, and it was **so voted**.

The consent agenda consisted of a request from Paul Jacobs to move the oversize load again, this time returning to White's Pond Road from Rt. 115. He would like to do this December 7th, and will use the same mover as last time. Chief Stone said there were no issues on the last move, and he approves this one.

King Philip DECA students requested permission to locate signs at Main Street and Independence Drive, and Union Street at the intersection of King Street to advertise their Holiday Gift and Craft Fair. They will advertise from now through December 12th.

Jim Lehan moved to allow the Lions Club to hang their banner in Norfolk center advertising their Christmas tree sale. Ramesh Advani seconded, and it was **so voted**.

OLD/NEW BUSINESS

Jim questioned the memo from the Water Department. Bob said he spoke with Art Spruch, and Art Spruch said that it is far better and the one limited area is the former cul-de-sac on Mass Avenue. The Board is confused and needs more information. There will be no cost to the town.

Jim Lehan discussed the letter from Fred Pfischner. Jack said he will respond.

Jim Lehan discussed the issues at the Library. The Library cannot go forward without having the Historical Commission being involved because of our current bylaw. They are going to look at alternatives because they don't want to wait the six month time frame.

Jack wants Bob to speak with ComCast and have them explain the rates. If not satisfactory, have them come in. This is regarding the ComCast \$40,000. Bob and Jack McFeeley need to meet with them and discuss this again.

At 8:56 p.m., Ramesh Advani moved to go into Executive Session for collective bargaining. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**. We will not return to open session for business, but only to adjourn.

This is a true and accurate report of the Selectmen's Meeting of December 6, 2004.



Ramesh H. Advani, Clerk

December 20, 2004

Present was John J. McFeeley, James C. Lehan, and Robert M. Markel, Town Administrator. Ramesh Advani was absent.

Jack McFeeley opened the meeting at 7:13 p.m. Bob Markel read the agenda contents.

BUCKLEY & MANN PROPERTY

Present was Attorney Neil Roche, Roche & Murphy; Scott Colwell; Richard Mann, and Paul Cutler, Engineer. Tom Poppey, Clerk of Planning Board was in attendance as well.

Mr. Roche gave a general overview. He represents Hoover Realty Trust, developing a large site on Lawrence Street known as Buckley and Mann. They have applied for a Special Permit from the Planning Board. They would like to construct 25 single family house lots. Mr. Roche said they brought Mr. Cutler with them tonight, along with many plans. This property is in Land Court currently.

Paul Cutler said that 57.9 acres would be transferred to the town for open space. There is a state restricted wetland on the property. All land has been perked and has good perk rates and good gravel material, which will be good for septic system. Our Board of Health has observed all the test holes. Scott Colwell said there is one building that they would like to donate to the town. It is a brick building, and he thought it could be rehabbed and used for community use. It can be taken down if the town doesn't want it. He suggested a parking area could be constructed there with a launch to Bush Pond so that people could launch canoes, etc., on the pond. He suggested that the open space could be used for fields. There are no trees, and it is level property.

Tom Poppey said the Planning Board did vote favorably to grant the special permit. It was a conditional permit. The open space plan was superior to a conventional plan. It will be the intent of the Planning Board to solicit comments from the different boards.

Bob Markel questioned the building. Bob remembered a building with low ceilings and not much space that was referred to as the dollhouse. Is this the same building? Scott said no, this is a large useable building. The dollhouse building collapsed.

TAX CLASSIFICATION USE HEARING

Jack McFeeley opened the public hearing at 7:30 p.m. Jim Lehan moved to adjourn the hearing to 8 p.m. Jack McFeeley seconded, and it was **so voted**.

BUCKLEY & MANN PROPERTY (continued)

Jim Lehan asked Tom Poppey what their next step is. Tom said the applicant has 7 months to file a definitive plan. They are just waiting for that. There is no activity by them until this happens. Tom said that with respect to the open space, they will work with the Conservation Commission, and also see if any restrictions are necessary.

Atty. Roche said they will be extending the water main from Park Street to the site, so all the homes will be accessed through town water.

Jack would like to see the paperwork with the State regarding the remediation of the contamination on the property to review if the town is to accept a gift of land. Mr. Mann said he will try to find all the documents. Atty. Roche suggested that the Conservation Commission has a wealth of information pertaining to this.

Mr. Colwell said he will demolish all buildings on the property. Water brought in will be at his expense.

Jack told Tom Poppey that we need to include the Conservation Commission, as they were very vocal in this. Bob Markel suggested George Hall be included early on in the works as well.

CAPITAL OUTLAY COMMITTEE

Jim Rayner was interviewed as a possible candidate for the Capital Outlay Committee. He told the Board he has been a resident since 1980. He has owned Norfolk Car Care since 1981. Arlie Sterling suggested he be a member because he could assist with the vehicle replacement aspect.

Jim Lehan explained that this is a critical committee to us, and we need people. Jack agreed, saying that many members have left. Jim told the Board he attended the Capital Outlay meeting Thursday evening.

Jim Lehan moved to appoint Jim Rayner to the Capital Outlay Committee. Jack McFeeley seconded, and it was **so voted**.

TAX USE CLASSIFICATION HEARING

Jack McFeeley called the hearing to order. He read the advertisement of the public hearing that appeared in **The Sun Chronicle**.

Jack Hathaway, Finance Director, discussed how they arrived at the new tax rate. We are going from \$11.93 to \$12.50.

Jack Hathaway said it would be \$12.50 per 1,000 evaluation. There was not a full revaluation this year. It is only required every 3 years.

Jack Hathaway said that he did the split tax rate. He explained to the Board how he arrived at those figures.

Jack Hathaway recommends that we stay at a single rate. Jack said that the new property values are online, or you can call the Assessors office. Many factors go into your personal assessment.

Jim Lehan moved to approve a single rate and keep parity between all. Jack McFeeley seconded, and it was **so voted**.

FIRE CHIEF BUSHNELL

Chief Bushnell submitted a letter to the Board. He came before the Board with a budget issue, as he neglected to put funds in his current budget. He has 3 attending a class, Peter Curran and Richard Clancy. This had to do with training costs. He further discussed pre-payments. The course is through Safety Program. The cost is \$17,910 for 3 individuals to attend.

Jim Lehan said that this is in the projected future budget. It is not included in the current budget. Chief Bushnell said it was an oversight on his part in the transfer at town meeting.

Jack said he would suggest a reserve fund transfer, although the Advisory Board is very possessive this early in the year. The other option would be to look at your budget and see if you can "borrow" now, and then go in May for money for your budget. Chief Bushnell said he is reluctant because of all the problems with the engine and the ambulance.

Chief Bushnell also noted that Medicare costs are changing as of January 1st, and he needs the Board's approval to increase rates. Jim Lehan moved to approve all rates as recommended by Chief Bushnell. Jack McFeeley seconded, and it was **so voted**.

Chief Bushnell discussed open air burning. It is done January through May, and they usually issue 200-300 permits. He would like to charge a fee of about \$5 per permit. He suggested having a retired firefighter help answer phones, and handle inspections of the site where burning takes place, etc. He felt either \$5 or \$10 a permit is reasonable. Jim Lehan moved to establish a \$10 permit fee. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob reported that he has spent much time with department heads individually on their budgets.

Bob reported that they have closed applications for Chief Assessor. We will be arranging interviews for the candidates after the first of the year. There will be a screening committee.

Bob reported that he and Jim attended a meeting on a feasibility study on the Freeman/Centennial School. It is a fact finding search at this point. Jack would like a report from the School Committee, so that the Board is kept informed. Jack said that it will be at least 3 years before this will be considered. Bob said that they are aware of this.

LICENSE RENEWALS

Jim Lehan moved to renew the following Liquor Licenses for 2005, with current restrictions and guidelines on all: Restaurant – All Alcoholic – Eagle Brook Saloon, 258 Dedham Street; Tyler’s Family Restaurant, 218 Dedham Street; and the Horse `N Carriage Restaurant, 210 Dedham Street. Package Store – Wine and Malts – Norfolk Food Mart, 10 Rockwood Road; Package Store – All Alcoholic - Norfolk Fine Wine and Spirits, 206 Dedham Street; Provo Discount Liquors, 282 Dedham Street; and Linda’s Variety Store, 158 Main Street; and On-Premise – Wine and Malts – Fore Kicks, 10 Pine Street. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to allow the three restaurant establishments, Eagle Brook Saloon, Horse `n Carriage Restaurant, and Tyler’s Family Restaurant to remain open until 2 a.m. on New Years Day. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to renew the Common Victualler Licenses for 2005: Eagle Brook Saloon, 258 Dedham Street; Tyler’s Family Restaurant, 218 Dedham Street; Horse `n Carriage Restaurant, 210 Dedham Street; Norfolk Town Pizza, 158 Main Street; Bourque’s Restaurant, 194 Main Street; Dunkin’ Donuts, 134 Main Street; Fore Kicks, 10 Pine Street; and Center Ice, Inc., One Dean Street. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to renew the Entertainment Licenses for 2005: Eagle Brook Saloon, 258 Dedham Street, Live Music, secular days and Sundays, 1-5 instruments, 8 p.m. to 1 a.m.; Tyler’s Family Restaurant, 218 Dedham Street, Coin Operated CD-Player, secular days and Sundays; one coin operated “arcade” style machine, secular days and Sundays, 11:30 a.m. – 10 p.m.; Fore Kicks, 10

Pine Street, Eleven (11) coin operated "arcade" machines, secular days and Sundays, hours for winter: 4 p.m. to 9 p.m. Monday through Friday and 8 a.m. to 10 p.m., Saturday and Sunday; summer hours: 9 a.m. to 10 p.m. Monday through Sunday; and Norfolk Rink Management, One Dean Street, Six (6) coin-operated "arcade" machines, secular days and Sundays, normal business hours – Monday through Sunday 7 a.m. to midnight. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to approve a Class II license for Mitch's Repair, 269 Dedham Street, for 2005. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to approve a Class II license for Norfolk Auto Repair, 38 Main Street, for 2005. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan also moved to increase the number of vehicles for sale outside the fence at Norfolk Auto, 38 Main Street from seven (7) vehicles to not to exceed twelve (12) vehicles outside the fence. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan commented on WSAB, 84 Rockwood Road. Why does he have more cars than allowed by the Zoning Board, or our permit? Jack said the property was grandfathered. We granted the license under the impression that we should be transferring for 15 cars maintained on the property. Jack said this was a mistake. A year or so later, the Building Commissioner said that isn't allowed because of a non-conforming use. The Selectmen voted not to extend the license further pending outcome by the ZBA. Mr. Crawford came to the Board and said he needed his license renewed in order to keep his Class II license, even if it were for one vehicle. The Board then granted it for one vehicle. BOS was served with subpoenas. We have about 8 letters from the Building Commissioner of non-compliance, and there are outstanding fines. Bob noted that the owner is taking us to court. Mr. Crawford is a tenant. James Gagne owns the property.

Jack McFeeley said he would not even entertain any motion, or second any motion. Jim said he wasn't going to make a motion.

Jim Lehan moved to approve a Class II license for R & D Automotive, 46 Main Street, for 2005. Jack McFeeley seconded, and it was **so voted**.

Regarding the Call & Wait license, Jim Lehan said he has no intention of making a motion.

Jack McFeeley said our options are: we do not make a motion; or we vote no. They feel he is selling parts under his Class 2 license to circumvent the wishes of

this Board. If you look at his property, it is a junkyard. He submitted 110 titles, and Jack will have Chief Stone look at the VIN #'s to see if they are part cars, or whole cars.

The Board will do nothing on this license. Jack asked Bob Markel to check with Town Counsel to see if they need to vote on these two issues. However, they decided they should at least take a vote.

Jim Lehan moved for a renewal of the Call & Wait Class II license. Jack McFeeley seconded, there was no vote in favor. **Two voted NO.**

Jim Lehan moved for a renewal of the WSAB Class II license. Jack McFeeley seconded, there was no vote in favor. **Two voted NO.**

Jim Lehan moved to approve a Taxi License for Foxfield Taxi, 29 Wall Street, Foxboro, MA, for 2005. Jack McFeeley seconded, and it was **so voted.**

OLD/NEW BUSINESS

The Board briefly discussed a letter from Bob Bullock on demolition of part of the Library.

The Board noted a letter from the Water Department regarding Christina Estates.

At 9:24 p.m., being no further business, Jim Lehan moved to adjourn. Jack McFeeley seconded, and it was **so voted.**

This is a true and accurate report of the Selectmen's Meeting of December 20, 2004.



Ramesh H. Advani, Clerk

January 3, 2005

Present was John J. McFeeley, James C. Lehan, and Robert T. Markel, Town Administrator. Ramesh H. Advani was absent.

Jack McFeeley called the meeting to order at 7:00 p.m. Bob Markel read the agenda contents.

DOG BANISHMENT HEARING – DESIMONE, 18 MAIN STREET

Present was Hilary Penlington, Animal Control Officer.

Hilary gave the Board some background. She explained that the Board of Selectmen had issued a permanent restraining order on December 10, 2003. There have been three (3) incidents since the restraining order was issued. One condition was that the dogs needed to be muzzled and on a leash when outside. They were not. Hilary said she had to be accompanied by a police officer when she entered the property because of the instability of the situation. She has asked that the dogs be banished from town. She said that unfortunately with the last incident, there was a victim.

Jack McFeeley asked Hilary about the dogs. Were there more than two? Hilary said that at one point, he did have too many dogs, and he told her he was going to secure a kennel license. His dogs are unlicensed, and he told her he cannot license his dogs because they are not vaccinated. Hilary said that as of her last visit, he only had three dogs on the property, and they are the ones she wants banished. They were two rottweilers and a lab mix.

Jim Lehan noted that this has been going on a long time. Hilary agreed. Jim asked if there is any other way to control these dogs? Hilary said that once the dog starts biting, do you really want him to be on public access where they can attack someone else? She would like them banished from the town and place them in a professional facility until he can find them homes. If he does not do this, it would go from civil to criminal in Wrentham District Court.

Dr. Terrence McGee, a veterinarian spoke. He said the person is not conforming to the wishes of the town. They are big dogs and intimidating. He said they knocked down a 78 year old woman who was out walking, and the dogs bit her once. This is not a safe situation for the public. The three dogs are running like a pack, and one dog encourages the other. They will get worse and worse, and he told the Selectmen they are lucky it hasn't become full blown yet.

Hilary listed all the violations pending for the Board.

Gene DeSimone, owner of the dogs, was present. He said he is not disagreeing with what has been said, but wondered if there is another alternative to banishing the dogs. Gene told the Selectmen that he did get two out of 3 of the dogs licensed today. He had to wait on the third dog, because it had done the attacking and he had to wait 10

days. Hilary said she did recommend fencing, as an alternative. There is some fencing, but a rottweiler could climb it. She said that a kennel will not work and there will be more incidents. She said that at times the owner is not there, and the dogs are running loose. The dogs should not be kept in this environment that they are used to, because they have grown dominant.

Jim Lehan said that he is a dog lover. But he said he cannot have dogs that are a risk to other people. He would consider an option that would let Mr. DeSimone keep his dogs, but he has to consider the safety of residents. This type of situation cannot continue. If we can come up with an alternative, he would consider it, but he doesn't know what it would be.

Jack McFeeley said it is difficult to change the behavioral patterns. Jack read some of the conditions stated in the permanent restraining order. Jack said that we have had one case of each condition in the past year. He cited them.

Jim Lehan moved to have the town banish the dogs at the residence of Gene DeSimone from the town effective immediately, with fourteen (14) days to comply. Jack McFeeley seconded, and it was **so voted**. Mr. DeSimone is to notify the Selectmen's office what town the dogs will be removed to.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed the hiring of two new individuals. Jack asked if Bob got the email to Cole about hiring practices. Bob said yes, and noted that if three attend, we get a 4th slot free. There was not a fourth firefighter who wanted to go, but there was a police officer interested, so he is attending. We are scheduled to add an additional paramedic to the force in 2006.

The Board questioned the patrolman taking the training since it's free, and leaving after he gets trained and then goes somewhere else. They are concerned of us throwing away money by doing this. Jack asked if we can get a rain check, and use this slot at another time.

Jim Lehan moved to forward the Fire Department's Reserve Fund Transfer to the Advisory Board. Jack McFeeley seconded, and it was **so voted**.

Bob discussed the establishment of a Cable TV Study Committee to look at all options of cable television service, and our license. We are looking for volunteers. Right now, we have one volunteer, but want the residents to know we need more.

Jack said two committees are actually needed. This study committee, and also a committee that would need to begin work around October 2006 to look at the license. Work usually starts about three years before the license expires. The study committee will be a different committee who would be working now.

Jack asked Bob to schedule a meeting with Jim White as soon as possible.

In response to a letter from Paul Parrino, the Board asked Bob to send him a letter advising him no decision was made. We need a larger selection of candidates before a decision will be made.

With respect to a request from the Library Director to increase the Mileage Rates to keep in line with mileage rates for school personnel, Jim Lehan moved to increase the reimbursement for vehicular travel to 40 cents a mile, effective 1/1/05. Jack McFeeley seconded, and it was **so voted**.

CLASS II LICENSE – 104 POND STREET

Joseph Wolf, was present with his attorney, Pamela Salpoglou. Mr. Wolf filed an application for a Class II license at 104 Pond Street.

The board touched briefly on the address dilemma.

Jim Lehan asked them if they are comfortable with the conditions in the Zoning Board of Appeals' Special Permit dated August 12, 1976. They said yes.

Jack McFeeley said that he went and looked at the property. In order to get issued a Class II license according to Mass General Laws, Chapter 140, the sale of used cars must be your principal business. Jack questioned him not having a sign advertising used cars. He said that there is no sign because he does not have a license to sell cars. Mr. Wolf will only do repairs on cars that he sold. He will not repair to other vehicles to the general public. Repairs would only be done to vehicles for sale, warranty work, etc.

Jack McFeeley questioned if they were aware of the new state law requiring a Class II bond. They are aware of the bond requirements.

Attorney Salpoglou told the Board they must post the buyers guide and lemon law, under Chapter 90, Section 7. This is a new law in effect just a few years.

Jack McFeeley said that the special permit allows 15 cars on the premises at anyone time, repair or sale, but only six cars can be on display for sale at any one time. Jack said that when he viewed the property, he noted that the fence is only a frontage fence, and doesn't make a distinction between cars there for sale, or for any other reason. He said the fence doesn't go around the property. Mr. Wolf said yes. Jack said the fence may need to be repositioned. Mr. Wolf said the fence has not been touched, it is in the position he shows in the photograph of the property. The Board viewed the photo and discussed the fence.

Mr. Wolf presented a property tax bill to prove that he owns the property.

Atty. Sapalgou said that state law now mandates the buyers guide and lemon law. She said that even if they can only display six cars for sale, all the cars on the property need to have these tags. The Board said that is fine.

Jim Lehan moved grant the license based on the conditions outlined. Jack McFeeley noted this is not a public repair facility, and signs need to be changed to reflect that. Jack McFeeley seconded, noting that conditions granted by special permit by the ZBA in 1976 are included. It was **so voted**.

TOWN ADMINISTRATOR REPORT (Cont)

The Board discussed roundtable dates, and January meetings.

Jack wants answers from the Planning Board regarding the Buckley & Mann property. He asked Bob to schedule a meeting, as he wants discussions with the Planning Board sooner than later.

ACTION ITEMS

Jim Lehan moved to accept the annual town meeting schedule, which opens the warrant this evening. Jonathan Smith, Chairman of the Advisory Board questioned why if we open the warrant tonight, do we have to wait until February 24 to close it? He explained they need time, and the problem of articles they work on, and then find out they were removed from the warrant. The Board explained that we need time to work on it too, and that we face some of the same problems. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan moved to allow the girl scouts permission to sell Girl Scout cookies at the Transfer Station on March 5, 12, and 19, from 9 a.m. to 12:30 p.m. Jack McFeeley seconded, and it was **so voted**.

The Board questioned the transfer station vehicle bid. Jack said he would discuss this with Butch Vito. The Board had several questions that were unanswered.

The Board asked that the letter from Mr. Jones be forwarded to the Library Trustees and Permanent Building Committee.

Jack questioned the Miller Street Bridge – where is it? He asked Bob Markel to check on this, and bring in the duly elected officials to find out answers.

He also suggested we have someone in, preferably Scott Brown regarding the bridge and to discuss Southwood.

The Board discussed vacation time for Chris McClure, IT Coordinator. Jim Lehan moved that based on the calculation they just reviewed, they would give Chris McClure two (2) weeks vacation this year. Jack McFeeley seconded, and it was **so voted**.

Jim Lehan noted a letter from the Acting Water Superintendent and thanked Russ for a thorough response to Mr. Barry.

Jack discussed correspondence from the MPO regarding a \$2 million project at Route 115 intersection – Pond St. and Pine St. He asked Bob what this was. Jack thought this intersection was redone a few years ago. Any work done there now wouldn't even add

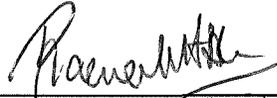
up to \$200,000. Bob said he discussed this with Butch, and Bob said he attended the meeting in Boston regarding this. This is the next major project in Norfolk, and it is to reconfigure the intersection and make it safer going to Route 1. The Board wants more detail. Jack stated he will review this with Butch.

Jack McFeeley asked about the draft ads for the for the interim and permanent Town Administrator positions. Jack said we will miss the submission for the Beacon. Bob said he is working on them, and will forward them to the Board for review.

At 8:58 p.m., Jim Lehan moved to go into executive session to discuss collective bargaining strategy. Jack McFeeley seconded, and it was **a roll call vote**: Jim Lehan, **aye**; and Jack McFeeley, **aye**. We will return to open session only to adjourn.

At 9:32 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of January 3, 2005.



Ramesh H. Advani, Clerk

SPECIAL MEETING

January 13, 2005

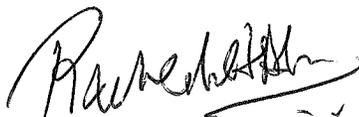
Present was John J. McFeeley and James C. Lehan. Ramesh H. Advani and Robert T. Markel were absent.

The Board opened the meeting at 7:00 p.m.

Jim Lehan moved to award the bid for one (1) 2004 or current Ford F-250 Super Duty 4x4 or equivalent to Liberty Chevrolet, 90 Bay Road, Wakefield, MA for a total price of \$24,767.00. Jack McFeeley seconded, and it was **so voted**.

At 7:04 p.m., being no further business, Jim Lehan moved to adjourn. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of January 13, 2005.



Ramesh H. Advani, Clerk

January 18, 2005

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Ramesh Advani called the meeting to order at 7:06 p.m. Bob read the agenda contents.

CENTER ICE, INC. – LIQUOR LICENSE APPLICATION

At 7:08 p.m., Jack McFeeley opened the hearing, and read the notice.

Joseph Hamilburg, President and owner of Center Ice was present.

Mr. Hamilburg said he was looking for a beer and wine license. He explained that he wanted it because of the added revenue since area towns have built rinks, and there is a lot of competition. The other reason is to be able to control drinking of alcohol in the area of the arena. Mr. Hamilburg said his attendant, KC is careful to police the area and make sure there is no drinking on premises in the parking lot. When the guys drink in the parking lot, they turn on the radio, and he said this can become a problem with neighbors, as well as the police.

Joe Hamilburg explained that there is a change already, because his manager, Debora Mullen no longer works there. He will become the manager until he appoints someone else.

Jim said that you don't do any high school games. Joe said no. They do open ice, public skating, men's leagues, etc. Jim asked if he would accept a condition that if you did do a high school group for any reason, would you be acceptable to not selling at that time. Joe said yes. The hours would be 6 p.m. to 12 midnight. Joe said they didn't ask for later than midnight, because he doesn't feel the late group will stay and drink. They have to go to work, so they will want to leave. He said if he feels there is a problem, he will consider extending the hours.

Ramesh questioned the age of the adults. Joe said there is an over 50 league. The youngest group is 25 or over. Joe said that public skating is during the day. That is why they asked for 6 p.m. Joe said they try to be a community rink, and they have local people. Ramesh suggested the Identi-scan, and he is willing to look into it.

Jack noted that once issued, this Board is very, very strict. We can be lenient in the beginning, but after that we aren't. We have a zero tolerance policy. Mr. Hamilburg said he understood and will comply.

Jack McFeeley asked if there were any abutters present. There were none. He also asked for any comments from the audience. There were none.

Jim Lehan moved to award a wine and malt beverages to Center Ice, Inc. with the understanding that should they become involved in scheduling high school games; the facility will not sell alcohol during those games. Hours: 6 p.m. to midnight. Ramesh Advani seconded, and it was **so voted**.

ACTION ITEMS

Reciprocal Household Hazardous Waste Agreement

Butch Vito, Acting Director of Public Works was present. He explained that this is our annual program. We brought in Bellingham and Milford. Butch doesn't mind keeping the same eight towns, but isn't going to add Milford and Bellingham because of excess traffic. There won't be a specific day in October, but residents can use it on Wednesdays, April through October.

Ramesh Advani moved to approve the Reciprocal Household Hazardous Waste Agreement as proposed by the Acting Director of Public Works. Jim Lehan seconded, and it was **so voted**.

SHAWN MCCORMICK

Shawn McCormick was present to interview for a town committee. He is an attorney, and a resident in town. He is interested in serving on a committee, wherever the Board feels he is needed.

Ramesh suggested the Capital Outlay Committee. Mr. McCormick said that wherever the need is, he would be most happy to be here. Jack said that Capital Outlay is a priority right now. Shawn said that he hopes to be around for a lot of years, and serve on many different committees.

Jim thanked him for volunteering. He explained that the Conservation Commission also needs members. Jim suggested that maybe he sits in on some committees to get a feel of what they do. Ramesh explained that Capital Outlay is important to us right now. He explained that if he is appointed to Capital Outlay, you cannot serve on another committee.

Ramesh Advani moved to appoint Shawn McCormick to the Capital Outlay Committee to fill out the existing term. Jim Lehan seconded, and it was **so voted**.

ERIC DUPONT – CONSERVATION COMMISSION

Eric Dupont was present. Eric is interested in the Conservation Commission. He told the Board that he currently serves on the Insurance Advisory Committee,

but is interested in Conservation. He is an Attorney. Eric said he thought this would be an area where he could contribute.

Jim asked him why ConComm? Eric said he saw the opening and thought this would be more action than the Insurance Advisory Committee.

Eric has lived in town three years. He has no dealings or business relationships with the ConComm and doesn't anticipate any issues. Eric lives on Fruit Street and not bound by ConComm land. He has not attended any ConComm meetings. Jim said that he feels the committee is very confusing if you have no expertise. Eric said he is an attorney, and the detail doesn't bother him.

Jim asked if he is comfortable with the time commitment. Eric said yes, once a month and then "homework". He is comfortable with that.

Ramesh said it is one of the more controversial committees. Ramesh explained that continuity is important, and you have to be present at the hearing in order to vote at a decision. Time commitment is something the members need. Ramesh suggested that Eric attend some ConComm meetings, and discuss this with the Chair and see what the Committee does.

Jim said it is well worth your time to sit in on a meeting and just see what it's all about. Eric said that if two out of three members told him to do this, he will do it. He will get the back to the Selectmen after attending a meeting.

ACTION ITEMS (continued)

Butch Vito has requested that we vote to deficit spend the snow and ice account. The majority of storms have put him in this position.

Ramesh Advani moved to approve to deficit spend the snow and ice budget for FY2005. Jim Lehan seconded, and it was **so voted**.

REMO VITO, HIGHWAY UPDATE

Butch Vito discussed the GIS data layer. He said that they are going to discuss this tomorrow night with the DPW. Jack asked why this won't go away. Butch said that last year we whittled this down to the base. Other departments could have a layer put on this if they wanted. This is a water foundation, and other users can layer onto it.

Ramesh said that there was a huge discussion last year. It was decided that the whole user GIS system was put aside until another year. They understood that this was shelved except for the stormwater management. This shouldn't be affecting the water rates, because it was decided nothing was being done.

The Selectmen agreed that there would be no GIS spending, and it should not have been in the budget. Jack Hathaway said that the Water Dept. did put funds in.

Bob agreed with the Board that at town meeting, it was only agreed to fund the NPDES stormwater. It is open and available for other layers, but he said he wasn't aware that the Water Department had set aside funds for their application. The Board did agree that no layers were to be added. Now we have a bill that needs to be paid.

Jack asked if mention of this was discussed when the Water Commissioners set a new tax rate. Jack then decided that this isn't the time or place to be discussing this. It should be discussed at the DPW meeting tomorrow evening, not here tonight.

Ramesh said he is vehemently opposed to any spending of the \$28,000. This is an additional layer that was not approved.

Bob said that perhaps the Water Commissioners felt that they could do this as they are elected and a water enterprise fund.

Butch discussed the Keeney Pond subdivision truck route. Castle Road is gated off. It is supposed to only be used as an emergency entrance/exit. Mr. Weddleton has been informed that that is not to be a regular truck route, because it is the back of the property. Butch has informed Planning Board about this.

Butch gave the Board a short update on the 115/Pond/Pine Street project. It will be a 2 1/2 to 3-mile project. This is the only other project they will be looking for TIP monies for. This will give us total intersection corrections from the Needham Street intersection right out to Route 1. It will put a sidewalk from the Lafayette House right to Needham Street. Butch said there will be two bike paths on either side, and trying to talk the state into putting a sidewalk from 1A to Wrentham center. Butch said this would happen in FY07/08. \$2.5 to 3 million project. This is a three-town project. It involves Foxboro and Wrentham.

Butch discussed the town center lights. He said there are 9 intersection lights. The lights will slowly go on, and it should follow. By the end of summer, all roadways around town hill should be completed and lighted. Pedestrian lights are 150 watt – soft lighting for the sidewalks.

Bob said that residents have told him the lights are very attractive, and the Town did a good job. The core of this was the Planning Board. They set the design for the whole town center.

Ramesh questioned what is going on with Daley's? Butch said that they are with Planning Board right now, because there were design issues. Hopefully, that will be rectified soon.

TOWN ADMINISTRATOR REPORT

Bob relayed a letter from Atty. Hennington who is now representing Call & Wait, Inc. The Board said to schedule him in.

Bob reported that department heads were up-to-date on sexual harassment policy by George Hall, Town Counsel. The Board asked Bob if he gave the policy to George. Bob said that George recommends that the Board adopt the policy. Jim Lehan moved to establish the recommended Sexual Harassment Policy for the Town of Norfolk. Ramesh said he didn't like the wording in the policy, and discussion ensued. Jim Lehan withdrew the motion. The Board requested that George Hall look at this.

Bob will try to have Senator Brown in on January 31st on Southwood and Miller St. Bridge issues.

OLD/NEW BUSINESS

Interim Town Administrator

Jim discussed that the advertisement for the Town Administrator which has been given until February 28th for resumes. Jim told Ramesh that the Board has discussed an interim position, and would like to look toward Jack Hathaway as interim Town Administrator until we can have a permanent Town Administrator on board. Jim said that budget information and knowledge of the town would be two important items that Jack Hathaway already has.

Jack McFeeley said there were concerns of overloading Jack because of duties on DPW, Assessors, and School. Jack Hathaway will no longer be working on school issues. Jack said that the budget needs to be seen through fruition, and Jack Hathaway would do the budget no matter what hat he wears. Jack McFeeley said the important thing is continuity.

Jim Lehan moved to offer the interim Town Administrator position to Jack Hathaway until a permanent Town Administrator is hired, and empower the Chairman to determine the stipend for that position. Ramesh Advani seconded, and it was **so voted**.

At 9:30 p.m., Ramesh Advani moved to go into Executive Session for the purpose of contract negotiations. Jim Lehan seconded, and it was a Roll Call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**, and Jack McFeeley, **aye**.

At 10:22 p.m., Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the meeting of January 18, 2005.



Ramesh H. Advani, Clerk

January 31, 2005

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator. Also present was Jack Hathaway, Interim Town Administrator.

Jack McFeeley called the meeting to order at 7:30 p.m. Jack Hathaway read the agenda contents.

GLEN HANNINGTON, CALL & WAIT AUTO

Attorney Glen Hannington was present. He told the Board he now represents Call & Wait. He told the Board that he was here tonight to see the issuance of the Class II license only. Atty. Hannington said his client has leased the property and had a Class II license since 1984. His client has actually had a Class II license there since 1991. Atty. Hannington said his client turned in his Class III license back in April, based on things he couldn't comply with that were on his license. Atty. Hannington said there has been no problem with the Class II license for the past 13 years. He said on December 2, 2004, the Board sent a letter saying we would like to determine if the sale of used vehicles is his primary business. Atty. Hannington said his client did submit, on December 14, a list of 110 vehicles sold this year. Atty. Hannington told the Board that he has all the backup information, including excise tax money that was paid to the town. Unbeknownst to him, he got a phone call from a newspaper reporter on December 23rd saying that the license had been denied. He did get our letter dated December 21 over Christmas. The license had been denied at the last meeting. Attorney Hannington said he was then retained, he read the minutes of our meeting, and saw the video, and that is why he is here asking for reconsideration - for a couple of reasons.

Atty. Hannington said that there were four or five comments made in particular, that with all due respect, you lumped in that because he didn't comply with the Class III, you can oppose this and shut down drastic measure of putting him out of business by not giving the Class II. Comments were made that he's selling used parts. You don't have proof of that, and the Board doesn't have proof of that. There were comments made that there are junk vehicles there. Again, there is no proof of that. You've never had any problems with that. There were comments made that we are circumventing the process. Other comments were made defying the wishes of the town – of this council. There were a lot of accusations that made his business sound fraudulent. Atty. Hannington said he is curious to know if we ever got a finding back from Chief Stone on the list of vehicles. We were going to check the list to see if they were valid vehicles, which they are. Atty. Hannington said in a nutshell, at the last minute, everything was thrown out and denied because he didn't comply with the Class

III, so we can impose the same restrictions and he's gone. So, with all due respect, it was very abrupt and you are putting the guy out of business for twelve employees, and he is willing to work this out somehow. Jack McFeeley asked if these employees are his used car salesmen. Atty. Hannington said yes, and clerical as well. It is his principal place of business.

Atty. Hannington said he has a lot of scrap. There has been stuff there for the past several years. He is trying to clean it up. There is a lot of scrap that he is trying to get rid of; liquidate it, hopefully. Those automobiles are sold whole, whether they stay here, go out of state, or overseas – they're gone. Everything is tracked. You won't find one of the 110 VIN numbers to be fraudulent or unaccounted for. Again, he is asking the Board to respectfully reconsider the vote and reinstitute his Class II license.

Jack McFeeley said we are not here tonight to discuss that reconsideration. We hear what you're saying, but we don't have anything at this point to offer as to why we should or shouldn't and why we did turn down the Class II license. Jack said he asks the question: how many of those conditions on the Class III license govern the use of the site, and how many conditions on the Class III license govern the site itself? In other words, did it make a difference whether it was a Class II or Class III vehicle, as far as those conditions? In other words, is Mr. Waznis willing to accept those conditions also on his Class II license? Atty. Hannington said we can perhaps talk about that. He said we are talking \$700,000 to \$800,000 that he would have to invest to comply with what you would want him to do back in the beginning of '04 to comply with the Class III. That is why he gave it up. Now there have been no problems at all, since April 12th. No problems at all ever until that comment was just thrown out. Jack McFeeley said, what comment? Atty. Hannington said that you said you are going to impose Class III restrictions on the Class II now. Jack McFeeley said no, I didn't say that. Atty. Hannington said if you are asking me can we try to work together and look at some of that list, I'll say yes. But that's conditional upon he needs to have his license back now. Jack asked Atty. Hannington if agrees that Jack did not say that? That we can impose Class III conditions on Class II licenses? Atty. Hannington said maybe. Jack said he did not say that. He said how many of those conditions would he be willing to accept on his Class II license? The attorney said they would be willing to talk about that once he gets his Class II back. Atty. Hannington said he doesn't think we can pull his Class II just like that when there has been no track record on the Class II, or any proof of evidence pulling his Class II because you don't think it's his principal place of business. Atty. Hannington said with all due respect, he appreciates the Board having him here, but would like them to put it to a vote either one of two ways; the Board can respectfully reconsider the Class II and we'll work with you, but if you're going to not take a vote and just deny it, then we'll take it from there. You were quick last week, December 20th, to pull the license and put him

out of business, you can easily do a reconsideration while all three are here. Atty. Hannington said he is not trying to be combative. He is willing to work – he has no problem with that. But the fact is, he has to have his Class II license back and then we can talk. He can't be held hostage now because you yanked his Class II because he couldn't comply with his Class III restrictions. He is respectfully saying that the Board reconsider the Class II only.

Jack McFeeley said he has no further questions. He asked if the Board members had questions. Jim Lehan said not at this time.

Ramesh Advani said he has questions. He told Atty. Hannington that he doesn't know him at all, but he thinks that respectfully speaking, you are being kind of respectfully intimidating and threatening. Ramesh wanted to be clear to understand where exactly are you coming from. Atty. Hannington said he is exhausting all local remedies to try to resolve this matter. This is really where he is coming from. He is willing to work. Atty. Hannington told Ramesh he realized he wasn't at the last meeting – but he is willing to work with this Board and try to resolve it. Otherwise, you can read between the lines. Ramesh told him to be more direct. Atty. Hannington said his client is out of business after 14 years and based upon the comments and vote at the last meeting, this is a first step to try to get him reopened. Respectfully, I am asking you to reconsider the denial of his Class II license. Ramesh said speaking for himself; he would need a lot more information than merely a statement from you. Ramesh said he would not be willing to consider, nor have a discussion with him about immediately taking a vote, or being supportive. Ramesh said he has been through all the discussions with Mr. Waznis regarding his Class III, and his performance and his good faith attempts prior to his getting on the Board, and subsequently getting on the Board, he sat right next to him and looked him in the eye, and Ramesh can tell you he is not a person with whom he can have any confidence in doing business. Unless Ramesh got a chance to really understand what information Atty. Hannington has with him, and at another point in time maybe really consider that information before he could take it any further. Ramesh said that is all he has to say.

Atty. Hannington told him that the burden isn't on him, it's on the Board. He said that the statute says you have to be convinced that it's a principally based business as far as selling used cars. We provided you with that list that you requested, and we gave you a list of 110 vehicles. Then a big production was made that you were going to give it to the Police Chief and have him check it out. There were other comments that were made here, and this all comes on the eve of the renewal. Why wasn't anything said the entire year on the Class II? Atty. Hannington said he isn't going to play cat and mouse. He told the Board that they know where this is going, and he's trying to be nice about it.

The fact is, his client has no other alternative here. This is where he is coming from.

Jack McFeeley said then he will tell him where he is coming from, too. He told Atty. Hannington that he has already shrugged off his one question. Jack repeated the one question. He said that Atty. Hannington points out that there is a difference between the Class II and Class III licenses. You also point out that the Class II requires this to be his principal place of business, but there is no language in the law that says we cannot impose conditions on the Class II license. Do you agree? Atty. Hannington said he does. Jack said the one question he asked was, would Mr. Waznis be willing to accept conditions on his Class II license, similar to the conditions that he had on his Class III. You said that we will only answer that after we have the Class II issued. Jack said if there is no answer to that question, then I don't see at this point, any reason to reconsider.

Atty. Hannington said that you, in effect, made him take his Class III and turn it in, because you gave 3 pages of conditions that would cost him \$700-\$800,000 to comply with. Jack said that you said that you are new in the game. These are conditions that we have been asking him to do for at least the six years that Jack has been on the board. We did not make him hand in his Class III license. We were patient with him, and he still had not complied with our requests. Atty. Hannington said he chose to turn in his Class III license. Jack said that's fine, so he doesn't have a Class III license for this site. Atty. Hannington said so you are taking this 3 page list of conditions – Jack said he didn't say that – Atty. Hannington said you are. Jack said he never said "all these 3 pages". Atty. Hannington said you have him over the barrel right now. We are willing to do something to comply with some of this that would keep the Class II. Jack told him to send us some correspondence which tells us what it is that you are going to comply with. Until then, he doesn't think there is any further discussion. Atty. Hannington said that in the same vein, you need to look at this and say that there are some minimal things that don't apply to a used car license. Jack said that we can talk about that when we get your letter. Jack said we will talk about it if we get from you a list of things that you would consider for restrictions on a Class II license.

Atty. Hannington said again, he would ask the Board to reconsider on the Class II license, because this is where the problem all starts. If you yank the Class II based on this, you arbitrarily, unilaterally did it on the last second and he is now out of business. Respectfully, he is asking the Board, perhaps, to issue even a 30 day license and we'll talk. He has 12 people and \$20,000 worth of expenses a week and he doesn't see why that can't be a compromise. He said to issue a 30 day license and get us back on in two meetings, and we'll talk. Jack said we would be happy to get you back on in two meetings to discuss your list.

Atty. Hannington said if you are going to compromise this way, are they going to reconsider this vote? Jack said he didn't say that.

Jim Lehan said that clearly you have looked at the restrictions on the Class III. You are indicating that there are some components of that that he would be willing to work with us on, on the Class II. Atty. Hannington said possibly, yeah. Jim asked if you can identify those for us. Atty. Hannington said not right now. Jim asked if he could do that within a very short period of time. Atty. Hannington said do you mean like tonight? Jim said no, not tonight, but maybe within the next week? Atty. Hannington said he probably could, but this is why I am saying if you just do a conditional license and hold our feet to the fire for one week, but right now they can't operate. Jim said that you have framed the conversation as you choose to interpret it. Jim said he would suggest there are other issues behind the conversation, but that is not the point we need to get into here this evening. If your client feels there is some opportunity to mitigate this in a way that the Board would be willing to reconsider, then he does feel the burden is on you to identify what those considerations might be, get them before the Board and give us something that would allow us the opportunity to reconsider. Where we are now is having two different perspectives on what the issue might or might not be. That can't be resolved, nor is it appropriate for you to demand that we take a reconsideration vote. You can certainly request it, but not demand it. Atty. Hannington said he isn't demanding it, he is asking for it. He is asking for it because of the way it went down at the December 20th meeting. He doesn't understand why a compromise can't be a conditional license if this goes on for a week or two. Jim said you would agree that the Board has concerns over his business practices. Atty. Hannington said based on what he has seen, yes. Jim said that with that understood, and recognizing that we have concerns, whether you feel they are valid or not, is a separate topic. We do have concerns, and some of those concerns could be eased if we felt we had some feelings that you would follow some of the conditions that would be appropriate that you would consider to a Class II license. If you could identify them, and put them in writing, then you have given us something to evaluate if it should be reconsidered. Short of that, there is no reason to reconsider.

Atty. Hannington said there is a due process issue, arbitrarily pulling a license like that. Jim said that arbitrarily is your term. We have a long history with this gentleman. Although Jim is new to the Board, he has seen the documentation and communication associated with this, and it goes over a long period of time. So there is a history that clearly can't just be brushed off.

Ramesh told Atty. Hannington that there is a certain civic obligation, where any citizen, whether they are businessmen, or residents, or in a public office or an attorney, has to be a good citizen, not only of the community in which they live,

but they must be respectful of the environment and you have to have a certain view of life. He would suggest that he really think hard about this, because he can tell him this, that he has very little respect for anyone who is going to make money, and run a business in this town, but at the same time not be respectful of his environment. If you say there are 12 employees, he would like to find out the functions of the 12 people who have these positions, and if they are truly in the used car business. Ramesh is respectfully asking that of him, without playing games, because he is very direct about this.

Atty. Hannington said he is, too, and the problem he has is that he is not into dog and pony shows. He calls a spade a spade. Ramesh agreed. Atty. Hannington said you may have new issues again, no matter what they do on this list. If we pick out 7, you will want 14. He can tell by the tenor of this Board. He said the Board is missing the point of pulling the plug, and there is no reason why a conditional license can't be done as a compromise as we go along. Atty. Hannington said they will get strung along, and he doesn't understand why they won't do it. Ramesh said because this Board has been strung along for 6 years, and don't expect me to talk to you with you taking this approach, even though you keep saying respectful, there is very little respect in what you are saying.

Atty. Hannington said the fact that every year, the Board has issued him a license. Every year. There hasn't been one problem since April. Ramesh told him that he doesn't wish to discuss this any further.

Jack McFeeley thanked Atty. Hannington. Atty. Hannington asked how this is being left. Jack McFeeley said he will await his correspondence. Atty. Hannington said what specifically do you wish? Jack McFeeley said which of these conditions you feel that Mr. Waznis would be willing to comply with on the Class II license, that is, the conditions imposed on the Class III license governing the use of the property, not the function of the property, the use of the property.

Atty. Hannington said he would discuss the options with his client, and let us know what is happening.

CAPITAL OUTLAY COMMITTEE

Kathy Lovell, Capital Outlay Committee. Kathy said she wanted to give an update regarding vehicle replacement funding, and sidewalk funding.

Also present was Butch Vito, Interim DPW Director; Joe Sebastiano, Road Safety Committee Chairman; and Capital Outlay members Shawn McCormick and Jim Tomaszewski.

Kathy forwarded a 15-year replacement report showing the needs through 2020 for every department and what they would need. Jack McFeeley gave a little bit

of history regarding how this came about. This document represents the framework of anything they will need to do.

Kathy said that departments would come in with their particular need. There would be a lot of competition for finite monies for vehicle replacement. This is much needed vehicle replacement, but sometimes they could fund it, and sometimes they couldn't. The 20-year view will be updated annually. In the first five years, you would have a high-end accuracy. The second aspect is that on an annual basis, you are going to take a critical look at that year's needs.

Jack Hathaway said that by putting this in place, it gives us a much better plan to plan for a replacement, than to be reactive. Bob Markel said that this is viewed as being financially responsible with the bond rating houses. Ramesh agreed, saying this shows good solid financial planning for capital items.

Jack McFeeley said that instead of just coming to the town with a need, we need to bring a plan first. Now we are considering everything, which is playing catch up because we haven't been doing this right along because the funding wasn't there.

Bob said that the MMA has requested that all towns submit both budget and capital documents and will review them and submit them statewide. Bob feels that this is a model program, using the new stabilization fund law recently created.

Jim Lehan said that the Advisory Board is right in step with us, and approved this unanimously. Jack McFeeley said that they are equally enthusiastic about a long-term sidewalk program.

TOWN ADMINISTRATOR REPORT

Bob handed out a list of projects and issues that he has been working on. This will update Jack Hathaway, as well as let the Board know where he is with items.

Bob said no warrant articles have been submitted yet. Deadline is February 24th. Jack Hathaway said two articles had just been received by him.

Bob and Jack Hathaway discussed the budget. Jack Hathaway told the Board items that he is still missing, like King Philip's budget and DPW items from Butch. Jack hopes to be able to put a draft together this week and submit it to the Board prior to their next meeting for review.

STATE REPRESENTATIVE RICHARD ROSS

Richard Ross, newly elected State Representative was present to award Bob Markel with a citation from the House of Representatives, as well as a citation

from Senator Scott Brown, who had a prior engagement this evening. This was to commend Bob Markel for his efforts during the past 3 ½ years, as this is Bob's last meeting with the Town of Norfolk.

The Board of Selectmen thanked Richard for coming in.

TOWN ADMINISTRATOR REPORT (Cont)

Bob Markel reminded the Board to remember the Electrical rates expire March first. Jack Hathaway said MMA has a program that he will look into.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes for October 18, 2004, November 16, 2004 – special meeting, December 2, 2004 -special meeting, December 6, 2004 - regular and executive session, December 20, 2004, January 6, 2005 – regular and executive session, January 13, 2005, special meeting, and January 18, 2005, regular and executive session, as written. Jim Lehan seconded, and it was **so voted**.

ACTION ITEMS

Ramesh Advani moved to allow the Norfolk Community League to install signs advertising their Spring Gala and Auction at Main Street at the intersection of Independence Drive, and Main Street at the intersection of Boardman Street from February 12 through 26, and March 12 through 26, and the Easter Bunny Breakfast signs at Main Street at the intersection of Independence Drive, and Main Street at the intersection of Boardman Street from February 26 through March 5, removing one sign, before installing the other so that two signs are not in one location at any time. Jim Lehan seconded, and it was **so voted**.

NEW BUSINESS

Ramesh Advani moved to appoint Patricia St. Aubin to a three-year term on the Arts Council. Jim Lehan seconded, and it was **so voted**.

Bob Markel noted the Mass Housing approval letter for Norfolk Landing. He noted the conditions set forth in the letter

The Board asked Bob Markel to write a letter to the Town of Hopkinton, MAPC informing them that the Board is strongly opposed, and copy the State reps and CPC communities, and Kevin Hughes.

Jim Lehan gave an update on the internal roundtable. They have a candidate who is willing to try the new system. They will meet again on March 7th. They discussed Stormwater Management. They are trying to have one board manage it, rather than three.

Jim Lehan gave an update on Personnel Study Committee. He has given two draft articles to Jack Hathaway. One is vacation, and one is more flexibility to department heads in the hiring process.

SOUTHWOOD MEETING – 2/4

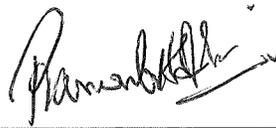
Bob Markel gave a brief report. Jack Hathaway and Ramesh Advani will attend the meeting on February 4th. Another problem is finding the proper entity to oversee the cleanup. Bob said it is apparent they are hesitant to give out the money to a private company. Jack McFeeley said what do we need to do to help facilitate the process. Secondly, he would not like the answer coming from Eric Kriss. He doesn't trust him, because we have been trying to get answers out of him and he hasn't answered, and now we find out he is opposed to the plan. DECAM reports to the Governor. They are in charge of the state's capital assets.

In other business, Jack McFeeley announced that he does not plan to run again for a seat on the Board of Selectmen in the upcoming May election.

At 9:35 p.m., Ramesh Advani moved to go into executive session to discuss contract negotiation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jim Lehan, **aye**; and Jack McFeeley, **aye**. The Board will return to open session to adjourn the meeting.

At 9:49 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of January 31, 2005.



Ramesh H. Advani, Clerk

SPECIAL MEETING

February 8, 2005

Present was John J. McFeeley, Chairman, Selectman; James C. Lehan, Selectman; Jack P. Hathaway, Interim Town Administrator; Jeffrey Roelofs, Esquire – Anderson & Kreiger; Charles H. Stone, Jr., Police Chief; and Robert Bullock, Building Commissioner.

Jack McFeeley called the meeting to order at 3 p.m. This meeting was called to discuss a pending lawsuit filed by Call & Wait Auto, Inc., against the Town of Norfolk because the Board of Selectmen refused to issue a Class II license.

Jim Lehan moved to reopen the public hearing for a Class II license for Call & Wait Auto, Inc., on February 28, 2005. Jack McFeeley seconded, and it was **so voted**.

Being no further business, Jim Lehan moved to adjourn the meeting at 4:12 p.m. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of February 8, 2005.



Ramesh H. Advani, Clerk

February 14, 2005

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and John P. Hathaway, Interim Town Administrator.

Jack McFeeley called the meeting to order at 7:00 p.m. Jack Hathaway read the agenda contents.

POLICE CHIEF UPDATE

Present was Chief Charles Stone.

Chief Stone discussed personnel with the Board. He discussed a reserve officer that he had hoped to hire full time, but the officer chose to go to another town where the benefits, hours, and pay were better. The Chief was disappointed, but said this is what happens.

Chief Stone told the Board that they are pursuing state property on Needham Street for use for a new police station. This would be approximately 9 acres. He just found out late Friday afternoon, and immediately put a call in to Senator Brown and Representative Ross. He said that they want close to fair market value, but hopes to work something out.

Chief Stone discussed repairs to the present police/fire station. He told the Board that the roof is flat, and he has been fighting leaks all winter. He discussed issues with the building.

In preparing his town report, the Chief compiled a list of activity for the past 20 years, as well as 2004 and 2005. He gave the Board a copy to review.

The Chief announced the five new reserve men. Chief Stone told the Board that there should be a complement of ten. We are almost there. The Chief explained what a Reserve officer is and why we have them. A lot of our own good men have come from the Reserve list.

Chief Stone talked about the bullet proof vests. The company filed bankruptcy and we are waiting for a bill. We are talking about \$3,400, for about 20 vests.

BUILDING COMMISSIONER UPDATE

Bob Bullock was present.

He said the department is very busy. Bob told the Board that for about a year now, they have been doing the facilities maintenance of the Town Hall. That has

added a lot of work to their department. He said they are at the end of the problems that were plaguing the building when we first moved in. Bob just signed the contract to have the Town Hall painted. The low bid was \$24,000.

Bob explained how he came to take care of all the buildings. He has a main budget that takes care of each building. Jack McFeeley explained that the Town Administrator was spending too much money in the beginning trying to take care of problems in this building because it was poorly built. He also spent much time trying to deal with it all.

Bob gave a brief explanation of what the Building Department does. He said he has seven inspectors and one secretary.

Bob discussed the KP North project, and said that the KP North is very well built.

Bob said that the \$70,000 steel structure in the historical part of the Library will be closer to \$100,000 by the time they are done. The Board reviewed the Library building project briefly.

Bob said the Insurance Services Office will be coming out tomorrow to rate his office. Bob was upset that the State Building Code hasn't been updated in 9 years. It should be done every 3 years. The rating we get sets the insurance rates in the area.

Bob explained the internal roundtable system where all the boards are trying to get together and have one procedure. There is a candidate that wants to try a project and see how the process works.

Bob explained that they are on key for the new electric deregulation program. It goes into effect March 1st. If we don't do anything, the rates will go up significantly. Jack Hathaway reported that on the facilities budget within the Building Dept., the utilities part of the new Library is going up \$70-\$80,000.

STATE OFFICIALS

Present was Senator Scott Brown and Representative Richard Ross.

Senator Brown told the Board he wanted to come before the Board because the Governor's budget is out. He tries to appear before his communities once the budget is announced.

Senator Brown told the Board he has already worked with Chief Stone on the land issue.

Senator Brown discussed the Southwood issue, and he feels that something will be done. It is at a point where everyone is ready to do something. He said the State's portion of the costs probably won't be the entire \$7 million, that's what the hospital is looking for. It is positive.

The Governor's budget is positive in some areas. With construction reform, such as KP North and other local projects, reimbursements for 2007 and 2008 are on track and we should get our full share. There is nothing in the budget for the current obligations now. They are trying to get that done. Money is very positive. There are still positive signs. In terms of the receivable end, there is some debt service coming in. There are 3 main areas that they are working on, from the Governor right down to the bottom. They are: auto insurance reform, medical malpractice reform and uninsured health care coverage. The supplemental budget is tomorrow.

He is looking into a RIDE type program. It is something they are working on throughout the state. Senator Brown said he was on NorfolkNet, and assumption was that it is a town wide system. That won't happen.

Senator Brown mentioned the Miller Street Bridge. The date given was April 15th. Senator Brown said he thought the bridge was done, because he hadn't heard a thing. Everyone is working on it. He told the Board he didn't understand why the State didn't leave the temporary bridge there.

Senator Brown said they would like capital items referred to them. They actually need to go to Representative Ross, same as every year.

Ramesh mentioned the PWED grant for Boardman Street, and Route 115 – the TIP project going to Route 1. Senator Brown would like to see the applications if they haven't been submitted yet. They are very competitive, and they would like to review them first.

Jack McFeeley thanked Representative Ross for his help with the Fire Chief and the ALS. Jack told the residents that we now have an ALS service in Norfolk.

Jack thanked Senator Brown for his comments to the School Committee for an additional source of revenue, and they are now getting an additional \$70,000 for the asbestos and septic at the school. This funding is for emergencies.

The Board thanked them for their assistance and for their support in the town.

Representative Ross would like capital projects, if they have them. The Board mentioned several possibilities - \$100,000 for the historical building part of the Library; and a stone wall funding for the Library.

Representative Ross gave the Board his new office numbers, as well as his email address: Richard.ross@ma.state.us.

COMMUNITY PRESERVATION COMMISSION UPDATE

Kevin Hughes, Chairman of the Community Preservation Commission present.

Jack McFeeley said we need to know what is going on with the airport property, and Ramesh's advice to you that warrant articles need to be discussed with the Board.

Kevin said that they have made a formal offer to the owners of the airport property. They made a good and fair offer. They don't think they will have resolution on it by the February 24th deadline, but are working quickly.

Kevin said they have another item on their agenda for Thursday to discuss another 60 acre parcel. Kevin also reported that another person approached them about 14 acres, and they hope to move forward on an appraisal on that. They hope to be ready for the fall town meeting with that.

Jack McFeeley asked what order of magnitude are we talking for all three properties. Kevin said 2 ½ million dollars.

Jim asked if they have a Master Plan. Kevin said yes. Jim asked if these are prioritized in the Master Plan. Kevin said yes.

Jim asked why the urgency on the airport land. Why has that jumped to the top of the list? Kevin said because of the plan to develop the adjacent land. They felt that the last time they didn't have enough information to react. Jim said this being a Chapter 61A property, there is a right of first refusal for the Board of Selectmen. Why is it urgent? Kevin said it is one of the last very large pieces of property available and fits in with the open space plan. This is what a lot of people in town envisioned the CPC funds to be used for.

Kevin said they talked about 61A properties and said we haven't lost anything by doing this. Very little of the property is developable.

Ramesh said between now and the fall town meeting, we should have long term funding or financing discussions before the town meeting so that people are aware what the implications are. Since we have limited time on a 61A, we are ahead of the game.

Jim asked if the Committee has put together an evaluation process. How do you weigh one property vs. another? Kevin said they do it by a ranking system –

strategic planning. Jim said \$2 million is a lot of money that we don't have, and you are tying up future funds as well.

Jack McFeeley asked if they have had a public hearing. Kevin said not yet, but they will. Jack stated that is a requirement.

Jack McFeeley said that with the affordable housing committee working on the 40B problem in town, it should be a joint discussion with CPC. They should buy up parcels to be used for 40B, and maybe sell them off. Jack would like to see a plan for the open space part, a plan for the historical part, recreation part, etc. He doesn't know if it is wise to do this part now, before we know what we want to do 5 years down the road.

Kevin said that a number of other groups are coming in on Thursday. They have a request for historical funding for the church, a proposal from Butch for walkways and pathways on town hill, and applications from PBC for Library related issues – the foundation. The Board questioned if it is applicable because it is repair work. They asked how much the funding came to for all three projects. Kevin said about \$22-23,000 for the church, \$46,000 for walkways; and \$75,000 each for foundation and school house.

Ramesh asked that the Board be included in notices and correspondence. Jack McFeeley said we are reacting to contemporary things. We are having trouble seeing how this fits into a Master Plan. He said he doesn't like the path they are on right now. It bothers him from a planning perspective.

Jack McFeeley asked what needs to be done to the church. Painting and repair to the clock. Jack said isn't that maintenance? Kevin said no, preservation. Jack Hathaway said Town Counsel has been on top of this. Kevin said they modeled this off of a church done in Nantucket. Jack McFeeley said he doesn't think you can pay for restrictions for maintenance.

Kevin said they got a historic preservation restriction on the church. This is all going to be talked about at their meeting Thursday evening.

Jim said the Board wants to be supportive, but a concern is that there is so much going on in town that we need to find out a way to communicate better and think of this as a town Master Plan. We need to bring this together and have one Master Plan and not one from each board.

Jack Hathaway will check with George Hall on certain CPC issues.

STRATEGY FOR STABILIZATION FUNDS

Present was Kathy Lovell, Jim Rayner, Jim Tomaszewski and Arlie Sterling, members of the Capital Outlay Committee and Jonathan Smith, Advisory Board Chairman. Butch Vito, Interim Director of Public Works was also present.

Jack McFeeley said we need to decide how we are going to fund capital needs. The stabilization is \$450,000 for vehicle replacement and \$50,000 for sidewalks. We need to come up with a process to fund the plan that we built.

Jim Lehan suggests debt exclusion or an override is the two alternatives.

It was noted that a vote of the Board of Selectmen is needed to put an override on the ballot. Once passed, it is passed. But you need to appropriate it. You do that at a town meeting. Any appropriation at Town Meeting needs a majority vote, override or not.

The Board had a detailed discussion on funding a stabilization fund, how overrides are funded and voted, and debt exclusions and how they work.

Ramesh questioned all the debt we are faced with, and we add this on top of it? Jack Hathaway said that we are looking at long range planning. He said having a long range plan and strategic revenues will help the bond rating.

Jack McFeeley said we need to be prepared if they vote no. We need to get the facts out. We need to educate the public. The DPW should also be part of this, and they should have forums, hearings, etc.

Kathy Lovell said we need to make sure we carry the message to all and describe the benefits. They need to get a detailed plan in place. Jonathan Smith said the Advisory Board would feel there is still an educational curve that needs to be learned. He feels the Advisory Board could educate people at town meeting, and then we can have our vote. There may be operating override issues.

Jack Hathaway said it would be \$3,000-6,000 for a special election. Jack McFeeley said it may fail a few times before it gets funded, but it will eventually pass.

Jim said the timing and the language for the article are what we need to think about.

Ramesh doesn't think we should do it for May 3rd, because we won't be ready. Jim agrees with Ramesh. He thinks we should wait and educate the people first.

Arlie Sterling thinks that we are saving money by doing it now. He feels this approach saves money.

Jack McFeeley doesn't like the way the operating budgets are coming in, and feels the Board will be asked to have an operating override.

Ramesh Advani moved to provide funding at the annual town meeting subject to an override vote, and an article on the warrant, appropriating \$450,000 for vehicle replacement and \$50,000 for sidewalks. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith suggested that an amount not be put in the article, but rather wording to the effect that we appropriate a sum of money from the Stabilization Fund for vehicles contingent on an override to fund the Stabilization Fund, and that we appropriate a sum of money from the Stabilization Fund for sidewalks contingent on an override to fund the Stabilization Fund.

TOWN ADMINISTRATOR REPORT

Jack Hathaway said that both leading candidates for the Chief Assessors' position withdrew. They need to rethink the whole process. Jack McFeeley said whatever we do from now on makes us need to do it faster. He felt that dragging our feet probably gave them time to think. Jack Hathaway said our leading candidate has offered to fill in and help out.

Jack Hathaway reported that the Snow and Ice budget has a potential for some federal money. We are in the hole approximately \$100,000.

Jack Hathaway briefly touched on the budget deficit. He should know everything this week.

He told the Board that MIIA gave us a price for health insurance with an increase of 14.5 %. Jack Hathaway has the insurance committee looking at other programs for us.

Jack Hathaway reported that Tri-County is giving us back \$4,267 from the Transportation budget.

ACTION ITEMS

Ramesh Advani moved to appoint James Wingardner, 28 Lawrence Street to the Council on Aging, replacing George Clinton - term to end 2008. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to appoint Donna Jones, Robert Haddleton, Chris McClure – ex-officio, and John Olivieri to the Cable Advisory Committee. Jim Lehan seconded, and it was **so voted**.

The Board discussed the town report for 2004. It was decided that the cover for the town report could be a pen and ink of the new lights in town center. We will ask Richard Denzer if he would be willing to sketch it.

BUDGET UPDATE

Jack Hathaway handed out budget sheets. He did an overview of the budget with the Board.

MINUTES

Ramesh Advani moved to accept the minutes of January 31, 2005, regular and executive session. Jim Lehan seconded, and it was so voted.

OLD/NEW BUSINESS

Ramesh Advani discussed the Massachusetts Forest Stewardship Program. He asked that we submit a plan and get funding. He asked that we pass this on to Open Space and ConComm.

TOWN ADMINISTRATOR SELECTION PROCESS

The Board discussed the Town Administrator Selection process. Both Jack McFeeley and Jack Hathaway recused themselves as they will be candidates for this process.

Jim Lehan explained the process selected. Ramesh Advani explained the detail, and asked that this be put out on the website.

The following is the procedure that will be followed:

1. Solicit applications through an open advertising process (Beacon, Postings, word-of-mouth, etc). Target Completion: March 1, 2005.
2. Form 3 screening panels of 6 members each to review and screen resumes received so as to narrow the list down to approx. 7. The committees will be appointed by the BOS and will be given a criteria list and a methodology by which they will prioritize the resumes. Each committees will ideally consist of:
 - a. 1 Sr. Town Manager (e.g. DPW Director, Fire Chief, Police Chief, School Superintendent, Finance Director, other Dept Head)
 - b. 1 current employee of the town
 - c. 1 current elected or appointed Board or Committee member, other than a BOS member
 - d. 1 Former Elected or appointed Board or Committee member
 - e. 2 citizens at large

Target Completion: March 15, 2005

3. The screening committees will receive resumes from the BOS. Target Completion: April 4, 2005
4. Committees complete their review. Interview candidates (approx. 7) will be picked by the BOS by combining the scores for each candidate from all 3 committees. Target Completion: April 25, 2005
5. The interview candidates will be interviewed by an Interview Committee formed from amongst the 3 panels .The BOS will select the Interview

Committee members from the 3 screening panels. The Interview Committee composition will reflect the following:

- a. 2 current elected or appointed Board or Committee members, other than a BOS member
- b. 2 former elected or appointed Board or Committee member
- c. 2 citizens at large, who are not town employees or candidates.

The interview committee will select a chair and based on the criteria provided by the BOS will select the top 3 candidates, rank them and present them to the BOS for their consideration.

Target Completion: May 27, 2005

6. The BOS will interview the 3 finalists at their meeting on June 6, 2005.
7. The BOS will finalize an offer and select a final candidate in the weeks following the June 6 interviews.

Ramesh brought up the Fire Department article that was in the Boston Globe. We will put this on the end of March's agenda and have the Fire Chief in.

At 11:08 p.m., Ramesh Advani moved to go into executive session for contract negotiations. Jim Lehan seconded, and it was a roll call vote: Jim Lehan, **aye**; Ramesh Advani, **aye**; and Jack McFeeley, **aye**.

At 11:22 p.m., Ramesh Advani moved to go into executive session to discuss litigation. Jim Lehan seconded, and it was a roll call vote: Jim Lehan, **aye**; Ramesh Advani, **aye**; and Jack McFeeley, **aye**.

At 11:37 p.m., Ramesh Advani 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 February 14, 2005.



Ramesh H. Advani, Clerk

February 28, 2005

Present was John J. McFeeley, Chairman and James C. Lehan.

Jack McFeeley called the meeting to order at 8:00 p.m.

At 8:00 p.m., Jim Lehan moved to open the public hearing for water rates and continue the hearing until 7:00 p.m., March 1, 2005 in Room 124, Town Hall. Jack McFeeley seconded, and it was **so voted**.

The Board postponed the rest of the Board's business until tomorrow evening, March 1, 2005 as well, due to an impending snowstorm this evening.

At 8:02 p.m., Jim Lehan moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 28, 2005.



Ramesh H. Advani, Clerk

March 1, 2005

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Jack Hathaway, Interim Town Administrator.

Jack McFeeley called the meeting to order at 7:03 p.m. and noted that this is a continuation of the meeting of last evening that was opened and continued until this evening, due to a snowstorm. Jack Hathaway read the agenda contents.

WATER RATE HEARING

Jack McFeeley opened the hearing and read the public hearing notice. This hearing is to set the water rates. This hearing was originally scheduled for last evening, February 28 at 8:00 p.m., but was continued until this evening at 7:00 p.m.

Jack McFeeley asked Jack Hathaway to give the recommendations of the Board of Public Works (BPW). Jack Hathaway invited Butch Vito, interim Director of Public Works to join us. Jack Hathaway handed out a budget detail to the Board.

Jack Hathaway said they met and voted the 2006 operating budget. Jack said that they did not feel that they needed to adjust the rates. The BPW will recommend keeping the rates unchanged.

Ramesh questioned the rate study page. Jack Hathaway explained that there were new services such as commercial that made this change. Jack said if the betterments are being paid off in advance, that will go into that non-water usage line. Jack McFeeley said that with FY05 there are two collections per year. The first collection looks slightly lower than the second collection.

Ramesh questioned if we were planning to have contract services for '06. Butch Vito said yes, that is part of the plan. They will contract services, and outsource some. They will hire a full time person, and that shows a blend of consultants and in-house people in this budget. This will happen during 2006.

Jack Hathaway said they have had a lot of turnover in the Water Department. They will bring in more people in the long term. Butch said they did send in to DEP their strategy. They are more concerned about licenses than employees.

Ramesh questioned the real numbers for '04. It is \$1,080,700 according to Jack. Ramesh questioned the savings in the DPW. Butch said that that will happen in the long term, but right now you won't see the savings.

Jim said he is okay with the rates, but would like to delve into the operating budget, but doesn't feel this is the right forum for that.

Jack McFeeley asked if any abutters or people in the audience had comments. There were none.

Ramesh Advani moved to keep the water rates for Fiscal Year 2006 unchanged from Fiscal Year 2005. Jim Lehan seconded, and it was **so voted**.

JOHN MCTERNAN, BEAVERBROOK

John McTernan said he is here tonight with Howard Bailey and Kathy Kadurka. John said that they have 8 lots on Beaverbrook Road that they intend to develop. The reason they are here tonight is that they found out that 4 lots on the south side of Beaverbrook Road abut the well fields. One of the lots just touches Zone 1. They could probably only build 4 houses there, out of the 8 lots, because of wetlands issues. They might want to do an open space plan, but it meets the requirements under the Planning Board. Normally, they wouldn't want to go to the Planning Board but in this case it helps them because of the wetlands issue and it will allow them to build the houses a little bit closer to the road and they would have bigger backyards. It would benefit the Town of Norfolk because the town would be able to get the 3 acres that abuts the town well fields - 600' long, four (4) - 30,000 sq. ft. lots. They are in pristine condition, and have never been cut. He showed a small plan to the Board, depicting where the homes would be. John McTernan said he would like the Board to write a letter or contact the Planning Board and the Conservation Commission saying we approve and would think of this as a good thing.

Jim Lehan asked how far they have gone with the Planning Board. Mr. McTernan said they have not gone to Planning Board yet. Jack McFeeley asked how soon he needed a response? He would appreciate a response from the Board within the next week or so. Jack McFeeley said the Board will take it under advisement.

Jim and Ramesh are familiar with the project, and said they would be in favor of it. Jim Lehan moved to make a recommendation of support for the open space plan to the Planning Board. Ramesh Advani seconded, and it was **so voted**.

JEFF ROELOFS, TOWN COUNSEL

The Board questioned Jeff Roelofs with respect to the upcoming Call & Wait hearing. Jeff suggested that after the Board open the public hearing that they do three things: (1) clarify from the applicant or his attorney that they would state, on the record, that they waive any objection they might have related to the notice for this hearing. They have already indicated to Jeff that they have no objection and would be willing to waive it; (2) ask them if they have any

comments or objections to his letter where Jeff outlines to the Selectmen the general process and criteria related to this proceeding; and then (3) he would ask the applicant to present his basis for the view that the Class II license should be granted, and give the applicant the opportunity to make his case. These 3 points are in addition to Jeff's letter; they are not outlined in his letter.

Jack Hathaway mentioned that all testimony needs to be done under oath. Jeff Roelofs said that is fine, and explained the oath could be simply done.

CALL & WAIT PUBLIC HEARING

Present was Jeff Roelofs, Town Counsel and Glen Hannington, attorney for Call & Wait.

Jack McFeeley opened the meeting at 7:30 p.m., and read the public hearing notice.

Attorney Glen Hannington, One Longfellow Place, Boston, MA present for Call & Wait. Jack McFeeley explained that our attorney feels there may be a problem with the posting of this meeting. Attorney Hannington said he waived any problems with the posting of the meeting. Jack McFeeley asked Atty. Hannington if he had any comments or objections to the contents of Jeff Roelofs letter of February 24th? Atty. Hannington said no, he did not.

Atty. Hannington said he was here previously requesting a Class II for his client. He is now seeking a Class 2 license as a used auto dealer. Atty. Hannington said the Board requested a list from his client of the vehicles and the list was supplied to the Board of 110 vehicles. Atty. Hannington said there has been a license issued at this location since 1984, and his client has had a Class 2 here since 1991. His client has complied with all rules and regulations including the Registry of Motor Vehicles, and Atty. Hannington had the RMV books with him. They have been inspected by the RMV with regards to the VIN # sold as a used car. His client has posted the yearly bond that is required for \$25,000. The Board has said in the past that this case has a history. As a courtesy, we went back and forth and you know my position with respect to putting the conditions of the Class 3 on the Class 2 license unilaterally. In the spirit of trying to compromise, he did go back and walked the property and went over with his client the 18 conditions that were put on the Class 3, and he can tell the Board what has been done.

On the first letter dated January 14, 2004 that contained five conditions, he said on the first, yes, it is done; (2) always been done throughout the year, weather permitting; (3) has not done because there is a buffer zone there, and used cars are in that area; (4) did hire someone, and it was these people that said it would

be \$700,000-\$1 million to comply; and (5) he has done. He stated that 1, 2 and 5 are done.

With regard to the list of 12 conditions: #1 – done. #2 – done. #3 – not done – Class 3 restriction no cars in that area. #4 – will do that. He is trying to liquidate a lot of the materials on the property. He bought a \$150,000 excavator, and is trying to clear the field. He is cleaning up the area. #5 – the trench in the front of the pad has been finished, but hasn't been funneled into a tank. That was for the purposes of junk being dismantled from vehicles, but that isn't being done down there any longer. Couldn't comply because it was a class 3 license condition. #6 – done. #7 – doesn't require a response, as it is tied to Class 3 condition. #8 – will do. #9 – will do. #10 – will do. #11 – inapplicable. #12 – reporting back.

Jack McFeeley asked Conservation if they have a copy of this letter? Jim Giebfried said no, and was given a copy. Jack McFeeley said that before we proceed, he will follow the verbal presentation for the request for a Class 2 license, which we have just heard. Jack McFeeley said he will first ask Board of Selectmen members individually to ask questions of applicant, and then to the floor for various members of Boards, and then to the general public. He asked that everyone wait to be heard.

Jack McFeeley will have everyone to be sworn in prior to continuing so that all testimony will be under sworn conditions. He asked everyone, including Attorney Hannington, Jack Hathaway, and all Board members to raise their right hand and be sworn in. Jack McFeeley did swear everyone in.

Jim Lehan asked Atty. Hannington if his client's primary business is auto dealing. The bulk of his revenue is from that source of business. Attorney Hannington said yes. He sold 110 cars last year? Yes. Jim said that when Atty. Hannington was at our last meeting, he stated that his client had a \$20,000 per week overhead and 12-14 employees. Jim looked at the list and looked up some of the values, and said his total revenue would be \$350,000. At \$20,000 per week, he would be out of business in 20 weeks. Atty. Hannington said that he is down to about 10 employees. Jim said that how can used cars be his primary business when he doesn't generate enough revenue to stay in business? Jim is trying to understand. Does he have any other sources of revenue? Atty. Hannington said no. Jim said he has no other business? He is selling no parts? Atty. Hannington said he is selling scrap; he is liquidating scrap, and selling accessory parts like a roof rack. He is cleaning up the property and getting rid of the tires as well. Jim said how does he secure his business? How does he advertise? This is not an establishment that you would drive by and stop in. Atty. Hannington said a lot of cars and trucks go overseas. It used to be that 60% went overseas, and the rest stayed here. Now about 15% goes overseas. Like anyone else, he is struggling.

He sells because he has been in business awhile, and word of mouth. It may not be \$20,000 per week right now, but he has payroll, equipment, mortgage, etc. Jim said there is 5 of 6 trucks registered. None of these trucks would be used in the used car business. What do they do? Atty. Hannington said transport and pick up the used cars or trucks. He has had these and would have to find out. Jim said when he turned in his license in April of last year, there was still activity going on there. Was all his revenue of last year from used cars? Atty. Hannington couldn't answer that. He was selling equipment. Employees of 10 help clean up, maintaining vehicles, sell vehicles, and clerical. Jim asked what maintenance of vehicles is. Atty. Hannington said putting in an engine, etc. Jim asked if that involves breaking down cars to do that? Atty. Hannington said no, and if you are insinuating it's a chop shop, which has been mentioned in the past, it isn't. Jim did not insinuate or imply that this is a chop shop. He never said that. He is trying to understand what his primary business is.

Atty. Hannington said that 110 used cars last year indicates he sells used cars. Jim agreed that clearly 110 cars means he sold used cars, but when you quote to me a number of overhead that is far in excess of the revenue he has generated... Atty. Hannington said overhead is his bills, mortgage on house, purchase of equipment for cleanup, etc. Jim said would he provide proof if required? Yes.

Ramesh said he has not heard you describe why you feel a Class 2 license should be renewed? You said that in December you provided proof of sale and you listed 110 vehicles. Ramesh asked him to clarify again why the Class 2 license should be renewed. Atty. Hannington stated because he is clearly in the business of selling used cars, and has been since 1991. You asked for a list in December, and we have provided that. Ramesh asked since 1991, would you say he is running a used car lot, or a junkyard? Atty. Hannington said that for 14 years, this Board has issued both. Ramesh said this doesn't answer the question. Was his primary business selling used cars, or running a junkyard. Atty. Hannington said used cars was the primary. Ramesh said if that is his primary business, what is the nature of activities going on in that site? Atty. Hannington said he has no idea. Atty. Hannington said the activity would be selling used cars. The other stuff would be secondary. Ramesh said would you say the revenues would come primarily from the sale of used cars since 1991? Atty. Hannington said I assume. Ramesh asked if he would give us proof? Atty. Hannington said he will speak with our attorney regarding that. Not sure how relevant that is. Ramesh said that it is relevant. He quoted a part of the letter from Atty. Roelofs.

Atty. Hannington said that this is strictly for a Class 2 license. If with 110 cars it is not a primary business, I don't know what else to tell you. Ramesh said he is trying to determine this, because he feels there were several businesses taking place there. Atty. Hannington thinks Ramesh is wrong on this issue.

Jack McFeeley asked what is in that book you showed us? Atty. Hannington said the ledger is information supplied to the RMV. It includes the name and address of buyer, VIN#, and make and model. This is complying with the Registry's requirement. This is only the latest book. The information we supplied you on the 110 cars came out of this book. Jack McFeeley asked who he sells to now? Atty. Hannington said people who come from all over New England.

Ramesh questioned the facility that is maintained there. Since it is primarily used for selling used cars, and primarily has been used for selling used cars, can you describe the nature of the facility that is maintained in terms of repair. Ramesh said he is looking at the code of Ma regulations for the specifications for repair facilities for Class 2, it asks to describe the tools and equipment that are needed specifically just for maintenance and repair of vehicles. Atty. Hannington said started out as 12 acres, now only 4 acres that can be used on the site. The site has scrap and tires that has been there over the years. He has about 110-125 vehicles there for sale right now on the site. Trucks and automobiles. Ramesh wants him to provide what is the nature of the facility – what is out there? His question wasn't answered.

Jim Lehan said in the letter, item #3 talks about the applicant's proposed place of business being suitable. Jim said that regardless of Class 2 or Class 3, there is a history of your client disregarding a number of requests by various boards in town to stop or remedy issues on this property. This has been a topic of discussion for a number of years. He assured us he would conform, although he never did. Jim asked how would you assure us he will conform? Atty. Hannington said hold him accountable. Jim said you can see oil spillages into the wetlands and environment. Nothing has been done that we are aware of to prevent this. These are still legitimate concerns. Atty. Hannington. said we are getting back to "under no circumstances will we accept the Class 3 conditions on the Class 2 license". We will work with you. You have spot checks, or do whatever. It's fair game. But for Dec. 20th to come and you to pull the plug, you can't do it without notice. We will work with you.

Jim said do you agree that a used car lot does not have a pile of rear ends, and a pile of engines, etc. Atty. Hannington said that this is not your usual place. He is trying to clean it up. Jim asked what the time frame is? Atty. Hannington said he can ask him about a time frame. Atty. Hannington said we are not getting into spending \$700,000 to clean it up. He said this is apples and oranges as far as the Class 2.

Atty. Hannington said that unless you can prove that his primary business in 2005 is not used cars, then a Class 2 license should be approved. There are a

couple of Norfolk fire trucks on the property. They are trying to liquidate and get rid of stuff. Atty. Hannington said they want to clean up, yes, within reason.

Jim said that the numbers lead him to believe one of two things is going on. He is struggling with the rationale here. If you have expenses that are over twice his revenue and from your primary source of business, and now his only source of business it begs the question: What other business is he in? No one operates a business to lose 50% of his revenue. Jim said his other question he struggles with is anyone who holds a license indifferent to whatever Class that license might be, that presents a problem to our environment, and has been asked to cease and desist, or correct or remediate or whatever for well over 10 years, and has complied minimally at best, and hasn't done anything extensive to prevent that from continuing, and then you talk about the good faith of going forward in the business venture, certainly one has to look at the individual's record to get some basis of reflection as to whether or not this is an individual who you can have faith will be a good partner within the community to continue to conduct his business in a way that it will not create these issues.

Atty. Hannington said he can't go beyond that. Ramesh questioned if he was familiar with what has gone on before 2004? Atty. Hannington said he has read up on some correspondence? Ramesh asked if you are aware of what your client has promised every year? Are you aware of the conditions and commitments and promises of your client every year? Atty. Hannington said that he is aware of the licenses, and they were issued every year.

Ramesh said that he picked 5 of these restrictions, and 3 of the 5 restrictions are done. There were conditions for Class 3 that were described that he had to meet in 2004, and here we are in 2005 and he has done nothing.

Ramesh asked why should we consider your client to be a proper person to conduct a business in this town. Atty. Hannington said that the town voted for 14 years in a row to give him a Class 2 license. Ramesh said that you feel he is a proper person although he has caused environmental damage, of which he has not corrected to this date. Atty. Hannington said he does not know of any environmental damage that has been done.

Jack McFeeley said with regard to the last item, he has been on the Board 6 of the last 14 years. We have had a prolonged discussion asking him to work with us, and we will work with him to adjudicate the problems. The process has been very, very rocky. We reached a point where prior to the January 14, 2004 letter being sent out, he was no longer doing any compliance in the prior year, and he indicated that he would not do anything in the subsequent year. We took the conditions and pulled out 5 conditions that we wanted him to concentrate on.

Jack McFeeley read the various conditions and why they wouldn't be done. Jack asked if it was correct? Atty. Hannington said yes. The common thread is things that are related to the Conservation aspect of the site. Those conditions are applicable to anything that is done on that site. This board has the responsibility and may even have an affirmative obligation to consider whether the proposed place of business is suitable and put conditions on that. Jack McFeeley asked what was different from the month before he gave up his license, and after he gave it up. Atty. Hannington said he had truckloads of scrap being taken out, and now he doesn't. Jack McFeeley said you won't accept the Class 3 conditions on the Class 2 license. Does that mean if we ask you to hire the services of an engineer, would you not accept that? Atty. Hannington said they did this last time, and they were told it wasn't acceptable and we wanted our own engineer.

Jack McFeeley asked Jeff Roelofs, over the years, the Class 2 has to be the principal business, but it can be given incidental to operating their other business, such as their new car business or junk business. Is this correct? Jeff said he would have to go back and review the statute.

Jack McFeeley asked what he meant by you would like to clean up, within reason. What does that mean? Atty. Hannington said they are trying to clean it up and make it more presentable. It's a tall task, but the commitment is there to clean up in some fashion.

Ramesh asked Jeff Roelofs if a person could have two primary businesses in this location. Jeff said that is not how he interprets that language.

Bob Bullock, Building Commissioner testified. Bob said he does visit the site for compliance. He went out on January 8th, and took photos and made observations. He said that he agrees with counsel as far as what has been done on that list. He observed the excavator still running, and scrap being done. There are vehicles on the outside of the fence. Atty. Hannington asked him if he went out prior to Dec. 20th? Who asked you to go out? Bob said the Selectmen had asked him to go out prior to the Dec. 20th meeting, but he didn't have time, so he went January 8th. A woman at Call and Wait said he could inspect the property.

Bob said there was a 10 ft. puddle that was green. It looked like anti-freeze and there was a lot of it. In the area where they used to cut the vehicles up, there was green junk that was obvious it was an oil spill. The pad wasn't working correctly to take care of the oils. Bob saw oil running down the hillside. Bob said he couldn't say that current activity was causing the oil to run down.

Bob said that he did not see any vehicle for sale with a tag indicating it was for sale. The board commented that there was a law that a yellow tag must be on all vehicles for sale.

Bob said that after a snowstorm, the loading dock was cleared off, which indicates it had been used. It was cleared for a reason.

Bob saw gas tanks, oxygen tanks, and propane tanks. Ramesh asked if these tanks are usually found in a Class 2 site. Bob said not a propane tank, but the others yes. Bob said his department has received many complaints. One was from a Richard Wile complaining of large machinery and noise from this machinery, and crashing and banging noise from the operation. He anted to know why, if he only had a class 2 license. There shouldn't have been this type of noise. This complaint was August 2004, and the license was given up in April 2004. Bob presented the letter from Mr. Wile for the record. Ramesh read the letter. Bob said that he did bring his Assistant with him when he made the inspection.

JackMcFeeley read MGL 140, Sec. 66 stating the Board of Selectmen or police officer can enter a premises.

Atty. Hannington was upset that they weren't notified of these complaints. He asked why, when Mr. Wile complained in August, are they just finding out about it now? He wanted it on the record that it was brought to their attention 6 months later on March 1st.

Jim Lehan asked what the Foot Junk Car and Truck Removal Company at 15 Lincoln Road is? Atty. Hannington did not know.

Jack McFeeley asked Police Chief Charles Stone about any incidents or contact with this business; VIN check, and continuity or familiar with what's being done there or in the past.

Chief Stone said that at the end of January, he was asked to run VIN numbers of the 110 titles. 15 were registered in state of MA, 72 had no action taken in state of MA, and 8 they couldn't read. As of the date they ran them, they were not registered in MA (1st week of February).

Chief Stone said there were several accidents involving Call & Wait. There was a minor accident on North Street. The date of accident was 12/17/03. There was a very serious accident with The Foot, with personal injury. This happened October 12, 2004 on Rockwood Road. It was a towing incident. One and the same owner. He said that the State Police became involved, and cited him. A man in the vehicle behind Mr. Waznis was seriously injured.

Ramesh asked why they would have a particular business at the same location, and that business had an accident, and you wouldn't know anything about that business. Atty. Hannington said the date of accident was 12/17/03. He said that this is amazing that all of a sudden all this comes out. He is unaware of this.

Chief Stone said that growing up here, the main business of Call & Wait had always been the sale of used parts, and sale of cars was always the smaller percentage. Chief Stone has also worked here all his life.

Jim asked how many cars have been sold in the last few years? Atty. Hannington said about 110 every year. Jim is questioning the other revenue. Why would you continue to run a business that loses revenue every year? Jim said there has to be something else going on. It doesn't make economic sense. Jim said there has been extensive good faith effort by this Board to give your client a license to help him.

John Lavin, Board of Health testified. John said they represent DEP, EPA and Board of Health. With all the junk there, it goes into the solid waste regulations. He was recycling, but now he isn't, so now he falls into a whole new solid waste regulations. No permits listed on the Internet for DEP or EPA. If it flows off site, you need a permit. There is industrial water that you have to capture. For this, you need a permit. This doesn't matter whether you have a Class 2 or Class 3 permit. Underwater injection control permit. Waste oil from the vehicles – you need containment. You need to label it. John said he hasn't been to the site, and is strictly talking regulations.

John suggests they obtain some type of permit so the facility isn't shut down. DEP and EPA fine you. You don't want them here. Save the money and clean the place up.

John presented internet material as part of the public hearing.

Jim Giebfried, Chairman of the Conservation Commission. He read some of his 12/24/02 comments. Jim said they wanted test monitoring wells on the site. The owner didn't want to do it. Conservation is unhappy. They tried to work with him numerous times, and he doesn't listen. They will start fining. Conservation was trying to work with the owner because he told them of his financial constraints, and either gave him specific time frames or sequence of how things needed to occur. He didn't do any of it. Conservation gave a packet to be submitted to the record.

Andy Bakinowski. You need revenue to come in in order to clean up. He should get a second opinion for an LSP. Andy said put deed restrictions on the property for the oil spills. Andy said we need to have enforcement.

Jim Giebfried commented that Conservation and Board of Health can act independently of our decision.

Mrs. Wile of 12 Brookside Lane spoke. She said it is her husband who complained back in August. Mrs. Wile said the noise is just incredible. She is very environmentally concerned about what they are doing to the property. She said the assault on the body, and assault on the environment is terrible.

The Board mentioned the noise regulations.

Jeff Roelofs. Jeff said there were a lot of questions that he couldn't answer, but more information will be coming. He suggested the Board should consider asking Mr. Waznis directly – get his own knowledge. Jeff suggested the possibility of a site walk. He said the Board should inspect the site – repair facility and have Paul Waznis there to answer questions. Jeff suggested the Board schedule the date and time so it can be part of the public hearing. All materials should be made part of the public record if the Board is going to rely upon them.

Atty. Hannington said that since this is in litigation, should we go into executive session to discuss certain things? Jack McFeeley said he doesn't know how going into executive session can settle this? Jeff Roelofs didn't suggest tonight because of the hour.

Atty. Hannington asked the Board to issue a temporary 60 day license to Class 2 continued upon counsel verifying that this could be done. He said that Call & Wait is up for re-registering within two weeks and in order to keep their dealers plates they need the Class 2 license.

Jeff suggested the Board could vote subject to his conferring with George Hall. Atty. Hannington will stay the litigation until this is resolved.

Jim said the overwhelming concern he has personally, is how do we get some assurances that it's going to stop, and how do we fix the damage?

Atty. Hannington said it is frustrating for him to come in late in the game. He can only lead the horse to water. He can walk the property, and do what we have to do. He said the Boards should go out there and make spot checks and walk the property. He said put conditions for just a few months at a time. Jack

McFeeley said we have been doing that. Atty. Hannington said he understands, but he would like to work it out. He said shame on him if it doesn't work out.

He would like to set up a walk through. Jim said that this is all contingent on getting you back up and running. He said where we are is we either do or we don't. Attorney Hannington said he would like to see a one year license with stipulations every few months.

Jack McFeeley said he is sensitive to your comment "under no circumstances will be accept Class 3 conditions on a Class 2 license". He said that is what we are talking about. It is important that we get an assessment of what is happening. This is why we need the site plan done. The \$5,700 is for an LSP that we have been talking about, and that Conservation has repeatedly stressed to Mr. Waznis.

Jack McFeeley said what if we put the following conditions on:

License issues subject to review after 3 months whether we made progress of site professional, and if that doesn't happen, then we may revoke the license. Jim said he would like there be meaningful action steps established on that site plan that will be acted upon with mutually acceptable time frames. Jack McFeeley said we are taking your word that a lot of these things have been done. This would be contingent upon the fact that these conditions have been complied with, and the Board will do a site walk. Atty. Hannington said he would love to do a site walk with whoever the group is that is going. The Board is trying to work a date around snowstorms.

Jeff Roelofs suggested if the Board wanted to limit it in time, you should impose that limit up front and make it clear on the record that the applicant is accepting the time limitations. You don't want to fall into an annual license accidentally. If it turns out that there is some issue 60 days or 90 days down the road as to whether that condition is valid, you should have the applicant consent to accepting that condition. They should then be estopped from challenging the condition down the road. They don't have any problem with the time limitation, they are looking for a temporary license to allow this hearing process to play out, to allow everyone an opportunity to see the site, to stay the litigation and discuss what conditions may work to allow a Class 2 license to continue. Jeff said to make it very clear that it's a temporary license that will terminate on a certain date. Jeff said if you then want to impose conditions on what you expect them to do during this 60 or 90 days, you can do that too, as long as they are reasonably related.

Ramesh asked if the Board can legally issue a temporary license. Ramesh said that last year when this issue came out, we did not have the authority to issue a temporary license. We did not even have the authority to issue a one year

license with a 90 day condition. Once you issue it, it is black and white – you can issue it or you don't.

Jeff Roelofs said that is why he said he will discuss this with George Hall to confirm if you have the authority to do it. If you cannot do it, then the vote you take tonight will not be valid and there will be no temporary license. Atty. Hannington said another way of doing it would be to issue the license with conditions. Jeff Roelofs said if you did issue the license and you didn't have the authority, who would challenge it other than the applicant? If they explicitly accept the conditions, then no court would listen to them if they challenged it. Ramesh felt that if we don't have the authority to do it, then we are doing something illegal. Jeff said you render a vote to issue a decision, if we confirm for you that you have the right to do it.

Jim said if we issue a license tonight and we put conditions on that license with time frames on that license and they do not comply within that time frame, do we have the right to revoke that license? Jeff Roelofs said yes, you do. Jim said then why wouldn't this be the cleanest way to do this? Jeff said you could.

Ramesh said he would be willing to be part of a license with all conditions as stated a year ago be met with dates assigned to each condition. If this is true that this is only a used car business, then this is a matter of environmental clean up. It would also attract more people into the showroom.

Atty. Hannington said he would only agree with this if you were to attach a Class 3 license as well. Ramesh said that if he proves he is a good citizen and all conditions have been met, then he would consider him coming back in 2006 for a Class 3 license. He would not be a party to issuing him a license for pollution.

Atty. Hannington complained about the conditions. Jack McFeeley explained that after a site inspection if, in fact, all of the things that you said are done are completed, it only leaves 6 conditions out of 20. Right now as a show of good faith, you have a three month mark to do this one. Ramesh said that is Jack's version. Jack agreed. He told Atty. Hannington that we are just trying to give you a license at this point to get you back in business. We are pretty much trying to get rid of all the things that are required by the Conservation Commission. They have the power to enforce these by themselves, without us. We shared the concerns with them, but they can leave here and proceed on their own. John Lavin told him that this is the time to be doing the permitting. In mid-April, they will be looking to be sure the permits were in place.

Everyone looked for a date for the site walk. Jeff Roelofs said that if you don't set a date tonight for the site walk, you must be sure to notify the abutters and other interested parties of the date.

Ramesh wanted to be clear what the conditions are. The Site Walk will happen no later than end of March, subject to weather conditions; validate all items you listed already done; LSP approved by Conservation Commission must be hired and remediation plan and ongoing sound maintenance plan. Jim Giebfried said the cost of the LSP is \$5,700 and they need a check. Jeff Roelofs said no LSP will be able to do what you are asking within ninety days. The LSP could be contracted with, walk the site, and take notes to put the plan together with could happen within ninety days.

Jim Lehan suggested we just come up with some fundamental conditions at this point. He suggested we agree to validate the items you identified as completed and will do. We agree that a licensed individual LSP be hired, paid for, and in the process of making that evaluation within 90 days. Within 120 days, a recommendation be returned that has specific considerations and action steps associated with that site review.

Ramesh said that would be acceptable, but he hasn't finished. Ramesh would like (1) to reduce and limit the number of unsaleable tires on the property at any one time to one trailer load. All to be stacked neatly to the right and the number of tires not to exceed 500. (2) All waste, oil and anti-freeze storage tanks approved by the Fire Chief. (3) No more than 20 propane tanks, empty and (4) allow access. This would satisfy him for the ninety day period.

Jim Lehan moved to issue a Class 2 license to Call and Wait subject to the following conditions and time frames. That within 45 days an LSP be hired and fully paid for with the full approval of the Conservation Commission and site inspection be completed by a designated committee and within 90 days all the remaining conditions identified in the letter as having been completed or will be completed (1,2, 5. 1,2,4,5,6,8,9,10,) within 90 days if they haven't already been done. From that site plan there be mutually agreeable action steps established within 120 days from the issuance of the license. There was much discussion about this then becoming a 180 days license instead of a 90 day license. Jeff Roelofs said what Jim is suggesting is that mutually agreeable action items be established within a certain period of time. If parties can't agree on that, then you revoke the license. Jim said yes, that is all he is saying. He is not suggesting the work be done; just the time frames and action steps be established. Jack agreed and said he would suggest it say that an action plan be established 90 days after the receipt of the LSP's recommendations. The conditions of the issuance of this license be agreed to in writing by the owner with full understanding of the revocation of this license if these conditions are not met. Compliance will be on or before June 20, 2005. Jeff was confused about the next deadline after June 20th is 90 days after that, or after getting a report from an LSP? Jim said he would say 90 days after June 20th. Jeff

suggested the Board put a date certain on that because the action items you are mutually discussing and agreeing to don't always relate to the LSP plan, but also to the site inspection and what could come up during that. Jack didn't want to fix it to an exact date because it could take awhile to get the whole LSP together. The Board will keep it at 90 days. Ramesh Advani seconded, and it was **so voted**.

COMMUNITY PRESERVATION COMMITTEE ARTICLES

Kevin Hughes, Chairman was present.

The Board discussed the CPC articles that were on the warrant for the annual town meeting. The Board discussed dollar amounts within the articles.

Kevin said he was sure his Committee was going to vote to withdraw the airport article.

Jack McFeeley suggested that the CPC could assist the Affordable Housing Committee in terms of encouragement and possibly help get them off the ground.

Jim Lehan moved to accept 9 of the 10 CPC articles, removing the airport article. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to endorse the hiring by Jack Hathaway of Robert Alford as Chief Assessor. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to appoint John Spinney to the Cable Advisory Committee. Ramesh Advani seconded, and it was **so voted**.

Ramesh Advani moved to approve the Tub Grinding contract through SERSG, and it was signed by the Board. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani moved to adopt the STAR Resolution, and it was signed by the Board. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to approve the consent agenda. Ramesh Advani seconded, and it was **so voted**. The consent agenda consisted of the following:

Friends of the Council on Aging would like permission to use the Transfer Station for their annual fundraiser for the Life Line Emergency Response System. They would like September 10, 17 and 24 from 9 a.m. to 5 p.m., and September 14 and 21 from 11:30 a.m. to 7 p.m., with 4 adults at all times.

GLM Engineering Consultants are requesting street names for their "Fern Ridge" development off of Winston/Churchill Road. They asked that the extension road off of Winston Road be continued to be called Winston Road. They would like the short street called Road A on the plan to be called Spencer Road.

A request for Connor's Fun Run to be held on Sunday, May 1st at 11:30 a.m., beginning at the H. Olive Day School, same route as in the past. They would also like to place signs at Independence Drive and Main Street to advertise the race on April 22 through May 1.

Butch Vito requested that the Board award the contract for a Container truck to Minuteman Trucks, Inc., Walpole, MA at a cost of \$94,987 with trade.

Please appoint Karen Guisti, 3 Quail Run Road to the Arts Council, term to expire June 30, 2008.

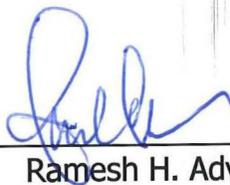
Jack McFeeley announced his resignation as a member of the Board of Selectmen, effective at 8 a.m., Wednesday, March 2, 2005. He will apply for the position of Town Administrator in Norfolk, as well as other communities, and that makes it difficult for him to finish his last two months of his term.

Jim Lehan moved to appoint Ramesh Advani as Chairman. Jack McFeeley seconded, and it was **so voted**.

Ramesh Advani moved to appoint Jim Lehan as Clerk. Jack McFeeley seconded, and it was **so voted**.

At 11:27 p.m., being no further business, Ramesh Advani moved to adjourn. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 1, 2005.



Ramesh H. Advani, Clerk

March 14, 2005

Present was Ramesh H. Advani, James C. Lehan, and Jack Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 7:03 p.m. Ramesh explained that Jack McFeeley resigned at the last meeting to pursue other interests. He said that the Board will work with two members until the May election. Jack Hathaway read the agenda contents.

Present were the Friends of the Library Mary Jo Gothorpe, and Marion Graham, Robin Glasser, Library Director; Bob Lowndes, Chairman of the Permanent Building Committee, and Harvey Boulay, Library Trustee. Mary Jo presented a check for \$75,000 to the PBC for furniture for the new Library.

Ramesh Advani announced the death of Harry Sanborn, former Animal Control Officer for over 30 years.

TOWN ADMINISTRATOR REPORT

Action Items

Norfolk Arena – KC Foster is present. KC had submitted a request for a live entertainment license for a band. Jim Lehan asked if he will be serving liquor. KC said beer. Jim asked about traffic control. KC said they have plenty of parking that will accommodate the crowd he expects, which is 25-30. He doesn't feel he needs a police detail. Jim questioned the band and noise. KC said they have done this several times in the past, and never had any complaints. Jim questioned having someone trained to serve the liquor. Will that happen? KC said they will bring someone in from the outside that has gone through the formal training to show them what to do, since they haven't had time to be trained yet.

KC explained that they don't plan on allowing beer to leave the area where it's sold. They won't be able to travel around the rink with the beer. Jim asked KC if he would contact Chief Stone again to be sure all his concerns are covered. Jim also said he would like to see them get a detail if Chief Stone requires one. KC said absolutely.

Ramesh said he is uncomfortable that the staff hasn't gone through the training. Also, there is a high school band playing. Ramesh said he is uncomfortable with allowing this live entertainment license unless a police detail is secured. If the license is granted, he would like it subject to a police detail present. KC said he cannot afford the police detail with what he will bring in for the evening. He said how about if he changed the date to April 9th, and give them time to get some

formal training. Ramesh said that is why he asked the specific questions at the liquor license hearing. He said he assumed it would be sold at adult games.

Jim said he is far more comfortable with someone trained. Jim said the police presence creates that more formal atmosphere and gives that trained feel. He feels he would like to see a trained staff as well, because of the high school crowd.

KC said he and his staff will go through the training. He said they planned to bring someone in from the outside, but in speaking with Chief Stone, he realized that might not be acceptable to the Board.

Ramesh said at this point, they would not be in favor of granting this permit. KC asked if the band were older, would that make a difference. Jim and Ramesh both said yes, but older meaning of legal age. He said if the crowd you are attracting is of legal age that would certainly make a difference. When you come again, give Chief Stone the paperwork showing you had training.

The Board told KC that after he and his staff is trained, he can apply again for this license, if he would like.

Jim Lehan moved to allow Norfolk Community League to place two signs to advertise their Nearly New sale at Main Street/Independence Drive and Main Street/Boardman Street from April 17th through April 30th. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to grant Norfolk Baseball a parade permit for their annual parade on April 23rd at 12 noon, beginning at the H. Olive Day School and proceeding down Boardman Street to the baseball fields. Rain date will be Saturday, April 30th. Ramesh Advani seconded, and it was **so voted**.

The Board asked Jack Hathaway to follow up on the Red Sox trophy.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of November 22, 2004, and February 14, 2005, subject to edits and corrections. Jim Lehan seconded, and it was **so voted**.

BUDGET DISCUSSION

Jack Hathaway gave the Board a budget to review and discuss. Jonathan Smith, Advisory Board chairman was also present for discussion.

Jim explained that there are reasons why the budget is the way it is. This first page is a history of the Cherry Sheet and State Aid revenue that is received every year.

Jack explained that there is a significant increase in most items such as health insurance, heat, utilities, etc. Most of the revenues have gone up a modest increase. We have tried to come up with creative solutions in the past few years, such as the tax title auction, and utilizing free cash to supplement the operating budget.

Ramesh said using free cash wasn't the best way to do this, but we have done it. We have been tapping into this every year. We used over \$400,000 last year, about \$150,000 the previous year; and \$200,000 the year before that. Jack said we have been taking money out, but not building it up. It is like a rainy day fund, and we need to build this. Ramesh said that the forecast for next year is \$24.7 million. About 25% of the funding is state revenues. Local receipts have been increasing about 3-4% because of new growth. We haven't been able to keep up with our fixed costs.

Jonathan doesn't think the revenue side from the State is going to change all that much for Norfolk, so he doesn't see us postponing town meeting until June like we did last year, to see what happens.

Jack will continue with the revenue. Property tax revenue is increased 2.5%. He added an estimate for new growth on top of that. He assumes that will go up \$400,000. There are a lot of projects happening in town. Jack discussed the debt excluded revenue. This will cover the debt service for projects excluded by Proposition 2 1/2. Local estimated receipts include Pilots, excise taxes, etc. Transfer Station revenues will remain flat. Local estimated receipts – not a huge increase to be seen.

Jack said the next two sections are the Cherry Sheet we discussed. Charter School is down. Lottery numbers are up. State owned land is the only place we saw a huge jump this year. Other sources are earmarked like the Water Department's debt. Receipts reserved from the ambulance fund – last year we pulled out \$135,000. Funds generated for the ambulance service. This year we moved to the ALS, and funds will go up and that will fund the additional staff, and a second ambulance. Jonathan said one of the areas the Advisory Board has been concerned about is Medicare costs. Jim said Chief Bushnell has very good information on this, and good sound revenue projections.

Ramesh questioned the deficit for the snow and ice. Jack said right now it is \$400,000 without counting in Saturday's storm. We still anticipate some more storms.

Jack reviewed the expense side. He said expansion budget – fund new services requested by the BOS or whomever, level service budget, and a level funding or lower funding that will basically provide at the same number. Those are the 3 budgets they were requested to do.

Ramesh wished to start with the expanded budget, and look at all three. Jack explained the expanded budget. Early retirement creates a backlash on Norfolk County Retirement. ALS services are expanded, and the same through all three budgets. There is a \$2.5 million shortfall on the expanded budget.

Jack then reviewed the level service budget that has a \$1.4 million shortfall.

Jack then reviewed the lower service budget. The goal was to give them the same budget they had last year. They have contractual obligations because of the contracts. Their salaries will go up, unless we have layoffs. These budgets, not including the schools, do not include layoffs. Jonathan said with snow and ice, you have to have a reasonable number. When you go to the state, you can't have a real low number.

Jack said that this is a very common problem across the state. He said that the state continues to level fund us, and we need to do the best we can.

Ramesh questioned whether the budget can be printed with the warrant? He gave Jonathan printing deadlines. Jack didn't feel that the budget could be ready at that point. Jonathan agreed, and said we should give this information out later.

Jonathan said they are looking at can a consensus be drawn to fill the size of the hole. They need to consider KP, the School, and DPW. They talked about impact statements, and Jim said that by deferring building maintenance, what will the impact be 5 years from now? This is the kind of information people need. He asked Jonathan if the Advisory Board has done this type of work.

Jonathan said they could not get this information by April 4th.

ANNUAL TOWN MEETING WARRANT

Marie Chiofolo and Jonathan Smith were present.

Discussed the Fire Department and funding the Stabilization Fund. It will depend on an override.

Discussed funds for the Stabilization Fund for sidewalks. This would be two separate fundings.

The third would be in the event the funding of the Stabilization Fund passes with an override, then the Capital budget would not be \$190,000 but \$809,000.

In the absence of the override passing, the Fire Department still wants to be able to purchase an ambulance. Jack will discuss this with George Hall.

The Board discussed changing the wording on the bylaw article so Capital Outlay members can serve on other committees. Marie Chiofolo will give us wording. Jim suggests we take a hard look at this, because lack of members isn't a reason to change this. He understands the rationale as to why it's there.

Jack Hathaway will talk with Richard Ross and Scott Brown for changing home rule petition to fix the membership on the Board of Public Works.

The Board will approve five (5) additional articles for the warrant: Capital Outlay Committee language; two Stabilization funds, ambulance, and Board of Public Works wording.

OLD BUSINESS

The Board discussed revising the liaison list until a new member is appointed. The list will be as follows:

ADA Compliance Committee – Ramesh Advani
Advisory Board – Jack McFeeley (Ramesh Advani)
Affordable Housing Committee – Jack McFeeley (Jim Lehan)
Animal Control Dept. – Jim Lehan
Appeals, Zoning Board of – Jim Lehan
Assessors, Board of – Jack McFeeley (Jim Lehan)

Building Department – Jack McFeeley

Cable Committee – Ramesh Advani
Capital Outlay Committee – Jack McFeeley (R. Markel, ex-officio) (Ramesh Advani)
Charles River Pollution Control District – Jack McFeeley
Charles River Watershed Association – Jack McFeeley
Communications Department (Dispatch) – Jim Lehan
Community Preservation Committee – Ramesh Advani
Conservation Commission – Ramesh Advani
Corrections, Department of – Jim Lehan
Council on Aging – Ramesh Advani

Finance Department – Jack McFeeley
Fire Department – Jim Lehan
Fire Station Project – Jim Lehan

Health, Board of – Jim Lehan
Highway Department – Jack McFeeley (Jim Lehan)

I-495 – Ramesh Advani
Insurance Advisory Committee – Jim Lehan (Ramesh Advani)
IT Coordinator/Interest – Ramesh Advani

King Philip School District – Ramesh Advani

Legal Counsel – Jim Lehan
Library – Jim Lehan

MAPC – Jim Lehan
MBTA – Bob Markel
Mirror Lake Study Committee – Bob Markel

Norfolk County Advisory Board – Bob Markel
Norfolk County Mosquito Control – vacant
Norfolk Schools – Ramesh Advani

Permanent Building Committee – Jack McFeeley (Jim Lehan)
Personnel Board – Jim Lehan
Planning Board – Jim Lehan
Police Chief and Lieutenant Contracts – Jim Lehan
Police Department – Jim Lehan

Recreation Commission – Ramesh Advani
Road Safety Committee – Jack McFeeley (Ramesh Advani)

Southwood Development – Ramesh Advani
State Senator/State Representative – Jim Lehan
SWAP – Bob Markel

Treasurer/Collector – Jack McFeeley
Town Hall Offices – Jack McFeeley
Tri-County Vocational School – Ramesh Advani

Veterans Agent – Jack McFeeley
Veterans Graves Officer – Jack McFeeley

Zoning Bylaw Study Committee – Jim Lehan

Jim announced that the Town Administrator Selection Committee is going fine.

NEW BUSINESS

Ramesh would like the status of a request on signage in Christina Estates. We will check with the Planning Board.

Jim reviewed the Internal Roundtable session that they held the other evening with the applicant. The applicant was Jack Scott regarding a car wash.

Ramesh gave an update on the Town Center Roundtable. Town Center project is very much on track.

Jack gave an update on the light posts. They are being swapped out, because the vendor sent us the wrong lights. We will be getting larger lights.

Jack discussed a letter from NSTAR. They sent this to all their municipalities. They are going through the communities to make sure there are no stray voltage and keeping towns/cities safe.

Jack reviewed the weekly calendar with the Board.

At 10 p.m., being no further business, Jim Lehan moved to adjourn. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 14, 2005.



James C. Lehan, Clerk

April 11, 2005

Present was Ramesh H. Advani, James C. Lehan, and John P. Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 7:12 p.m. Jack Hathaway read the agenda contents.

JACK MCFEELEY PRESENTATION

The Board of Selectmen presented a plaque to Jack McFeeley for his years of service as a member of the Board of Selectmen. Mr. McFeeley resigned to pursue a career as a Town Administrator.

POLE HEARING – ROCKWOOD ROAD

Paul Schneider, Right-of-Way Manager for Verizon was present.

This was a joint petition from Verizon New England and Boston Edison Company to place a new JO pole No. 12-1X on the easterly sideline of Rockwood Road, approximately 740 feet south of the intersection of Boardman Street.

Mr. Schneider told the Board that this is located at 24 Rockwood Road and the pole cuts across the property. They are seeking to relocate the pole.

Jim Lehan moved to grant permission to Verizon and Boston Edison to place a new pole as stated in the petition. Ramesh Advani seconded, and it was **so voted**.

ACTION ITEMS

Jim Lehan moved to approve a consent agenda for the following:

- Friends of the Council on Aging would like to provide refreshments at the May 10th Annual Town Meeting at KP North, as done in the past.
- Approval for a 5K walk in memory of Drew Martucci and Jamie Macalone for May 21, 2005, beginning at 10 a.m. at the H. Olive Day School.
- Approval for the 9th Annual Run/Walk at the start of Community Day on June 11th at 9 a.m., beginning Myrtle St., down Lake St. and circling back to the Holmes Complex.

Ramesh Advani seconded, and it was **so voted**.

The Board reviewed the ambulance correspondence, which included a copy of the lease. Ramesh said that according to Town Counsel, we are just approving the award. We are not accepting a contract. It is just a statement to enter into a contract with the awardee. All we need to do is send them a letter.

Jim Lehan moved to approve the award for the ambulance. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to approve the award for the vehicles for the DPW, subject to contingent of town meeting vote. Ramesh Advani seconded, and it was **so voted**.

Jack reviewed the calendar with the Board.

TOWN ADMINISTRATOR SELECTION COMMITTEE DISCUSSION

Present were all members of the three Selection Committees as approved by the Board of Selectmen. This was geared toward giving each member a packet of the resumes and instructions on how to meet and rate each resume.

Ramesh gave an overview of the process, and read out who is on each group.

Jim explained the process, and what they hoped each group to accomplish.

Each Committee will get together separately and work through the process, and will return to the Selectmen's meeting of April 25th with their top 7 to 10 candidates.

BALLOT DISCUSSION

Marie Chiofalo, Town Clerk present.

Jack Hathaway discussed the sequence of the date of the ballot question.

Ramesh asked when do we have to have the verbiage by for May 24th. Marie Chiofalo said no later than April 19th because absentee ballots must be available.

Jim said maybe we should think about when to do the election. Jim wondered if we should go to town meeting, let it take its course, and then call the election after town meeting.

It creates an issue for the schools, but they have that problem anyway. If this was voted on the 10th, then June 14th would be the date. State law requires 35 days written notice to Town Clerk. Marie said if it should happen on the 17th, it would be June 21.

We will go to town meeting and try for June 21. Jack Hathaway had examples of overrides: the pyramid override, menu override and simple override which he gave to the Board to peruse at their leisure.

DAN WINSLOW – HOME RULE PETITION

Dan Winslow said there is a little known provision in our Constitution. He said that voting is not just a right, but also a duty, same as jury duty. Voters must participate.

He took that enabling clause, and wanted to suggest that Norfolk present a Home Rule Petition: to allow the town to charge a differential rate for voters or non-voters. They would get a receipt when they vote, and they could get a lower fee from a service. This would be such as a burning permit. It is now \$10. But if you voted and showed your receipt, you may only have to pay say \$7. This would cause a significant increase in voter participation. Until this happens, the revenues from fees would increase as well.

Dan said he would like the Board to consider the concept. He would be happy to work with Town Counsel to draft the legislation. He said he would answer any questions the Board had.

Jim said it is a very intriguing concept. No town has initiated this. Dan said it is a largely unknown provision of our Constitution. Jim said he thought passing a Home Rule Petition was very difficult. Dan said it depends. They are a manifestation of a town's wish to govern itself. He doesn't know if the Governor will sponsor this on behalf of the town, but perhaps our Senator could inquire for us.

Jim said that anything that helps residents become involved in town government would be willing to consider. Jim said that anything that gets people out to vote is a good thing. Jim questioned if this is discriminatory?

Dan said it is a fair concern, but since the Constitution allows this, he feels this is allowed.

Marie Chiofolo said people's voting rights are very personal to them and this may cause a commotion. Dan said they could vote anyway they want – it is only the act of voting. They can hand in a blank vote, or whatever they want to write. It will impact people who are approaching 18 years of age and haven't registered to vote yet.

Marie asked if this is only local elections. Dan said yes. Most of the fees in town are household fees – trash, dog, etc. As long as one person in the household voted, they could benefit from the lower fee.

There are a lot of questions, but it is only a concept at this point. Jonathan Smith questioned the poll tax and the US Constitution.

The Board thinks it is an intriguing idea, and will take it under advisement, perhaps for the fall town meeting. Dan told the Board it is from 1923, and has never been tested in court.

Jack suggested doing a referendum question and giving the voters a test.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of February 8, 2005; February 28, 2005 and March 1, 2005. Ramesh Advani seconded, and it was **so voted**.

GASOLINE STORAGE LICENSES

Jim Lehan moved to approve the Gasoline Storage Licenses for this year: Norfolk DPW; G. Cronin & Sons; Camger Chemical; W. T. Holmes Transportation; and Daley Service Center. Ramesh Advani seconded, and it was **so voted**.

OPEN ITEMS

The Board noted June 20th is the critical date for Call & Wait.

Jay Talerman was in to discuss the condos owned by Paul Borrelli. He discussed the conditions in the Comprehensive Permit, and has been complying with them. There are two principal easements – sewage treatment plant and he has arrangements with Eastern, some for residential, and some for commercial. These all had to be looked at. He won't own the property; the condo association will own it. If the town had to enter onto it, they needed to be able to do that. This one is taken care of. The last easement is to the water tower. He was supposed to give us an easement. No talk of conditions. Town needed free and full access for maintenance, etc. There is an agreement from 2002 that Mr. Borrelli would get compensation if the Town put cell towers on top of the water tank. He said he would give us an easement, but you can't put a cell tower on it. Jay has been working with his attorney. It all boils down to compensation. He wants money. There was an exchange of emails back and forth today between George Hall, Jay Talerman and Jack Hathaway, and George said we should try to negotiate this quickly. If you throw money into the mix, it needs Town Meeting approval. We've missed the May town meeting. He won't be able to get building permits until this is settled, so there are delays. His emails said he is adamant about seeking compensation. Jim said we should give him a little more time, and see where it goes. Ramesh agreed that perhaps the BPW Chair, Ed Melanson be involved. Ed Melanson has been involved in the emails. Jim feels negotiations are better served around few – not many. Don't involve the BPW. He doesn't feel another party should be brought in at this stage. People can be involved in the background, but this should be done by people who are involved right now. Don't bring in new people.

Jack Hathaway will check with George Hall regarding conflict with his lessees. Paul Borelli, as well as Ramesh both wants to work through this quickly.

NEW BUSINESS

Jack Hathaway reviewed the budget. Ramesh said he wants residents to vote a recommended budget that will keep services at the level they have had the past year.

Jonathan questioned the 2.6% increase. Shouldn't it be put into each individual budget? Jack said yes it will be done before town meeting. Jonathan Smith would like it prior to the 21st meeting. Jack Hathaway said fine.

It was decided that they would not do anything for the override that is under \$100. Jim and Ramesh would like an actual. Jack Hathaway will provide that.

Jim Lehan moved to adjust the new recommended level services budget for FY 2006 of \$26,118,572.07. Ramesh Advani seconded, and it was **so voted**.

Jack questioned whether the Board needed to vote the balanced budget as well. The Board said no. If the level services budget doesn't pass, it is up to town meeting to vote the balanced budget, not the Selectmen.

Jim Lehan said that he will draft a letter to Fred Pfischner.

Jack Hathaway told the Board that Massachusetts Bay Commuter Railroad Company has requested permission to close Rockwood Road to rebuild the railroad crossing in town center. They will be removing track and pavement and installing new tracks and laying the final pavement. They would like permission to close Rockwood Road from 10 p.m. Saturday, April 23, 2005 until 3 p.m. on Sunday, April 24th. It will again be closed on Monday, April 25th after 9:30 a.m. (to allow for rush hour traffic), for most of the day until work is completed. They anticipated being finished no later than 4 p.m. There will be sufficient police detail and detour signage. The Board had no problem with this request, and approved it.

The Board received a letter from Tri-County Regional Vocational High School asking for a candidate from Norfolk to be appointed as a school committee member. Our member was Adeline Bee, who moved from town. A letter will be sent to Frank Gross and Kim Williams looking for interested people, as they do the appointing.

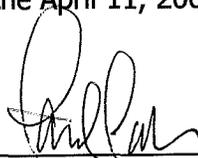
Jim Lehan has open issues with Butch Vito. Rockwood/Boardman intersection – turning radius of curb. Holmes parking lot – hasn't been repaired. Country Crossing – someone touch base with Mr. Holmes. Butch Vito will attend a May meeting, and Jim will be looking for answers.

The Board discussed the letter from the Board of Assessors regarding the Treasurer/Collector. Jack is going to address that with the new Chief Assessor, the Assessors, and Jane Lepardo.

The Board discussed meeting on May 4th. Since they don't need to reorganize, and with Town Meeting the following week, the Board will decide next week if there is any pending item that will force them to meet.

At 9:45 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was **so voted**.

This is a true and accurate report of the April 11, 2005 Selectmen's Meeting.



James C. Lehan, Clerk

SPECIAL MEETING

May 10, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 11 p.m., after the close of Town Meeting.

Jim Lehan moved to accept the consent agenda. Jonathan Smith seconded, and it was **so voted**. The consent agenda consisted of:

- A Reserve Fund Transfer request in the amount of \$5,000 from Remo Vito for leachate – for pumping the lagoons at the Landfill to maintain proper levels as authorized by DEP.
- Norfolk Lions would like permission to hand out flyers advertising Norfolk Community Day 2005 at the Transfer Station on three Saturdays, 5/21, 5/28 and 6/4 from 8 a.m. to 1 p.m.
- Norfolk Lions would like permission to hang their banner advertising Community Day across the center of town from May 21st through June 11th, and waive the \$15 fee.
- The DARE Road Race will change their route so that the race begins at Dunkin' Donuts as opposed to H. Olive Day School.
- The SERSG Paper Bid will be awarded to W.B. Mason of Brockton. This is a one-year contract.

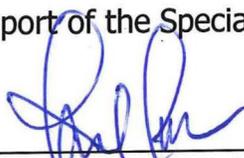
Jonathan Smith moved to approve a request from Norfolk Recreation to place a sign at the Pond Street Recreation Facility advertising a softball game fundraiser on June 26, 2005 by Norfolk Baseball. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve a request of Norfolk Lions to place two signs at the Pond Street Recreation Facility and Main Street at Independence Drive advertising Norfolk Community Day 2005. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve a Special Election to be held on Tuesday, June 14, 2005 for the override. Jim Lehan seconded, and it was **so voted**.

At 11:13 p.m., being no further business, Jonathan Smith moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of May 10, 2005.



 James C. Lehan, Clerk

SPECIAL MEETING

May 11, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, Jack Hathaway, Interim Town Administrator, Marie Chiofolo, Town Clerk, and George Hall, Town Counsel.

Ramesh Advani called the meeting to order at 11:06 p.m., after the close of Town Meeting.

Ramesh Advani reviewed the three questions for the upcoming override election on June 14th. The Board discussed rewording the first question, regarding the budget override. George Hall reviewed the three override questions and helped the Board rewrite the first question. George did not have a problem with the two stabilization questions. Ramesh suggested flipping the order and putting the least expensive question first, and the operating last. In other words, he wanted to separate the operating from the stabilizations. Jonathan Smith suggested that they should reflect priorities. List the one that you want the most, first.

The Board discussed the questions on the ballot with Marie Chiofolo. The Board wanted differential spacing after the first question – the operating override, and equal spacing between the two stabilization questions.

Jonathan Smith moved to approve the question for the two stabilizations funds for the override ballot, the vehicle stabilization fund and sidewalk stabilization fund, as reviewed and revised by Town Counsel, copy attached herewith. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the question for the operating budget for the override ballot as reviewed and revised by Town Counsel, copy attached herewith. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve a banner for the Town Clerk which will be displayed across the Town Center advertising town meetings, elections, and other events. Jim Lehan seconded, and it was **so voted**.

At 11:26 p.m., being no further business, Jonathan Smith moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of May 11, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

May 17, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at the close of Town Meeting at the KP Middle School at 9:14 p.m.

Jim Lehan moved to vote \$1,400 (per the ambulance email from Jack Hathaway/Chief Bushnell). Jonathan Smith seconded, and it was **so voted**.

At 9:16 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of May 17, 2005.



James C. Lehan, Clerk

May 23, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and John P. Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 7:30 p.m. Jack Hathaway read the agenda contents. Ramesh introduced Jonathan Smith and welcomed him to the Board.

TREASURER/COLLECTOR – SIGNATURES

Jane Lepardo, Treasurer/Collector and Marie Chiofolo, Town Clerk.

Jane Lepardo said this needs to be voted for DEP on the storm water project. Previously there was a vote taken by the Board to make Bob Markel the signatory authority for payment requisitions on the project, and that was supposed to be the Town Administrator. Jane has new paperwork, and the Board needs to vote and then sign a document stating that Jack Hathaway is now in that position.

Jim Lehan moved to resolve by the Board of Selectmen that the Town Administrator is hereby authorized on behalf of the Town of Norfolk to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant and/or loan as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application; that the purpose of said loan, if awarded, shall be to fund planning activities and if said award is made, the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost. Jonathan Smith seconded, and it was **so voted**.

Jane then explained that she is doing a borrowing for the stormwater project. It is to the Massachusetts Water Pollution Abatement Trust, and is subsidized. This is an interim borrowing, and the project is already long underway. The Board does need to vote, and it is a lengthy vote.

Jonathan Smith moved that the Town shall issue bonds for financing a water pollution abatement project, including costs incidental and related thereto, in the principal amount not to exceed \$235,000, authorized under and pursuant to Chapter 44, Section 7(1) and Chapter 29C of the Massachusetts General Laws, as amended and supplemented, and by a vote of the Town, duly adopted, all as more particularly described herein, on a document to be dated May 23, 2005 and to revise and extend my remarks regarding this motion to include the further

language continued here and in this document. Jim Lehan seconded, and it was **so voted**. (Copy of Certificate attached).

ATTY. GLEN HANNINGTON, CALL & WAIT AUTO

Attorney Glen Hannington, representing Call & Wait Auto; and Dan Orwig, Orwig Associates, present.

Atty. Hannington said that they have come a long way since the walk-thru. He said he will give the Board a report that is due in June. Mr. Orwig has been working with Mr. Waznis.

Mr. Orwig told the Board he took the last 7 years and reviewed everything. He said he needs to know what LSP work, engineering and other work needs to be done. He has started the survey work. Mr. Orwig met with the engineers from Nover-Armstrong and did a site visit. Mr. Orwig said they need a base map because the map that was there in 1997 isn't what they can use. It doesn't have the information they need. They will have everything ready by June 13 – 3 weeks to Nover-Armstrong. July 18th will have action steps of what they are doing. He has 8 permits that he is reviewing. Atty. Hannington will get us a copy of the contract.

Jim Lehan said he is very pleased that it is moving along. Mr. Orwig was concerned about Board of Health deadlines. Jim said he will be at the Board of Health meeting tomorrow night. Atty. Hannington said he is glad Jim will be there.

Attorney Hannington said he will have the report here by June 17th as requested, and will attend our meeting on July 11th.

PUBLIC HEARING – 84 ROCKWOOD ROAD

This was the continuation hearing for the Class II license for Donald Crawford, 84 Rockwood Road.

Ramesh Advani opened the hearing at 8 p.m. and asked for a motion to continue it to June 20th at 7:40 p.m. The hearing could not be held this evening because there were still unresolved legal issues. Jonathan Smith recused himself from the discussion. Jim Lehan moved to continue the public hearing to June 20, 2005 at 7:40 p.m. Ramesh Advani seconded, and it was **so voted** by Jim Lehan and Ramesh Advani.

OVERRIDE DISCUSSION

Present was Kathy Lovell and Jim Tomaszewski, Capital Outlay Committee; Sally Grant, School Committee; and Joe Sebastiano and Butch Vito, Road Safety Committee.

Ramesh stated that we would like to have a public information session.

Jack Hathaway threw out the dates of 6/2, 6/6 and 6/8. May 31 could even work. He felt that picking a date would be most crucial at this point. He still has the committee presentations from the town meeting. They will be put on the website to help educate the residents.

It was decided by all that June 6th would work, and we will move the Selectmen's meeting to June 8th. Ramesh explained how it would work. All committees can contribute, and we could have a handout explaining it that they can take home.

Jim suggested one representative from each board, as opposed to multiple representatives as he felt that would become too confusing.

Jack suggested starting the meeting at 7 p.m., and have three (3) booths with the information, and people available to answer questions. Start the presentation at 7:30. Kathy agreed that people who can't stay could get their answers, and then they can leave. It also would take care of people who don't want to ask their question in public. Jack suggested even starting the booths from 6:30 to 7:30, and then have the formal presentation.

DPW DIRECTOR UPDATE

Remo Vito, Interim Director of Public Works present.

The Board asked him for an update on the Town Center. He said it is scheduled to pave on Tuesday. It was scheduled for this week, but with the rainy week they have decided to move it.

Butch said he met with the Library and Permanent Building Committee tonight. Liberty Lane will be done simultaneously. No brick work can be done until everything else is done. It will be the last thing done. Jim questioned signs at the roundabouts. He will get rid of the stop signs, and put yield signs up. Ramesh questioned the clock in Avery Square. This will be ready around September 15th. It is being built at Electric Time on West Street in Medfield. He said he wants to finish the trees around Main Street – Country Crossing, etc. Butch said Daley's Service won't be starting construction until the end of July. The town center can't be completed until we know what is going on. Jim asked when the town center will be fundamentally complete. Butch said September 13th is his goal.

Ramesh questioned the Country Crossing grading. It was 3-4" higher than it should have been. Butch said they took the apron out and repoured it. It

should be fine. They corrected the other driveway entrance on the Rockwood Road side, and also the retaining wall. There was a grade issue.

Butch said that he checked into the lighting in town center, and he found out that they can do anything they want to the lights. They set up the schematics so they can have any option they want. They can do every other light, or shut them out and leave intersection lights on. If we knock out certain lights, we could save money because they are metered. Butch said because they removed some parking lot lights, you may want to check with Chief Stone before doing anything to the lights.

Jonathan Smith mentioned the manhole covers being marked so that they will be visible during the Memorial Day parade. He was concerned about the KP Band.

Butch mentioned that the NSTAR strike is offsetting work. He said that the Miller Street Bridge will be the end of June now. The rains and high water are some of the factors contributing. The NSTAR strike has affected this project, too. He is going to try to get it opened nights and weekends on a gravel base for the residents. That is what he is trying to do. The Board said they would like to see anything happen to resolve this. The Board agreed nights and weekends would work. Butch said that the sheathing and moving the poles is taking some time.

Butch discussed the Rockwood/Boardman intersection. Butch said they have an as-built done. There is a problem with the curbing. He has the engineers coming out next week. If they can re-set it, they will be all set. Jim asked that whatever the solution is, please work with the Holmes buses and make sure they are content before we finish this. This is Chapter 90 funds so it isn't a money issue. They will do this ASAP.

Jim questioned the curbs and the plows. He asked if they would mark the curbs. Butch isn't worried about the plows.

Butch touched on the roads program. They added \$106,000 back to the roads program. He said they will do the Pennacook/Stillwell area; Liberty Lane; and engineering for several roads. We are looking at the \$41,000 deficit for next year. Jim questioned the Priscilla Road area. Someone said it was on the original list, but nothing was done. Butch said they were going to tie that into the Miller Street Bridge project. As soon as the bridge opens up, they hope to be working on that in '07. It will be done next year.

Jim asked about the meetings with Millis regarding water. Butch said we need redundancy. If a well goes down, we're in trouble. He said that we had a lot of leak detection done when Paul was here, and we need to continue the flushing

program. Butch said we have worked with Millis and the engineers have talked with DEP and they want us to get our permits in. If they don't sell their water somewhere, they will lose the water. DEP will drop their permit. They are anxious to do this. Butch said they want to talk to Wrentham State School about the well on Union Street. It's actually on Norfolk land.

Jonathan questioned the BPW process now that it was passed through town meeting. Jack explained that it was forwarded to Representative Ross and they expect it to be finalized during the summer. Then they can get a full complement on the Board.

TOWN ADMINISTRATOR REPORT - ACTION ITEMS

Jim Lehan moved to do a consent agenda. Jonathan Smith seconded. Jonathan questioned doing the bids separately. It was agreed to do bids separately.

Jim Lehan moved to award the DPW Supply bids for one year, FY'06. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to award the Office Supplies contract to New England Office Supply of Braintree, for two (2) years, FY'06 and '07, subject to exclusions. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to approve remaining items for consent agenda. Jonathan Smith seconded, and it was **so voted**.

The item on the consent agenda was a request from Alicia Cannon, Committee for a Stronger Norfolk, to solicit at the Transfer Station on Saturdays, June 4th and 11th, and Wednesday, June 8th to broaden awareness and increase support for the proposed town budget override. There will be two adults present.

OLD BUSINESS UPDATE

Jack asked the Board if they were considering meeting prior to the June 8th interviews for Town Administrator to come up with a strategy on how they want to conduct interviews. There may be someone within the three candidates that they aren't happy with.

Jack Hathaway will send Senator Brown a letter that the date on Miller St. Bridge completion has changed.

ZONING BOARD OF APPEALS APPOINTMENTS

Jim Lehan moved to appoint Lorraine Sweeney to the Zoning Board of Appeals for a five year term, to expire in 2010; and to appoint Alyssa Flynn-Poppey and

Michael Kulecza as ZBA Associate Members for one year, expiring in 2006. Jonathan Smith seconded, and it was **so voted**.

The Board discussed appointments and how to handle committees that made need change. The Board will address members who aren't active and aren't attending meetings. Chairs of the committees may be present to participate in the discussion of reappointments.

Jack gave the Board an update on the new ambulance.

Jack reviewed the calendar, and told the Board the Town Administrator interviews will be June 8th beginning at 6 p.m., and will be one hour each. The Board asked him to schedule discussion that evening as well.

Jim Lehan moved to accept the letter from Gil Axberg regarding donation of land. Jonathan Smith seconded, and it was **so voted**.

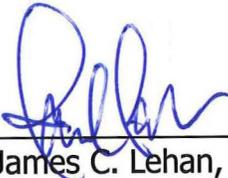
Jonathan discussed the Weeber land, which is Ch. 61A. Neighbors may be interested in partnering with us, financially or otherwise. We need to discuss this again on June 20th. The clock is ticking for 120 days.

The Board reviewed a letter from Ed Healy of Bigelow Place and would like to discuss it in July with the Planning Board present.

Ramesh questioned the temporary occupancy permit for KP Middle School, and asked for a list of the issues, and why isn't this resolved and when will it be?

At 10:08 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of May 23, 2005.



James C. Lehan, Clerk

SPECIAL MEETING
Work Session

June 2, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, Jack Hathaway, Interim Town Administrator, Marian Harrington, Executive Assistant and Joni Troyanos, Clerk.

Ramesh called the meeting to order at 6:45 p.m.

Jack Hathaway reviewed the meeting schedule with the Board from now through December 2005. Anyone knowing their vacation schedule for the summer should report it to the office.

The Board would like to have the five major departments in to meetings on a quarterly basis. The five departments would be Police, Fire, DPW, Building and Finance.

The Board discussed boards and committees contacting Town Counsel. It was discussed if it made a difference whether they were elected or appointed. They should still seek the Town Administrator's approval before contacting George Hall. Jack will speak with George regarding this issue.

The Board reviewed the Consent Agenda process so that everyone was familiar with how it worked.

The Board reviewed the meeting agenda process and procedure on putting topics on the agenda.

The Board reviewed procedures for directing projects/work to the office staff on an individual basis as opposed to the Board requesting it. It was agreed that the staff will do the work as long as it is reasonable, and will advise the Chair of what the work consists of.

The Board discussed goals, liaisons and annual appointments. The Board will discuss goals and liaisons at a July meeting, but will consider which boards and committees they want to work with during the year. The Board will contact everyone up for reappointment by letter. If they do not respond, the Board members will call the individuals to get a response.

The Board discussed email and communication protocol among the Board members.

Jack reviewed the override forum on June 6th, and what the process should be.

It was agreed the roundtables are working, and will continue with the same format we have been working with.

At 8:17 p.m., being no further business, Jim Lehan moved to adjourn. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 2, 2005.



James C. Lehan, Clerk

June 8, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 6:00 p.m. This meeting is strictly for Town Administrator candidate interviews. Full interviews are on the video tape filed in the Selectmen's Office with these minutes.

ROBIN LEAL

Ramesh thanked Robin for coming in.

Robin Leal said she is a Career Town Administrator. She recently finished serving as Town Administrator in Webster. She was the first Town Administrator in Georgetown, and worked in Easton before that. She holds a Masters degree in public administration.

KEVIN PAICOS

Ramesh asked Kevin to share a little of himself.

Kevin Paicos resides in Easton, MA. He introduced his wife, Anne, to the Board. He told the Board he has been a Town Administrator/Town Manager for 27/28 years. He served on a variety of boards, committees, and commissions, including the Conservation Commission/Board of Selectmen in North Reading. He made a decision to go to law school or public administration when he got out of the military. He took a break from municipal work and is currently working in the private sector for health insurance, and still has his hand in municipal as a consultant. He went into private work and misses the public service immensely. Loves the work, and wants to get back into it. He complimented the Board that Norfolk has an excellent, wonderful reputation.

JEFF RITTER

Jeff thanked the Board and is excited to be here.

Mr. Ritter is currently from Avon, Connecticut. He likes the small town atmosphere. He is currently the Executive Secretary in Wayland. He said Wayland recently created a Town Administrator position, but asked him not to apply. He is looking for a change.

ACTION ITEMS

Jonathan Smith moved to approve two street opening permits as submitted by the Interim Director of Public Works: Leland Trucking Corporation – Miller Street at Sandy Knoll subdivision for a water tap; and C & N Construction – Lot A Mill River Road for a new electric and water service. Jim Lehan seconded, and it was **so voted**.

Jim Lehan moved to approve a kid's bicycle fundraiser for the Pan Mass Challenge and the Jimmy Fund on Monday, July 18, 2005 at 7 p.m. from the cul de sac on Pondview Road to the cul de sac on Applewood Road. Request is from David Lutes of 15 Pondview Road. Jonathan Smith seconded, and it was **so voted**.

Jack Hathaway reported that he is working to have tweaking done so that Norfolk is added to MBTA bill.

He informed the Board that Mass Housing is not stalled, regarding the Borelli issue. It is back on track.

Jack has heard from Town Counsel regarding the Agreement on the Crawford license. It appears the settlement with ZBA will be executed next Wednesday. This will resolve the ancillary use issue.

Jack discussed the Philip Ibrahim issue with easement on town land regarding a tax title parcel he purchased. The Board suggested he come into a meeting.

The Board then talked about the three Town Administrator finalists. Ramesh isn't looking for a decision tonight, due to the lateness of the hour, but wanted a quick discussion.

Jim thought the candidates were very good, yet very different. Okay strengths and weaknesses with each candidate. None of them had anything similar.

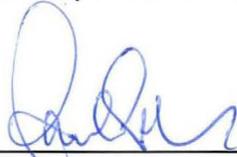
Ramesh had a level of comfort with all three, but has a level of discomfort with all three. He needs time to think about this, and sleep on it. He had to think about the fit with the community. Jim agreed, but said there were style issues and needs to sort through the behavioral differences. The behavioral study gave them a lot to think about.

Jonathan thought that pieces of all three would make a great Town Administrator.

The Board agreed to meet on Tuesday, June 14th at 9 p.m. to consider the candidates. This would be after the Special Election for the overrides.

At 10:22 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 8, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

June 14, 2005

At the close of the Special Election at the H. Olive Day School at 8:30 p.m., Ramesh Advani moved to adjourn this meeting to the Town Hall. Jonathan Smith seconded, and it was **so voted**.

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Interim Town Administrator.

Ramesh Advani called the meeting to order at 9:00 p.m. Ramesh announced the override results. The budget question passed; the sidewalk and vehicle stabilization funds failed.

Ramesh mentioned that we have a limited agenda this evening, discussing the three candidates for the Town Administrator. The Board will discuss Robin Leal, Kevin Paicos and Jeff Ritter.

Jonathan Smith stated that upon further review, he felt disappointed in the candidates we had. Looking at some of the ways that they acted, nobody really jumped out at him as someone he would want. He looked at it from the outside as he is the new man in. He used a sports analogy, and said he didn't feel anyone had a spark and didn't like the choices. He feels this position is very important. Someone with energy and part of the community is what we need.

Jim Lehan said he has watched the interviews four times on cable. He thanked all the people who helped with the committees. Jim said he tried to match the profile, culture, etc. with the town. He did not see that in any. Two he did not favor and one is a real stretch. Jim said he just does not see them as a fit for the community. They are qualified and capable, and he is not finding fault with the committee's choices, but he did not see it in the candidates.

Ramesh said that when we got the 35 resumes, and had the Screening Committee use the criteria to screen these individuals, when he looked at the resumes, he thought we had a good selection. When it was narrowed down, he thought they gave broad guidelines to the committee so that they could use their judgment. Ramesh said we have had a lot of turnover in the town government and in the Board of Selectmen. What the committee gave back to us were the three candidates they felt were the best. Ramesh said they were all professional, and they all interviewed very well. He was not bowled over. There was one out of the three that he felt he could "settle" for. But he

It was agreed to send a letter to the three candidates advising them that they were not chosen for the Town Administrator position in Norfolk.

At 9:55 p.m., being no further business, Jonathan Smith moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 14, 2005.



James C. Lehan, Clerk

June 20, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Interim Town Administrator.

Ramesh called the meeting to order at 7:30 p.m. Jack Hathaway read the agenda contents.

ACTION ITEMS

Jonathan Smith moved to approve a request from Carol Greene of the Federated Church to place signs advertising their Harvest Festival at the approved locations, and to install a sandwich board sign at Main St./Independence Drive. Jim Lehan seconded, and it was **so voted**.

CLASS II HEARING CONTINUATION – 84 ROCKWOOD ROAD

Jim Lehan moved to postpone this hearing indefinitely. Ramesh Advani seconded, and it was **so voted**. Jonathan Smith recused himself from the discussion and did not participate in the vote.

Ramesh explained that legal issues forced us to indefinitely postpone the hearing. Attorneys had issues come up during the day that they were unable to resolve. We indefinitely postponed this hearing on the advice of Town Counsel. Abutters will be notified when and if the hearing is rescheduled.

TOWN ADMINISTRATOR REPORT

Bi-Weekly Calendar

Jack reviewed the calendar with the Board for the next few weeks, and discussed any issues.

Jack discussed the report received from Atty. Hannington regarding Call & Wait. Ramesh asked that the Nover-Armstrong report mentioning the off-site dumping be sent to Call & Wait. The Board will try to conduct a walk-thru of the site on July 7th at 7 p.m.

Jack announced that the Miller Street Bridge plans to open on June 30th.

Ramesh questioned the wording of the Board of Public Works Act that went into the legislature. Jonathan suggested an emergency preamble be put so we don't have to wait the 60/90 days. Ramesh suggested we put the word out so that individuals interested in serving on the Board of Public Works can come forward.

The Board discussed the permitting process. They discussed the problems and duplications with it, and the Board would like to discuss in detail the way permits

are processed. Ramesh suggested this could be done at the next roundtable meeting.

PHILIP IBRAHIM

Philip Ibrahim of Sharon present. He explained that he owns property on Standish Road, and that the cul de sac is on his property.

Jim mentioned that he bought the property at the tax auction. There was a statement that this was purchased "as is". Jim questioned Mr. Ibrahim.

Jack said that George Hall looked at the deed online, and the deed transferred any imperfections that we inherited over to the new buyer. According to George, the "as is" applies to the owner. Jack said George does not recommend we do this. Whether or not you set a precedent, is something you want to consider. Jack also pointed out that George said that an easement can only be granted by a town meeting.

Philip said he would like to exchange easements with the town. If this does not happen, he would remedy it by digging up the cul de sac and rid the town of the emergency turnaround. It is his property, and he will dig it up in order to put his septic system there. He is not saying that he will sue the town or get into a legal situation, he will just take care of the matter.

Jim said there is a broader issue. He said that it was conveyed to you that this is a non-perking piece of property. Jim said that if we are doing this because we have done something wrong and we are rectifying it. If we have not done anything wrong, they need to look at all options.

Philip argued the meaning of "as is". He said he could make all kinds of claims. As per the map and on the deed, this area is very valuable to him because that is where his septic belongs. Jonathan has a problem with what precedent we could be setting here.

Philip said that his proposal is in the best interest of everybody. He feels the best interest is to exchange easements. Jonathan feels we need to do a little research, and compare it with properties that were sold at the same time. He wants to be sure we wouldn't be setting a precedent with other properties sold, and it would need to be done through town meeting.

Jonathan said the property was purchased in 1973, and whatever happened after that is the state of the title that was conveyed to Mr. Ibrahim. It's buyer beware. He gets what he gets.

Ramesh said he would like the Board to do some homework, and what happens with tax title, precedent setting, and discussions with Town Counsel. Ramesh also said that if the Board agreed, it has to go to town meeting. It doesn't happen overnight.

Ramesh suggested he talk with the Board of Health, not just Bill Domey, because the field card reads "non-perkable" and "unbuildable".

The Board will reschedule him for August.

CONSERVATION COMMISSION CANDIDATE INTERVIEWS

JOHN HALNEN

John Halnen told the Board he has lived here 14 years. He heard a comment Jim Lehan made that this is a "community" issue, not a "Board of Selectmen" issue. He decided to become involved. He resides on Berkshire Street.

Jim asked why you are interested in the Conservation Commission. John said the time commitment. It won't take an excessive amount of time. Jim said they meet twice a month, for about the past six months.

He is a proponent of balancing commercial and residential. He likes preservation. Jim said it's a difficult committee to be on because you rarely give an opinion people are happy with. John said his management style is team building.

Jon asked his skill set with laws, regulations and interpreting. What is his strength in this? John said he has no experience with State laws or local laws, but has experience with OSHA and that type of laws.

Ramesh said he knows him from being a neighbor. He said if you can live next to him, you could serve on any committee. Ramesh said that we have had openings in the past on ConComm, why now? John said his friend, Peter Chipman, suggested that he become involved, so he gave it a shot.

The Board suggested that he attend a ConComm meeting to get an idea of what he would be getting into. He agreed. The Board suggested that if this doesn't work, perhaps he could be involved in another committee. John said yes.

ALAN CHAPSKI

Alan gave the Board his resume, and told the Board that he has lived here for many years, and had previously run for Board of health. He would like to become involved. He gave the Board his resume. Alan lives on Overlea Road.

Alan said he would like to tape all the meetings so that other people can see the meetings if they are unavailable. Alan feels that you need to go to other boards and meet and try to help out in the communication process.

Alan said organization is his thing. He likes complexity. He likes breaking down complex parts to a simpler level.

He has gone to Conservation Commission meetings. He feels he would be a good candidate for this committee.

Jim asked why this Board? Alan said he would certainly entertain another Board, but would prefer this position. He feels he could learn from Allan and Marie, and the others. He feels it's a complex process and it would take awhile to learn.

Jonathan said interdisciplinary – working with other boards. What talents do you think you bring to this committee?

Ramesh thanked him for volunteering. When did you tape the 8 or 10 meetings? Alan said from 1998 to about 2002. Ramesh asked his understanding of the job of the ConComm? Alan said help balance the resources of the town. He likes the rural community. Balancing the rural vs. the open space. Ramesh said that is a good goal, but not the function of the ConComm.

What is your observation of how the ConComm has been functioning? In your view, what is the plus' and minus'. Alan said they are making good decisions, but some of the minuses might be getting it relayed to the public or developers.

Alan said he could possibly be interested in other boards, and will look at the list and see what he may be interested in.

JEFF HOLMES

Jeff lives on Stop River Road, and has lived here for 10+ years. He is married with two girls. He works in information technology, with a background in commercial real estate. One of the areas he has experience in is balancing residential with open space. He backs up to Stop River, and walks it frequently with his family. With challenges within the community, he wonders how much natural resources will exist.

He feels development in town is a necessary evil. People are going to see we have something special, and will want to participate in it. He is very supportive of development.

Jeff said this is a process, not a procedure. Every situation is unique in its own and you have to understand how the party feels, and that each one is going to

be different. He recognizes even when it's in his favor, there are balances that need to be met. The Board asked if he has any dealings with the ConComm, or attended meetings? No.

Is this the Board you want to focus on? He said yes, he is a bit of a tree hugger. It is part of him and this is the Board he felt he could put his heart and soul into. Personal rewards.

Ramesh suggested he attend meetings and see what goes on. He became interested through Peter Chipman, who let him know of the vacancy.

JOHN HURLEY

John also lives on Overlea Road. He was a former Board of Health member; cub master; coaches baseball. He has an interest in the town and takes involvement in the town seriously.

John said he saw that the Selectman's position was unopposed, and that was a shame, so he decided to see what else was out there that he could help out with.

He feels ConComm should strike a balance between development and preserving wildlife. You must be careful on what you are encroaching on. His former home backed up to Mill River and he was conscious of turtles and other wildlife.

His job is negotiating varying interests in financial and product investment. John had an objective point of view, and calming nature on the Board of Health. He is comfortable in adverse situations. John said he is aware of silly politics that you can encounter on different boards. He is not influenced by any of the politics and makes his own decisions.

By silly politics, he means that an individual makes a decision motivated by themselves and not what was in the best interest of the town.

John said he doesn't have a perception of how the ConComm is working today and hasn't had any dealings with them. He feels there is a need there for fresh blood, and people who can give an objective view.

If a balanced decision was made and he felt he participated in a fair way, it would make for a fair environment and he would feel it was done well.

He said he is primarily focused on natural water resources, keeping an eye on them so that encroachment is watched so that it isn't destroyed. The Board needs to consider the rights of the individual property owners, as well as natural resources.

He has no contact with ConComm. John said he would not be interested in another Board. He would like to be on the ConComm.

PAUL LUGTON

Paul lives on Turner Street, and has been in town seven years with his wife and three kids. He is a real estate attorney in Newton. He has always had an interest in the environment, but no experience in any town boards. Paul said he has a clean mind, with no pre-conceived ideas. He would like to get involved and give something back to the town and meet new people, make new friends.

Jonathan asked if he has attended any meetings on behalf of clients. No. Not familiar with the laws. He feels they should protect the wetlands and buffer around the wetlands, and get a balance between residents and wetlands. He feels to protect the wetlands is the ConComm's job.

Paul said he is more interested in ConComm than another committee. He has heard it isn't a popular job, and feels he has the time to put in.

He has been thinking of this for a couple years, but a friend gave him the push he needed. He hasn't been to a ConComm meeting, but may attend a future meeting.

WALTER DIBACCO

Walter has lived here 10+ years, on Cleveland Street. He has done some IT, R&D engineer. Instead of complaining about how things are run, he would like to be involved. He finally has the time to get involved.

Walter doesn't want to see bogs be filled in, etc. He would like to be part of the development of the town. He doesn't feel that the solution is to declare part of the town to be open space, etc. He feels there's a happy medium.

Walter would like to come on as a clean slate and see a different view as his input. He would like to give the development input. You can change his mind if you pose a good argument. He plans to live here for a very long time. He thinks it's a great place to raise kids.

Regarding the ConComm today, he doesn't know as much as he should, but what he knows himself, he feels they are impeding progress. This isn't hearsay. When it comes to wetlands, how you define them and set by State or town bylaws, they can't be twisted to our advantage. You do not have the right to tell someone what they can do on their own land.

He would like to help the town, and if it isn't this committee, he would like another one.

ALLAN SHAW

The Board talked briefly with Allan, who has been a member of the ConComm for ten years. He said they are working on revising regulations and making them easier to understand. He feels they are in good shape, and need new members. Jim feels they need to be more "customer friendly". Allan said communications. People don't understand what they do, and why they do it. They need to improve on communicating this. He likes the roundtable concept and thinks it's working well.

Allan said they have been criticized for taking too much time to make decisions. Allan said they have no help, no tools, no resources or funds. He told the Board he is supportive of an Agent, and has been trying to get one for 10 years.

Jim mentioned that there can't be personal agendas, and everyone has to work together.

REAPPOINTMENTS

Jim Lehan moved to reappoint Allan Shaw to the Conservation Commission for a term of three (3) years. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Bonnie Dittrich to the Arts Council for a term of three (3) years. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Donna Jones, John Spinney, John Olivieri, and Christopher McClure, ex-officio to the Cable Advisory Committee for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Kathleen Lovell to the Capital Outlay Committee for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Kevin Hughes and Cynthia Andrade to the Community Preservation Committee for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Georgia Jones, Rhoda Mandell and John Evans to the Council on Aging for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Mary Lou Navin to the Design Review Board for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Geraldine Tasker to the Historical Commission for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Jennifer Burke to the Insurance Advisory Committee for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Ramesh Advani to the MBTA Advisory Board for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint John J. McFeeley to the Norfolk County Advisory Board for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Lawrence Cheever and Robert Lowndes to the Permanent Building Committee for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Gail Bernardo as a Registrar of Voters for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Jane Lepardo as Tax Title Custodian for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint George A. Hall, Jr., as Town Counsel for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint Anthony Mastrianni as Veterans Agent for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to reappoint John Olivieri as Veterans Graves Officer for a term of one (1) year. Jonathan Smith seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of March 14, 2005; March 28, 2005; April 11, 2005; and April 25, 2005. Jonathan Smith seconded, and it was **so voted**.

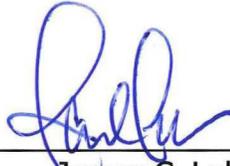
NEW BUSINESS

Jim wanted to discuss the override. He said it was a very narrow vote and clear message that residents are concerned about the finances in town. Jim would like to stay very engaged with this budget. It has to be managed very carefully. Jim suggested they do regular cable shows outside of the Board meetings, and do other creative measures. Jim said he wants to be pro-active.

Jim Lehan moved to set the handicapped parking fee to \$150 (illegal parking in a handicapped space). Jonathan Smith seconded, and it was **so voted**.

At 10:40 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of June 20, 2005.



James C. Lehan, Clerk

June 27, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan Smith and Jack Hathaway, Interim Town Administrator.

Ramesh Advani opened the meeting at 7:30 p.m. Jack Hathaway read the agenda contents.

TOWN ADMINISTRATOR INTERVIEW

Jack Hathaway was present. Ramesh asked him about himself, and to share what you've done, your accomplishments, and why you would like to be the Town Administrator.

Jack Hathaway lives in Norfolk on Evergreen Road, and said he has served the community as the Finance Director for the past two years. Jack also acts as Town Accountant. As Finance Director, he oversees the Accounting Office, Assessors Office and Treasurer's Office. Jack serves on the Board of Public Works, and has been Acting Town Administrator since January.

Jack told the Board he has 15 years in the financial industry. He supervised people and was project manager for small and large projects for banks he worked for. He did a lot of Quality Control.

Jack said he has been Acting Town Administrator for the past six (6) months and really enjoyed it. When he took the Finance Director position, he assumed he would do this for a few years and then apply for Town Administrator when Bob Markel left. It happened sooner than he thought. He finds the job fun and loves it. Jack said he finds pride and accomplishment at the end of the day, and feels he can make a difference.

The full interview is available through Streaming Norfolk.

POLICE PROCLAMATION

The Board presented a Proclamation to Police Chief Charles Stone in honor of Buckle Up Week. The Board proclaimed the week of July 3 – 9, 2005 as Buckle Up Week.

PLANNING BOARD JOINT APPOINTMENT

Present were Planning Board members Steven McClain, Art Spruch, and Tom Poppey. Andrea Langhauser was also in the audience.

Jonathan Smith moved to appoint Andrea Langhauser as Associate Member to the Planning Board. Jim Lehan seconded. Steve McClain complimented Andrea

on the wonderful job she has done as Associate Member, and said she is also their CPC member and active in the airport land issue. It was a roll call vote: Jim Lehan, **aye**; Ramesh Advani, **aye**; Jonathan Smith, **aye**; Art Spruch, **aye**; Steve McClain, **aye**; and Tom Poppey, **aye**.

CONSERVATION COMMISSION INTERVIEWS

The Board interviewed potential candidates for the Conservation Commission:

DAN CRAFTON

Dan resides on Spruce Road with his family. Dan told the Board he has served previously on the Recycling Committee, and on the Conservation Commission. He had to step down after 9 months from Conservation Commission because his wife's work schedule changed. He currently works for DEP. Dan wants to be on Conservation because that is what he does for a living. He has a handle on wetlands. He was disappointed to have to leave Conservation years ago. He had just started to know the job, and he had to leave. When he heard there were openings now, he applied.

Dan said he felt Conservation's job is to enforce the wetlands protection act, and wetlands bylaws. A gray area lies in the wetlands buffer zone and that is where the board has discretion. As to development, he said the good lots are gone and the wet areas are left, so it will be a challenge.

Jonathan asked about the appearance of a conflict because he works for DEP. Dan said he doesn't see an issue here because he doesn't work in Norfolk for DEP. Other people in his office handle Norfolk.

He feels the Commission needs to help people get through the process.

SARAH DELMASTRO

Sarah lives on Lake Shore Drive and has been in Norfolk for 9 years. She has always been interested in Conservation. Sarah studied conservation in school, and has done projects in Conservation. She will be teaching in the fall at Stoney Brook. Sarah said she is Chair of the Norfolk group for Norfolk airport. She has worked at protecting the wetland area there, with respect to the affordable housing project.

Sarah would continue as Chair of the airport committee, and is concerned about conflict of interest and being able to speak her views during meetings.

Other than Conservation, Sarah said she would be interested in Affordable Housing Committee or CPC, but is more interested in being on her airport committee than this one.

JASON TALERMAN

Jason is an attorney with Kopelman & Paige. Land use and environmental is his field. He does DEP/wetlands work, and affordable housing. He handles large scale wetland appeals.

Jason wants to help out. He knows a lot of the buildable property left is wet, and he just wants to help out with Conservation. He would like to contribute here at home.

Jim asked if he had the time to devote since he is Town Counsel to many communities. Jason said his time is limited, but if he has an advanced schedule, he can plan for the meetings. He can do site visits on his own time. The Board asked if he could make the separation of being a Conservation Commission member from being Town Counsel. Can you let George Hall be Town Counsel, even though you have the expertise and skill sets? Jason replied yes.

Jason told the Board he would be interested in the Conservation Commission. Jason said he could be interested in Affordable Housing or ZBA, but he's not sure.

CONSERVATION APPOINTMENTS

Jim Lehan nominated Jason Talerman to the Conservation Commission. Jonathan Smith seconded, and it was **so voted**.

Jonathan Smith nominated Paul Lugten to the Conservation Commission. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani nominated Dan Crafton to the Conservation Commission. Jonathan Smith seconded, and it was **so voted**.

TOWN ADMINISTRATOR DISCUSSION

The Board discussed the Town Administrator position. Jim Lehan feels we have an outstanding candidate in our midst. He has had an opportunity to see Jack work in a number of circumstances. To say he was pleasantly surprised is an understatement. Jim said that Jack cares; he genuinely cares. Jim said Jack said he wanted the job because he loves it – an invaluable commodity. He is a quick learner. He stands up for what he feels is right, but has a willingness to hear the other side.

Jim Lehan said he would like the Board to enter into contract negotiations to appoint Jack Hathaway as permanent Town Administrator. Jonathan Smith seconded, and it was **so voted**.

Jonathan Smith said the Advisory Board was very impressed with what Jack did. Jack could answer questions and engage the other Advisory Board members. He had great skills. Jonathan's concerns are contract negotiations, performance review, goals, areas of expertise the Board feels Jack should work on, etc.

Ramesh agrees with everything each of them has said. Ramesh was concerned with the lack of experience, but Jack showed what he could do with the Finance Director position with no municipal experience. He said many people have expressed their views and after seeing the previous three candidates, they want Jack appointed.

Ramesh said we are not taking as big a risk as it may seem. We may have to spend more on Town Counsel, and Jack will have to work on communication, goals, etc., but the Board needs to make that commitment and investment.

Ramesh Advani moved to offer Jack Hathaway the position of Town Administrator. Jim Lehan seconded, and it was **so voted**.

Being no further business, Jim Lehan moved to adjourn the meeting at 10:09 p.m. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of June 27, 2005.



James C. Lehan, Clerk

July 11, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani opened the meeting at 7:00 p.m. Jack Hathaway read the agenda contents.

ATTY. GLEN HANNINGTON, CALL & WAIT

Attorney Hannington and Dan Orwig were present for an update on the Call & Wait Class II license. Also present were Bob Bullock, Building Commissioner; Dan Crafton and Allan Shaw from the Conservation Commission; and abutters Richard and Jacqueline Wile of Brookside Lane.

Atty. Hannington said for disclosure, Paul Waznis called him about two hours ago. He will have the pile of tires moved to the top – around 800. He will have them in two weeks.

Ramesh Advani said this meeting is for an update and to review the report submitted by Attorney Hannington on behalf of Call & Wait. He asked Atty. Hannington to walk us through the conditions attached to the license, and from his perspective what has and has not been completed.

Atty. Hannington said (referring to the conditions on the license), #2(b) – he gave it to Dan Orwig. Dirt roadway area must be cleaned up...Mr. Orwig said he believes that was done. Reposition the hay bales...that was done. #3 – replace container bodies with new units...they were not sure what that was. Atty. Hannington said he thinks this is completed. Bob Bullock said this is pretty much replaced. #4 – The limit of disturbance on the north side is done. #5 – The 3' buffer zone is there. #6 – The tires weren't reduced to the 500. There are 800 and they will be reduced in about two weeks. They are all up top. #7 was the design and complete construction of the trench around the concrete pad – this hasn't been done because as they explained, they had to do the topographic survey. #8 – they have redirected the water from the roof to the satisfaction of the Building Inspector. #7 & 8 really go together.

Dan said #9 – all waste oil and antifreeze storage tanks shall be approved by the Fire Chief. This has been completed. Bob Bullock questioned the steel beam around the tanks. He thought this was supposed to be signed and put a barrier in front of the oil tanks, or a steel beam. Dan Orwig said there is a steel beam. Bob said it wasn't there the other day. Dan said he rechecked this whole list, and it's there. #10 – No more than 20 propane tanks, empty or full, shall be stored on site at any one time. The Fire Chief was satisfied. Propane and oxygen was

separated. #11 – Allow access to the site and provide keys. Dan wasn't sure if the provision of keys was done, and tomorrow will check on the keys. He will deliver them to the Fire Chief.

Ramesh said we had 11 items, and that there are still 4 pretty large items that haven't been completed.

Atty. Hannington said he believes we are going in the right direction. He said there are mid-term and long-term action steps to be done. Atty. Hannington said we agree we don't want to babysit this project, and recommends Call & Wait escrow some money so there is no expense to the town, and have a representative from Nover-Armstrong and the Town make inspections as needed to make sure the process is going. This will ensure things are getting done. Dan Orwig said he spent the weekend working on this, once he received the Nover-Armstrong report. They have designated short-term, mid-term and long-term action steps.

Ramesh wanted him to cover the mid-term and long-term items. Dan Orwig said mid-term actions are the 6 week items. Short-term are 2 weeks. Dan reviewed the actions with the Board to explain why he put them in the categories he did.

Dan said he would like Nover-Armstrong to look at his recommendations, and either agree with him or make changes.

Jonathan Smith said he is concerned with doing things to keep from affecting other properties, and affecting the locus itself. Jonathan thinks priority should be storm water and things that impact other properties. Jonathan said they have applied for a storm water permit, and last week when he walked the site, runoff was discussed on how it would impact the Stop River. This would be one of the highest priorities. Work on the things that would affect others, and take care of issues that impact the Town.

Jim Lehan said he would like to suggest 4 steps:

1. Fix all of the areas that impact the environment and the neighbors. You should understand the sensitivity of neighbors and environment.
2. Regular inspections. The various boards, Conservation, Board of Health, Building Inspector, and other parties have regular inspections and work with you to ensure that gets done in a timely fashion.
3. Boards should work with you work in a progressively workable way. Show progress with definitive timelines and benchmarks

4. Jim said that "in his opinion", there is a Class III activity going on there. He told Atty. Hannington that he needs to get his client to get that area in conformance with a Class III activity. We need to be honest about this, and get the business activity what it needs to be and conform to our rules and regulations to get this under control.

Bob Bullock asked what their plan is to remedy the noise. Atty. Hannington said they plan to do the facility as suggested and use that to cut down the noise. Bob mentioned the tires. He said that keeps being mentioned, but nothing gets done. Bob said if this is only Class 2, we should do an inspection and if we find that they are doing crushing cars, batteries, etc., that a fine be implemented that could be added to the escrow account.

Ramesh agreed and said that in the Nover-Armstrong report, there is mention of auto salvage activity and auto salvage yard as the current site. He said they have a Class 2 license, and the activities mentioned in the report do not fall under a Class 2 license, but are Class 3 activities. The Board needs to discuss fines.

Allan Shaw, Conservation Commission member. Allan said with regular monitoring, he would suggest that Nover-Armstrong be hired to do this. He agrees that priority be given to the environmental. Monitoring wells should be given top priority and be done right away.

Ramesh said by September 15th, they would have timelines and they have already done that. Ramesh would like the 6-52 week time frame broken down. He said that the six weeks would be the end of August. Atty. Hannington said that they plan to apply for a Class 2 and Class 3 license by the end of 2005. Dan Orwig said the 0-24 weeks would be the long term, and would be done by winter. It was suggested that someone come in during mid-September and have them report back.

Ramesh asked what happens between now and September? Ramesh was concerned about the noise. Jim Lehan said they shouldn't be using that machine at all under a Class 2 license, so this particular noise shouldn't be a concern. Atty. Hannington will ask about the noise, and get back to us. The Board will look into fines.

WEEBER PROPERTY, CHAPTER 61A

Paul Terrio, Chairman of the Community Preservation Committee, and Allan Shaw, Vice Chairman of the Conservation Commission were present. Also present was Kevin Hughes, CPC member; Tom Poppey, Planning Board; and Andrea Langhauser, Planning Board associate member present.

Paul Terrio told the Board that it came to the Community Preservation Committee's (CPC) attention that there were two properties that fall under the 61A status. The Town has 120 days to exercise their right of first refusal. He said the CPC had been approached to evaluate the property. They currently have five other properties that are in their focus. One is the airport property – 1.6 million. The CPC made the offer in June, and they have until August 8th. They are looking at a farm in City Mills, a parcel adjacent to the town forest on Main Street, and property with historical significance off of Seekonk Street. They used grading criteria that was used in other properties.

Kevin Hughes explained how the ranking was done on the parcels of property. Paul said it is not their recommendation to move forward on this property.

Allan Shaw said that when you look at this from open space standpoint, the Weeber property would protect a large upland area and he feels the price is cheap.

Tom Poppey, Planning Board. Tom said they reviewed the site, and there is no intrinsic value from the Planning Board's view. There is an active project abutting this property – 10 houses, residential subdivision. There is treatment of stormwater on site.

Steve Brylinsky, 7 Winston Road. He wanted purchase prices of the other properties. Paul said it is a little over a million dollars for the farm. There is no price yet for the land off of Seekonk.

Jack McFeeley, 10 Chicatabut Avenue. Jack asked, What are we doing here? Ramesh explained is that this is the first information that the Board of Selectmen has received, and that is the CPC's recommendation. Jack is very disappointed with the CPC's recommendation. He cited the natural wildlife sanctuary, and all the animals that are there.

Bob Evans, 6 Winston Road. Bob is reiterating what Jack said. The future is the key to this town. Bob noted that Weeber's property abuts Jane and Paul's Farm.

Jim Giebfried, 34 Robin Road. Jim mentioned Ferne Ridge, the new subdivision, using irrigation ponds from the Weeber property.

Jim Lehan said the Board is sympathetic, however, if CPC doesn't recommend it, the Board of Selectmen has no recourse. Jim said he completely agrees that we need a more detailed plan for 61A property. It's about 400+ acres, not 700+ acres. Property needs to be prioritized.

Paul Terrio said that the Planning Board has an open space report. That report alone took 9 months to compile and it was done by a professional. Paul said they have limited funds and a limited time frame. The Board said they would like to work with CPC on a joint basis to look at this – Planning, Conservation, – we all need a strategy. Jim Lehan said this is a reactive issue that was done to a single need. We need to do this collectively and work together.

Jonathan suggested that the abutters do a Trust to help. Jonathan said he suggested this the day they conducted the site walk. Steve Brylinsky disagreed. He said he is a resident, pays his taxes, and contributes to CPC. End of story. Bob Evans asked if there is any type of Trust for the airport property. Why should they commit their own funds for this property, when others are town funded. What happens after August 8th when the airport property expires?

Ramesh said we have 120 days to make a decision. The Board of Selectmen has no funds. We would have to go to a Special Town Meeting with people who have the funds. He is certain that Town Meeting will not approve funding, especially after the overrides failed.

Jack McFeeley asked if the airport gets shot down, would you consider this property. Should we schedule a September town meeting anyway, and use the town meeting for either property?

Paul Terrio said the CPC was meeting on Wednesday evening. People in attendance, along with the Selectmen said they would attend. Kevin Hughes spoke up that this meeting will not discuss this issue again. Kevin stated that the CPC already made their decision not to fund the purchase of this property. It is not a subject for discussion just because people do not like the decision they made. They can attend the meeting, but this topic will not be addressed again.

PWED GRANT DISCUSSION

Present was Remo Vito, Interim DPW Director, Virgil Gray and Kenneth Caputo from Coler & Colantonio, Town Planner Gino Carlucci and Tom Poppey and Andrea Langhauser from the Planning Board.

Butch Vito told the Board that this is an informational meeting only. He said they would like a letter of support from the Board to go with the grant at the end of this discussion.

The grant is for the town center. They will extend Liberty Lane and have a new bridge. This grant will supply the funding for the project.

Virgil explained the plan to the Board on what they planned to do. He addressed the bridge elevations. They will add new MBTA parking, as well as keep the

existing parking. Butch said they found an area that is owned by the MBTA, and they are hoping to get more parking. They didn't lose any parking with us going through their property with our right-of-way.

Butch said the total grant is \$2.75 million that they will be asking for. Coler and Colantonio and VHB will be working on this project. Virgil said this plan totally works in with our Master Plan and Community Development Plan.

Ken Caputo said it could take 12 months to get the grant. Jim Lehan was trying to figure out how long this will take to begin. He thought we discussed two to three years. Virgil and Ken discussed the costs of construction and steel, and the Board questioned would it increase before we actually start the project? Virgil said he would amend the numbers to reflect the 2007 construction season.

Butch stated that Gino and Virgil wrote the grant. Ramesh noted that Senator Brown and Rep. Ross offered to help with the PWED grant and said they would review it. Butch said they would like to receive letters of support from them. Gino said he would encourage them to review the grant application.

Jim Lehan moved to support the PWED grant application and endorse a letter to the Executive Secretary of the Executive Office of Transportation and Construction. Jonathan Smith seconded, and it was **so voted**. Butch will write the letter and send to us for signature.

Jonathan Smith moved to endorse a Resolution of Support designating the entity that will manage the project and that the Board supports. The Board designated the entity as the Department of Public Works, Town of Norfolk. Jim Lehan seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to approve the consent agenda. Jonathan Smith seconded, and it was **so voted**. The consent agenda consisted of:

Norfolk Recreation requested permission to put a small A-frame sign on Town Hill or at the end of Independence Drive advertising the free concert series, as well as a sign placed at the Pond Street Facility.

Norfolk Federated Church requested permission to conduct their annual road race as part of their Harvest Festival on September 17, 2005 beginning at 9 a.m.

The Board approved renewal of Directional Signs for Norfolk Rink Management, One Dean Street for 3 signs, and Jane & Paul's Farm, 33 Fruit Street for 7 signs – all in the same locations as in the past.

New Business

Jack mentioned that the Dispatchers have requested permission to form their own Union.

Jim Lehan moved to instruct the Town Administrator to proceed forward with the Dispatcher's Union. Ramesh Advani seconded, and it was **so voted**.

Jim Lehan moved to open the warrant for the October Fall Special Town Meeting. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to formally request the opening of the Fire Contract. Jonathan Smith seconded, and it was **so voted**.

At 10:17 p.m., Jim Lehan moved to go into executive session for contract negotiations. Jonathan Smith seconded, and it was a roll call vote: Jim Lehan, **aye**; Ramesh Advani, **aye**; and Jonathan Smith, **aye**.

At 11:15 p.m., Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of July 11, 2005.



James C. Lehan, Clerk

July 25, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:30 p.m. Jack Hathaway read the agenda contents.

REAPPOINTMENTS

Jim Lehan moved to appoint Robert Nicodemus and Glendon Coulter to the Zoning Bylaw Study Committee, for a term ending December 31, 2006. Jonathan Smith seconded, and it was **so voted**.

JACK HATHAWAY, FINANCIAL UPDATE

Jack Hathaway was present in his Finance Director capacity. He presented the Board with an update of the financial picture.

Jack explained that he is still working on FY'05, and discussed free cash from expenses. He is pretty well closed with the expenses. He is not closed on the revenues because there is still a lot that goes on behind the scenes with trust funds, enterprise funds, etc.

Ramesh questioned using free cash for capital expenses. Jim said this isn't how the budget was figured. Jonathan said that this only comes to 1.5%, so it isn't that much. Ramesh said he is misunderstood, he was saying that we do use free cash in the past for snow and ice, and capital expenses – along with prison mitigation funds.

Jim said we should be looking at zero based budgets, he feels that is the way to go. If we had the time, he would like to look at every department's budget. Jack said that he was thinking of that, too, and the DPW budget would be the place to start at zero budget.

GOALS AND LIAISONS

Ramesh read through the goals for 2005, and the status of each goal. Most of the goals have been completed.

In Goal #1, Leadership & Communication: Jim said the one that we were unsuccessful in completing was developing and maintaining a unified business development strategy.

Goal #2: Operational Excellence

Ramesh discussed the tasks noted in this goal. Ramesh noted that #4 could use more work. We haven't gone as far with this one as we could.

Goal #3 – Town Center Development

The Board felt they have done a good job, except with establishing and monitoring progress through quarterly benchmarks. They haven't done this yet.

Goal #4 – Economic Development

Most items need further work.

Goal #5 – Long Range Financial Planning

The Board feels comfortable that they have done a lot of work on the financial picture and have a better understanding. The Board has done nothing with the grant writing, but realize that towns our size, grants are done through the Town Administrator as opposed to a separate person.

Ramesh then discussed the draft of the 2006 BOS Goals. Ramesh said that he gave the goals the same titles, except for #5 Goal, which he changed the definition.

Jack had made comments to the Goals, which the Board would like to review and discuss in more detail at our next meeting.

BOARD LIAISONS

Jonathan felt that we should break this down into 6 divisions. Police, Fire, DPW, Norfolk Schools, KP Schools, Planning and Development. Ramesh felt we should add Advisory Board and CPC. Jim disagreed and felt that there are some committees that need more attention than others. He looks at Police and Fire as one.

Ramesh wanted to be radical. He felt that the Town Administrator is supposed to be managing the department heads, and why is the Board being liaisons to departments that should be under the Town Administrator. He suggested we shorten the list to the departments not under the Town Administrator.

Jim felt that contract negotiations should be a liaison, Town Administrator and department head. He said having one person is an ill-advised policy. This way there is fair participation. Jim felt that the Town Administrator should be involved in the management of the departments, not the liaison. The liaison shouldn't interfere. The liaison is just a second set of ears, or a sounding board.

Jonathan agreed that the Board shouldn't get involved in daily operations. They are to set policy, and be sure they are followed through.

TOWN ADMINISTRATOR REPORT

Action item

Jim Lehan moved to approve the street name *Surrey Lane* for Phase III, a cul-de-sac off Canterbury Lane, Phase II. Jonathan Smith seconded, and it was **so voted**.

OLD BUSINESS

The Board discussed Call & Wait. Jack Hathaway sent out the letter to Attorney Hannington. The next deadline is 9/2/05. Jim would like an acknowledgement sent that they sign indicating they agree to it. Jack will do that and follow up.

The Crawford hearing will be scheduled for August 8th. Jonathan Smith can't participate in the hearing because this was started before he came on the Board.

Jack discussed the electric rates. We should have locked into a contract last fall to get the best rate. We are getting the market rate now. He is trying to lock in at a rate that makes sense. We have heard that the end of the summer, rates will come down.

Jack is following the DPW Legislation. It is waiting for scheduling for the House and Senate. They are in recess right now.

The Board discussed the KP Middle School and temporary occupancy permits. The punch list was pretty long. The Board noted there were big items on the list.

Jim would like a staffing section added. He would like mention of any open positions, and what the status is. We will keep a running list of any open positions.

NEW BUSINESS

Jonathan mentioned a workshop on the airport property on August 10th with the developer and permitting boards. This is the 40B project. The workshop is to have abutters and everyone together. This not a ZBA meeting; is not a developer's meeting. Jonathan would represent the Selectmen. Jonathan will be a neutral party and help facilitate this meeting. Ramesh and Jim were okay with this.

With respect to the Tobacco Control letter, the Board questioned who would apply for grants? It was decided either the Board of Health or Chief Stone.

Jack questioned the cabin on Mass Ave. Jack will talk to Andrea about CPC's interest.

Ramesh mentioned the Community Preservation Committee (CPC)/Weeber property. The Board did attend and CPC would not be supporting or making an offer on the Weeber property with CPC funds. The Board has no intentions of pursuing this 61A to do anything in this regard. The Board will work with the CPC toward longer goals and objectives sometime in the fall. There was also a good discussion around public communication and educating the public and the community on how this is done.

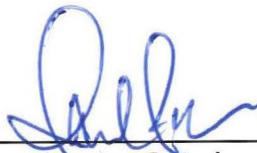
The Board is supportive of purchasing this property, however, there are no funds, and they don't feel at this time that they can ask the community for funding.

Jack commended Chief Bushnell and his staff on the house fire at Berkshire Street on July 19th. The Fire Department was assisted by the Police Department, specifically Officers Eykel, Holt and VanNess. They had a 100 degree humid day and water problems. It was a situation where eight towns assisted.

At 9:59 p.m., Jim Lehan moved to go into executive session. Jonathan Smith seconded, and it was a roll call vote: Jonathan Smith, **aye**; Jim Lehan, **aye**; and Ramesh Advani, **aye**. The Board will only return to open session to adjourn the meeting.

At 10:45 p.m., Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of July 25, 2005.



James C. Lehan, Clerk

August 8, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:00 p.m. Jack Hathaway read the agenda contents.

KING PHILIP CONSTRUCTION DEBT

George Cronin, KP School Committee Chairman, Richard Robbat, KP Superintendent, Paul Schaefer, KP Business Manager were present. Also in attendance were Jim Tomaszewski, David Benton and Arlie Sterling of the Advisory Board; Marie Chiofolo, Town Clerk; Representative Richard Ross, and Senator Scott Brown. Beth Gilbert, KP School Committee came in later on.

George Cronin said that they cut out \$2.1 million before going out to bid, and the bids still came in at \$5.6 over. George said that they need the \$5.6 because they will be cutting out many needed items that they don't want to cut.

Ramesh turned it over to Jonathan to summarize. Supt. Robbat said there are two options: call a town meeting or go ahead with the election and not have the town meeting. According to a division of the Department of Revenue, because it's an extenuating circumstance, if the Selectmen agree they are willing to accept their share of the debt and this is put before the Dept. of Revenue, there is a likelihood that they will approve this instead of a town meeting, and it would go right to election. The other option is calling the town meeting. If they vote to incur the debt, then you have to figure out how to pay the debt, which would be the election. You must hold the town meeting within 60 days.

Rep. Ross said that Catherine Craven was the one who suggested this scenario about do you really need a town meeting. Senator Brown said that the project was streamlined and the \$49 million is fully reimbursed. Everything is okay. It's the extra monies that are over that is the problem.

Supt. Robbat said that as a result of this meeting, they are going to submit paperwork to get reimbursed so that they will submit monthly for the bills so they will get reimbursed 95% monthly. They are hoping for a lump sum payment by December 15 for the Middle School.

Ramesh and Jim felt that the taxpayers approved a certain amount for a certain purpose, and if we are going to change that amount, we need to go to town meeting. George Cronin and Supt. Robbat agreed with that.

In response to the Board's question, Paul Schaefer said that Moody's bond rating for KP is M1G, which is tops.

Jim Tomaszewski said he agrees with what's been said by the Board. If it is going to cost \$5.6 million more, then they want to know how much it is going to cost. Supt. Robbat said they know about that, and they are working to get us a figure, as well as more information.

Jonathan Smith moved to open a warrant for a Special Town Meeting to be held on September 20, 2005 at 7:30 p.m. at the KP Middle School. Jim Lehan seconded. Jonathan Smith said this would be for two articles only – KP's debt and the article to transfer costs to the various departments incurring costs for this meeting. The Board hesitated, not sure if these would be the only two articles at this point. The motion was **so voted**.

Frank Gross wanted to thank Supt. Robbat and Joe Ferrera for the excellent accommodations that they gave us during the last town meeting. Due to the overflow of people attending, we were forced to use the cafeteria as well as the auditorium.

On a completely different topic, Rep. Ross told the Board that the BPW/DPW is right on track at the State House, and is in the third reading and they are hoping it will be released and passed. They are hoping it will be resolved in the fall. Senator Brown gave an update on the transportation bill. It is not going well.

CLASS II HEARING – 84 ROCKWOOD ROAD

Ramesh Advani opened the public hearing and read the hearing notice.

Representing Donald Crawford, applicant, was Ron Garado, of Bay Road in Wellesley, who works for Mr. Crawford. Also present was James Gagne, property owner of 84 Rockwood Road, and George Hall, Town Counsel.

Jonathan Smith recused himself and sat in the audience. He was not a Board member during the start of the original hearings on this matter.

George Hall stated that he has the signed Stipulation of Dismissal, which he has in his hands. As for the Agreement for Judgment which resolves the zoning matter, he is holding it until the Board makes a decision on the license.

George said this leaves the limit of cars displayed for sale at five. Although property owner is not the licensee, it addresses that. Vehicles should not be displayed in wetland resource areas, and no lights, banners, balloons, or signs calling attention to the sale of the vehicles (exclusive of signs inside or markings on the vehicles for sale) shall be allowed.

Ron Garado said he is in agreement. He questioned having one extra car because it was traded in. He would like to have it there for one day, without receiving a citation and/or letter, as they have in the past. The Board said that the sixth car cannot be in line for sale, but can be there temporarily.

Ramesh opened questions for the abutters. Gino Orsogna, 4 Fleetwood Drive, asked has the Town received a bond. The Board replied not yet. The bond isn't received until a license is approved. He questioned fining them. The Board and Building Commissioner are not aware of any fines. Ramesh said you can rest assured that the enforcement of zoning issues will be enforced. Gino questioned where will repairs be made? Ron said Mike's Auto Repair in Wellesley. Gino asked can you restrict the license to have vehicles that don't exceed a gross weight – say 8,000 lbs. George said the licensing authority can set restrictions. He said that if you feel the weight is a concern, you can limit it, but the license covers anything authorized by the Registry. Ron said it will mostly be cars, but there may be a dump truck or whatever. Gino said his concern is the wetlands and the fluids in the vehicles. Most people in the area have wells. He wants to exclude dump trucks, tractor trailers, etc. George said in fairness to the applicant, this isn't something they discussed in negotiations. This leaves the applicant blindsided and the Board should have a good reason for imposing this. Gino said in the past there were old vehicles that did leak fluid, and you could see it leaking. Perhaps you can put a restriction on one vehicle only at one time. A real dump truck is 6-wheel, maybe 26,000 or 32,000 lbs. Jim Lehan asked Ron if they would be comfortable with a restriction with one vehicle only of that size on the lot at any given time. Ron said yes.

Gino questioned whether Vi Ingraham should have ever had this license because it wasn't his primary business, but something on the side. George said we have addressed the primary business issue.

Ramesh Advani closed the public hearing. Jim Lehan moved to issue a Class II license with four (4) stipulated conditions:

1. Vehicles displayed for sale shall not exceed five (5) at any one time.
2. Vehicles are not displayed within the wetland resource areas.
3. There are no lights, banners, balloons, or signs calling attention to the sale of the vehicles (exclusive of signs inside, or markings on the vehicles for sale).
4. Only one (1) vehicle in excess of 10,000 pounds shall be on site for sale at any given time.

Ramesh added a fifth condition to the license. The sale of second hand motor vehicles will be an ancillary use to the principal use of the site.

Ramesh then seconded the motion, and it was **so voted**.

TOILS END ROAD

Present was Jack Scott, developer; Rick Gaudreau, United Consultants; and Attorney Larry Mitchell. Rick Gaudreau had a plan and showed the Board where Toils End Road meets with Grove Street. Bob Bullock, Building Commissioner, Butch Vito, Interim DPW Director, and George Hall, Town Counsel also present.

They want to create two lots off of Toils End Road and would like to discuss the status of Toils End Road, and how to proceed. They need to know if it is a private or public road.

Bob Bullock said it shows Toils End Road as accepted for ¼ mile. If it is an accepted way, it falls under the Selectmen and they would assume improvements. From Grove St. to Toils End Road is 480 feet. Butch Vito mentioned that we got rid of Toils End Road from King St. to Wrentham. It was actually discontinued. This is the piece that goes to King Street. It is a different piece. Butch said they use this for calculations for Chapter 90 funds. Butch feels we should make a decision because this keeps coming up.

George Hall raised a question because there are a lot of old lists kicking around and a lot of dirt roads that should be cleaned up. The Town should be careful about how much unconstructed roadway it wants to consume. Maybe we should adopt a town map that shows these roadways. There are a lot more roads like this out there, and he hopes the taxpayers don't get stuck with the liability of roadways the Town never accepted.

Jonathan Smith questioned what the original abstract at the Land Court says. George said there is some indication that this could be a public road – ¼ mile in. Jim Lehan said do we have the capacity to validate that this is a public road? Bob would like improvements to the end of Lot 2. Bob Bullock said that we need to determine if this is, in fact, a public way.

George Hall said that he wants Jack Scott and company to prove to him that this is a public way. If it is not a public way, he needs to go through the Planning Board. If it is a public way, he may be able to bypass the Planning Board and go through the Board of Selectmen.

Jack Scott did not feel that it was up to him to prove whether this was a public or private way. He said this is something the Board of Selectmen should be doing. The Board agreed with Mr. Scott.

George felt that there is more out there that needs to be looked at. Jonathan agreed with George. Ramesh said that the Selectmen should be in the best position to have George research this. We should have Butch and Bob and George do this coordinated through Jack Hathaway. They decided on a four (4) week time frame – September 12th meeting. George said he doesn't mind doing it, but it is time and money for him. Jim Lehan said this is a very fair question, and he feels it is our responsibility to validate this and we will get Jack Scott an answer. This will be done through Jack Hathaway. He would also like a recommendation from Butch as to what should be our expectation. He will review this on the assumption that it will be finished through Lot 2.

TOWN COUNSEL UPDATE

George Hall gave a general update on legal issues. A couple of cases that were pending have been completed, so he doesn't have much to do. We start this fiscal year with very little pending, that needs his attention. This should impact the legal budget significantly. It's been awhile since he's received any appeals.

He has been working with the Conservation Commission with their regulations. He has addressed a lot of issues that were recurring.

He would like to do a low impact development seminar for both Norfolk and Wrentham. He thinks there is friction between Town boards on things such as groundwater recharge and stormwater drainage. George said he would like to hold it here and have it on September 15th.

Jim Lehan mentioned the roundtable that was last week. They have touched on doing better inspections, etc.

Jack Hathaway will keep George in the loop on Call & Wait. They discussed the fines for the Class II. Jack is to work them out with George.

Jim discussed with George the fact that there are four new members on the Conservation Commission. George said he is aware of that. He said that can cause a problem with settling matters, because the new members have no idea what's going on.

George reviewed the litigation issues with the Board. Most of the issues are completed or under advisement by the Judge in the case.

BOARD OF PUBLIC WORKS/DPW UPDATES

Ed Melanson, Chairman, Board of Public Works and Butch Vito, Interim DPW Director present.

Ed handed out an outline of where the BPW is with issues and what they've done. He hit on a few topics of what they have done in their first year. Ed said they've defined an organizational structure. There has been a tremendous amount of turnover between the BPW and the Water Department. They extended a contract to Whitewater to oversee the water system. Ed stated that they hired Butch as the Interim DPW Director. He merged the Highway and Water Department. They have interviewed DPW Directors, as well as hired someone to oversee the Water Division. They want to get the Water Division controlled back under town employees, and do away with the consultants. They are trying to get back to being a full board. The two Water Commissioners resigned back in the early part of the year. They hired someone to run the Water Division, who will be starting shortly.

One of the biggest things they would like to do is set policy and procedures for the DPW, and work on the bylaws. Ramesh said we need to work on the vehicle stabilization fund in the next year.

They discussed putting an article on the town meeting for vehicles. Jim Lehan said we have a very sound financial plan and we shouldn't play with it. Ramesh Advani said we cannot go back to the voters with this. We need to figure out how to get through the short term for the next twelve months. We can address the long term later.

Jim asked about staffing and wanted to know when interim will be removed from the DPW Director's title. Ed said they will discuss this position at their August 17th meeting.

Butch said there would be a foreman who is licensed who will be running the water division. This guy will work with Whitewater and learn the system, and then when Whitewater is gone, he will be knowledgeable.

With the hydrants, Butch is working closely with Chief Bushnell not only for pressure but hydrants that are overgrown with bushes, etc.

Butch will sit down with Senator Brown and Representative Ross and Jack and everyone involved to discuss the PWED funding. We would like to spread this through multiple grants.

BOARD OF SELECTMEN GOALS – 2006

The Board did like the sixth goal that Jack added, but would like it put under operational excellence. From this list, the Board will develop Jack's goals. Jim liked the original format and was happy with the goals. The Board will change their goal's wording from "form an affordable committee" to "form an affordable plan".

Ramesh will work with Jack and put the goals up on the Selectmen's website.

TOWN ADMINISTRATOR REPORT

Action Items

Jonathan Smith moved to approve a street opening permit for Bay State Gas Company for a new gas service at Lot A Mill River Road. Jim Lehan seconded, and it was **so voted**.

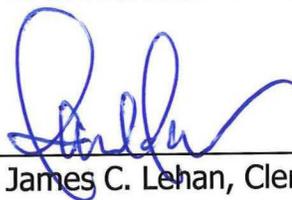
Jonathan Smith moved to approve a banner across the town center advertising Stony Brook Nature Center's annual Fall Fair, which is scheduled for October 1, 2005, and approval to install signs at Main Street at the intersection of Hanover Street; Main Street at the island in front of the cemetery; Union Street at the intersection of King Street; Main Street at the intersection of Independence Drive; and Pond Street Recreational Facility. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve a request from the Fire Department to conduct their annual fundraiser "Fill the Boot" for the Muscular Dystrophy Association at the Transfer Station on Saturday, August 20th from 9 a.m. to 5 p.m. Jim Lehan seconded, and it was **so voted**.

Jack Hathaway read the calendar of events for the Board.

At 10:27 p.m., being no further business, Jonathan Smith 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 8, 2005.



James C. Lehan, Clerk

August 22, 2005

Present was James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator. Ramesh Advani was absent.

Jim Lehan was Acting Chairman. He called the meeting to order at 7 p.m. Jack Hathaway read the agenda contents.

RECREATION – TASK FORCE FINDINGS

Ann Proto, Recreation Director and member Donald Owens was present. Ann is here to discuss the Task Force findings. She said they have reviewed a new parking layout for Pond Street. This includes the building that has been discussed. Ann said that the circle in the center is confusing and people go the wrong way. She also said that without the circle, they may be able to obtain 50 more parking spaces.

Ann described briefly the places in town that they use for Recreation programs. She said that their goal is to discontinue use at the Old Town Hall, because they feel this building has served its purpose. It isn't handicapped accessible, and no longer useable except for a few rooms.

Ann showed the Board plans that showed what they propose to do with the fields and buildings. They plan to get their funding from the Community Preservation Committee.

Jim Lehan asked Ann how the Selectmen can support them? Ann said that once they go to Permanent Building Committee and Planning Board, she will let them know.

Ann discussed signs with the Board, too. They would like to consider advertising signs installed to make money. She said the bylaws are vague and it doesn't say they can't put the signs up, but it doesn't say much about it. They would be uniform signs, they would advertise and it would be a way to fundraise and earn money. The Board asked Jack to look into how this should be done, whether it be through zoning or town meeting.

FINANCIAL REVIEW

Present for this review is Jim Tomaszewski, Chairman of the Advisory Board.

Jim Lehan explained that we are doing something different this evening. He said that we promised residents we would keep them updated on finances, and we are taking about 45 minutes tonight to do that. Jim also asked residents to call the Selectmen's Office and let us know what they think of this review and if they would like to see more in the future.

Jack Hathaway provided a presentation of the budget history and other financial documents. He covered budget, expenses, revenue and debt, among other things. Jack covered exempt and non-exempt debts. He explained how we get free cash, and what it is.

Jim pointed out that we cannot deficit spend. The only account we can do that in is the snow and ice budget.

Jim and Jack discussed the vehicle replacement schedule. This is thinking in progress on how to go forward. Jack reviewed the vehicles that are needed, and the cost of each vehicle. Items needed are dump trucks and the sweeper, walker and mower. The dump trucks (also used for plowing) and the sweeper have been contracted out.

The Police Department needed two cruisers, and this will hurt them not having them. This may need to be discussed at the Fall Town Meeting.

The Fire Department will look for a brush truck in FY08, as well as the School Department may look for a vehicle for the maintenance department.

Jack said the most pressing issue is what do we do with FY'07 and \$423,000 worth of vehicles needed, and no funding. Potentially, he is really talking \$800,000, because he is moving things over.

Jim Tomaszewski agreed that we need to replace some of these vehicles. We need cruisers, as well as we need snow plows and sanders. This Stabilization Fund was to control the spending to the taxpayers over the years. It was a great idea – just wrong timing. He feels we need to move forward and try to sell this idea as it is the best way to go for the town.

Jim said we would like to do this on a regular basis. Please send your comments through the office and forward any questions to the office as well.

TOWN ADMINISTRATOR REPORT

Action Items

There were no action items.

Old Business

Jack reported that two new individuals have been appointed to the Advisory Board. They are Pamela Verrill and Joseph Sebastiano. They still have three openings, and anyone interested should notify Jack Hathaway, Town Administrator; Jim Tomaszewski, Advisory Board Chairman; or Frank Gross, Moderator.

The Board also announced the need for volunteers for Board of Public Works and Capital Outlay Committee. Anyone interested, please apply.

WARRANTS – SPECIAL TOWN MEETING & FALL TOWN MEETING

Jim Tomaszewski reviewed the warrants with the Board.

Jonathan Smith moved to close the warrant for the Special Town Meeting on September 20th. Jim Lehan seconded, and it was **so voted**.

The Board will only have the one article from King Philip on this warrant.

Jack Hathaway reviewed the Fall Town Meeting warrant articles with the Board. There are 17 articles total, at this point.

Jonathan Smith moved to close the warrant for the Fall Town Meeting on October 25th. Jim Lehan seconded, and it was **so voted**.

NEW BUSINESS

Jack reviewed the calendar with the Board.

Jonathan reviewed the airport 40B project regarding earth "filling" because 40 cubic yards of fill will be brought into this area. He felt the Board should keep on top of this and give our input to Zoning Board of Appeals, so they can represent us in their work.

Jim asked about the Miller Street Bridge. Butch Vito said they are scheduled to pave by the end of this month, and then will put up railings and we are on target for a September opening.

At 8:55 p.m., Jonathan Smith moved to go into executive session to discuss pending litigation. Jim Lehan seconded, and it was a roll call vote: Jonathan Smith, **aye**; and Jim Lehan, **aye**. The Board will return to open session only to adjourn the meeting.

At 9:16 p.m., Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of August 22, 2005.

James C. Lehan, Clerk

SPECIAL MEETING

August 29, 2005

Present was Ramesh H. Advani, James C. Lehan, and Jonathan P. Smith.

Also present were Board of Public Works members Ed Melanson, Harvey Nasuti, and Jack Hathaway.

This was a joint meeting of the Board of Selectmen and Board of Public Works held in the Selectmen's Office conference Room. The meeting was called to order at 7:15 p.m.

Ed Melanson discussed the criteria that the Board of Public Works utilized for their selection process in selecting a Director of Public Works as well as the methods of publication used which included industry websites and publications. The Board had received eight (8) candidates for the position, of which four were screened out prior to interviews and four were interviewed.

Based upon the criteria that the Board had established, which included salary requirements, the Board decided to offer the position of DPW Director to Interim DPW Director, Butch Vito.

Prior to offering the position to Butch, the Board of Public Works wanted to have a discussion with the Board of Selectmen to make sure everyone was on the same page. Although the decision to appoint the director is solely the discretion of the Board of Public Works, the Board understood that they are an interim board and that the Department of Public Works would ultimately report to the Board of Selectmen, so the Board of Public Works wanted to make sure that the Board of Selectmen was comfortable with the decision.

Harvey Nasuti expressed his agreement with the decision. He stated that he originally wasn't in favor of offering Butch the position, but Butch had performed well since the DPW had been formed and there had been a lot of challenges to overcome, especially in the Water division.

Jim Lehan expressed his agreement with the decision and that he had expressed his thoughts to members of the Board of Public Works.

There was discussion about the appropriate length of the contract that would be offered to Butch. Ramesh Advani suggested that the contract should end at the time the Board of Public Works ceases to exist. After discussion about the need

for there to be continuity with the leadership of the department at the time of the transition as well as the timing of the expiration of the contract in relation to the candidate's potential retirement, it was decided by the group that a three (3) year contract would be appropriate.

There was discussion about the goals that would be included in the contract, as well as any opportunities for growth/education that individuals on either Board thought should be part of the Director's contract and employee development plan. It was agreed that members of both Boards would forward comments to Ed Melanson and he would compile a list. The list would include quantifiable items that would be included in the contract and any opportunities for improvement that would be discussed with the Director.

The Board of Public Works meeting adjourned at 7:50 p.m. Harvey Nasuti and Ed Melanson departed.

The Selectmen continued with regular business. Two Street Opening Permits for a water service at 26 Priscilla Avenue by Sellew Construction, and a water main and overlay the roadway at Old Mill Road extension by Titan Construction were discussed. Jim Lehan moved to approve both permits. Jonathan Smith seconded and it was **so voted**.

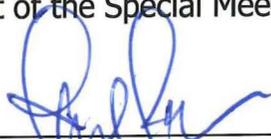
Jim Lehan provided an update of a debate that is occurring between the Permanent Building Committee and the Library Trustees regarding the status and cost of the library project.

Jim Lehan and Ramesh Advani provided updates on observations they have made on the relationship of the Community Preservation Committee (CPC) and the Conservation Commission. There has been much debate between the two committees about the way the CPC should operate.

Ramesh Advani provided an update on the Center of Town Roundtable meeting from August. He would like the Board to consider what the Town can do to help speed up the development process.

At 8:13 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded and it was **so voted**.

This is a true and accurate report of the Special Meeting of August 29, 2005.



James C. Lehan, Clerk

September 12, 2005

Present was Ramesh Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:00 p.m. Jack Hathaway read the agenda contents.

Police Chief Charles Stone presented police badges to Ramesh Advani and Jack Hathaway, as Police Commissioners.

GARDEN CLUB OF NORFOLK AND NORFOLK COMMUNITY LEAGUE

Bonnie Dittrich and Tara Spellman were among members of the Norfolk Garden Club and Norfolk Community League who presented a check for \$15,217 to the Board of Selectmen. This was the funds they raised in doing a fundraiser for the brick walkway on Town Hill.

CHRISTINA DERVIN – TRI-COUNTY

Christina Dervin of 24 King Street was in to discuss the vacant position for Tri-County Vocational School. She lives in town, and works at Analog. She said she wasn't familiar with the school, and Jonathan Smith gave her a little bit of information.

She hasn't had a lot of experience with vocational school systems. She has a child entering the elementary school system.

Jim thanked her for volunteering. He told her it is a tremendous school, and has great leadership.

Ramesh asked if she might be interested in the elementary school system. She said absolutely. Jim Lehan will relay her name to the School Committee.

DONALD SEYMOUR, TRI-COUNTY

Donald Seymour lives at 25 Union Street. Mr. Seymour told the Board he came from Franklin, and graduated from Tri-County. School was so helpful to him, he would like to give back and help them. He is a Southeast Massachusetts Board of Carpenters Board member. He is involved in a form division. He has no educational background, but would like to help the students.

Jim thanked him for volunteering. Wanting to help the kids is the greatest reason he could think of for participating in a school system.

Jonathan asked about the difference between vocational training now and how it was when he attended school. Have you interacted with any graduates? Donald said the Southeast Board would rather hire vocational students.

Ramesh asked if he would be interested in any other committees. Donald said he has an interest in MBTA or possibly the Permanent Building Committee.

JOHN OLIVIERI, TRI-COUNTY

John Olivieri, 99 Boardman Street. He said it is a marvelous school. He feels they could have a radio class. He said he looked into the programs at the school, and felt this would be a great addition. Jim asked him about the makeup of the School Committee.

Jim said we have three very good people who would all make excellent members representing the town. He felt that having a candidate that attended the school and having intimate knowledge of the workings of the school would be beneficial. Jim Lehan moved to appoint Donald Seymour as the Tri-County representative to Norfolk. Jonathan Smith seconded, and agreed and said he liked the fact that he is currently working with the students. It was **so voted**.

ANDREW NELSON and MATT MCDONALD – NORFOLK BOOMERANG

Andrew Nelson and Matt McDonald introduced themselves as the organizers of Norfolk's new newspaper "The Norfolk Boomerang". Andrew said they felt Norfolk needed their own newspaper. The newspaper will come out on Fridays. It will be free through October for every resident and business or address in town. As of November, it will be by subscription only. Matt is the publisher. He is responsible for the content. He will cover the meetings. Andrew is the advertising manager. They do not live in Norfolk. They are doing this because they wanted to found their own newspaper and were looking for a town outside of Boston. Jim Heald is their third member.

It is a happening town, and they are interested in ideas if anyone wants to help them improve. They encourage residents to forward news briefs to them.

ACTION ITEMS

Jim Lehan moved to approve the consent agenda consisting of two items. Jonathan Smith seconded, and it was **so voted**. The two items were: (1) Norfolk TPA would like to place signs to advertise their Norfolk Marketplace on October 22, 2005. They would like signs at Pond Street Recreational Facility; the island in front of the Cemetery (Main St.); Main and Boardman Street intersection; and Liberty Lane at the intersection of Independence Drive. (2) Rodman Ride for Kids would like to hold their annual Ride for Kids on Saturday, October 1, 2005. The route is the same as previous years. Chief Stone has approved the route and the Ride.

Jim Lehan moved to recognize October 24, 2005 as United Nations Day. This is their 60th Anniversary. Jonathan Smith seconded, and it was **so voted**. Ramesh read the activities going on in Boston that day. The Board of Selectmen signed a proclamation declaring 10/24/05 as United Nations Day in Norfolk.

Jonathan Smith moved to release Street Opening Permits #03-36, Grove Street at Trailside Way – Keeney Pond Subdivision; and Permit #04-07, Spruce Road per the recommendation of the DPW Director. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve three (3) Street Opening permits per the recommendation of the DPW Director. The permits are: Miles of Excavating – 48 River Road to install a water service; S. E. Luttazi & Sons, Inc. – intersection of Berkshire Street and Hampton Road for a drainage structure installation; and Bay State Gas Company for 11 Lafayette Lane to recoat valves and install anodes for corrosion control. Jim Lehan seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept minutes of May 10, 2005 – Special Meeting; May 11, 2005 – Special Meeting; May 17, 2005 – Special Meeting; May 23, 2005; June 2, 2005 – Special Meeting; June 8, 2005; June 14, 2005 – Special Meeting and June 20, 2005. Jonathan Smith seconded, and it was **so voted**.

TOILS END ROAD

Jack Scott and Joseph Mitchell, Jr., Esquire on behalf of Jack Scott and Little Pine Realty Trust were present to discuss Toils End Road. Bob Brown, Jack Scott's partner and Mike Connolly also present.

Attorney Mitchell said it is George Hall's opinion that Toils End Road is a private road. He based that on research and a letter from Paul Maggioni (prior Town Counsel) that there was evidence that the vote was in 1857 and it was an old handwritten vote. Wrentham initiated the vote as Norfolk wasn't a town yet. Larry said that he didn't feel that this vote was specific to Toils End Road. They don't agree with George Hall, and thought he would be doing more research than he did. Atty. Mitchell said he has ordered copies from the Registry that he saw during his review. Atty. Mitchell has a document from Mass Highway that states that Toils End Road is a public way and they receive Chapter 90 funds including this road.

Ramesh said that our attorney advises us that the answer from Town Counsel is the answer we would give you. He did say he was not at the meeting, but rather Jack Hathaway and Jim Lehan were. Ramesh said the most relevant information would be the Land Court documents.

Jim Lehan said that we committed to giving you an answer. We gave you an answer. You did not like this answer. It is your burden to prove to us that our answer is not correct. We can't make an answer that isn't substantiated by Town Counsel.

Jack Scott said that he would disagree that the Board cannot make a decision. Jack said he said he would build a cul-de-sac and take care of the safety issue in the area. He spent the money and the time going through the Court and Town Planner and County Commissioner's office because he didn't feel George Hall was going to do any research. Jack Scott asked for a vote tonight and will have to go to Court to get a decision. He wants a vote in their opinion to name the road as public or private.

Jim said they are not empowered to make a decision. The cul-de-sac is also not an issue the Board of Selectmen has a right to change. That needs to be the Planning Board.

Jonathan said that by the research was the stuff he was referring to. He said that in his private practice, his job is to prove to someone if there is evidence or whatever. It is not the office or the Selectmen's job to prove it. This should be done by the attorney. He has to prove to the town – it is not the town's job to determine the status.

Jack Scott brought up the point about Town Counsel said it would cost money, but he would do it, and the Board said they wanted George Hall to do it.

Larry agreed it is his burden to provide this.

Bill said he has been doing research. He would like to bring his attorney in and would like to have the Board of Selectmen hear what he has to say. He said he would like to put his information together and have the Board review it. He has the case law on it. He doesn't want it to go to Court or it will take years to resolve. It costs time and money and he would like to avoid that. He would like the Board not to take a vote until they hear his documents. Jonathan does not feel there is anything to vote.

Ramesh said he did not want Jack Scott to feel like a ping pong. He agrees there is no vote to be taken.

Larry said when they go through the abstracts, they may find nothing. Jim said they have no agenda to not see this happen. Their agenda is to do the right thing.

They would like George Hall present at the meeting it is discussed. He offered to pay for it, but the Board declined having him pay. The Board said to get the information to Jack, and we will get it to him.

Jack Scott would like a deadline. Ramesh said that he did not want to cast aspersions on Town Counsel.

Mike Connolly said that in talking with George Hall today, discussed private funding to access out of Avoca Village. It did not have to be approved by the voters.

KING PHILIP SCHOOL COMMITTEE

George Cronin, Chairman of the King Philip School Committee; Superintendent Richard Robbat; Business Manager Paul Schaeffer, and Frank Del Vecchio, banker was present.

Supt. Robbat recapped the issues and facts from the information sheet that they provided.

Supt. Robbat said they have dropped their technology budget significantly over the last 3 years. They need to increase their science labs. Middle School technology is old. They would move the equipment from the current building into the new building if they don't get the money, and it wouldn't be updated.

Jonathan doesn't really have questions, because it is what it is. This pretty much told the whole story. George Cronin said he doesn't anticipate any additional costs because of steel costs, etc., because they are under contract. Supt. Robbat said the contractor bought a lot of the materials early on and stored them off-site, so that he would get the lower price.

Jim said that they should share with people what the financial impact means, because he said it is significant, and the people should know the impact if you didn't get funding. It's about \$12 million.

The Board discussed what happens if one of the towns votes this down, since they meet before us. Should we have our meeting anyway? Supt. Robbat said it doesn't really matter, but you could have the presentation and show the people what's being considered.

REVIEW OF THE FALL TOWN MEETING WARRANT

Jack Hathaway reviewed the revised copy of the Fall Town Meeting Warrant with the Board.

The Board wants to review the old section of the PBC article. What did the old one say? They are interested in comparing language changes.

Jack will check with Recreation for funding for the article. Is the time period long enough?? 12 weeks?

Jim Lehan moved to reopen the warrant. Jonathan Smith seconded, and it was **so voted**.

The Board agreed to add in Articles 7, 14 and 18, per the 9/7/05 draft. Jonathan Smith seconded, noting that the language is still being drafted by Town Counsel and final language shall be entered without an additional vote. It was **so voted**.

Jim Lehan moved to close the warrant. Jonathan Smith seconded, and it was **so voted**.

The Board reviewed ordering the articles per the 9/7/05 draft.

Jim Lehan moved to order the articles as discussed and decided amongst the Board. Jonathan Smith seconded, and it was **so voted**.

The Board told Jack that if there are any changes from this point on, don't pull the articles from the Warrant. We will IP them at Town Meeting.

TOWN ADMINISTRATOR REPORT

Jack Hathaway reviewed the open item list with the Board.

Jack notified the Board that they did an inspection of Call & Wait. He reviewed with the Board the issues that they found, according to the license.

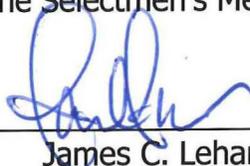
Bob Bullock will file a report of the violations.

Jack reviewed the calendar with the Board.

At 10:17 p.m., Jim Lehan moved to go into Executive Session to discuss pending litigation. Jonathan Smith seconded, and it was a roll call vote: Jim Lehan, **aye**; Ramesh Advani, **aye**; and Jonathan Smith, **aye**. The Board will not return to open session except to adjourn the meeting.

At 10:45 p.m., Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 12, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

September 20, 2005

Present was James C. Lehan, Jonathan P. Smith, Jack Hathaway, Town Administrator, George Hall, Town Counsel, and Marie Chiofolo, Town Clerk. Ramesh Advani was not present.

Jim Lehan called the meeting to order at 8:40 p.m., at King Philip Middle School, Norfolk, at the conclusion of the Special Town Meeting.

Jim Lehan moved to call a Special Election for November 1, 2005, to vote on the question of debt exclusion for the King Philip Regional High School project. Jonathan Smith seconded, and it was **so voted**.

At 8:43 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of September 20, 2005.



James C. Lehan, Clerk

September 26, 2005

Present were James C. Lehan, Jonathan P. Smith and Jack Hathaway, Town Administrator. Ramesh H. Advani was absent.

Jim Lehan opened the meeting at 7:04 p.m. Jack Hathaway read the agenda contents.

ROBBIE ALFORD, CHIEF ASSESSOR

Robbie Alford, Chief Assessor was present. He introduced himself, and discussed the tax rate. He stated it should be ready by December.

Robbie said that they are doing supplemental billing. It is bills that are billed upon occupancy. Increased in value due to occupancy; from when they received occupancy until June 30th.

Mr. Alford told the Board he does have two articles on the Special Town Meeting – one is for their revaluation. Robbie said that it is usually done in the annual meeting, but because he came on board late, they are doing it now.

Jim asked what the two or three major issues have been since he came here. He said a personal property exemption; and the supplemental billing,

Jonathan asked about getting the Assessor's information online. Robbie said that they are working with Chris on this. They are hoping to get this online soon. Robbie said they would like to scan in the deeds to make them available. Jonathan said he would like the map and parcel numbers online. Robbie said he'd like to make the property record card available to the homeowner. Robbie said he thinks there are about 4,000 parcels.

BOB BULLOCK, BUILDING UPDATE

Bob Bullock, Building Commissioner present. Bob stated that the KP Middle School has received their occupancy permit.

The Library is very close. He's hoping to have a temporary occupancy in the next few weeks. The older historical section won't be open for awhile.

Bob discussed miscellaneous smaller development in town.

Bob mentioned the Internal Roundtable. He said they started this about a year ago. This was to get all the chairs of departments together at one table and talk about pre-permitting a project. They felt doing this would bring in tax revenue and business within the Town. Bob feels that this is working out well. This is a

process that will take awhile. Jonathan asked if perhaps the zoning bylaws need revision. Bob said the Boards need to get together and discuss where they're coming from. The chairs need to go back and communicate to their Boards.

They had a detailed discussion about how they can improve communication amongst Boards. Are the Boards aware of what is transpiring at the roundtable discussions?

Bob reported on taking care of the facilities. He said that they are aware of rising fuel costs and keeping budgets down. They are watching other aspects of the budget to try to keep control of everything.

Bob said he would like to get into a software packet for building departments. He said that they could keep track of inspections easier with the software. They keep track of the money for fees, but the actual inspections could be detailed better.

REMO VITO, DPW UPDATE

Present was Remo R. Vito, Jr., DPW Director. The Board congratulated Butch on his recent appointment as DPW Director.

Jack Hathaway noted that we have had a booming interest in sidewalks, thanks to our new newspaper, The Norfolk Boomerang.

Butch mentioned the Medway Branch sidewalks. He said people have asked why Medway Branch, and not King Street. Butch said King Street has always been a priority to him. They have approached the School Committee to see if they would fund sidewalks. It was turned down. At the time, it was \$100,000. Road Safety and the Planning Board wanted sidewalks. If you look at the road construction list, King Street is number one. Butch said that the Medway Branch sidewalk is funding linked to the Cape Cod Estates subdivision. The funding is in place, and they cannot move these funds to King Street. He said that certain funding has been dedicated, and he cannot move the funds to another project. Butch said that if funds are available for sidewalks, King Street would be first, but the Board of Selectmen has the power to change the list and put the streets in a different order. Jim noted that King Street is a very dangerous road.

With respect to Medway Branch, Butch said there was a tree hearing. It is now closed. They met with the residents of the road and gave the residents their options. They walked the street and showed them exactly what trees would be affected and what the road grade would be, etc.

Butch said they are trying to look at trees and not remove telephone poles. You will see a lot of meandering.

Jim noted that King Street is a very dangerous road.

Jim asked about the town center. Butch gave an update. He said the biggest thing right now is the landscaping. They need to do the walks on the Town Hill. Jack will talk with the clock company to see what their time frame is. Butch will talk with the State about the punch list. Jonathan asked if the walks on Town Hill will be done by winter, and Butch said yes.

Eric Birenbaum, 270 Main Street asked about sidewalks. He lives near the end of Canterbury toward town center. Butch said yes, it is a definite that sidewalks will be done. He said they would be ready to build it in the spring. He said that it will be 3 phases, and it looks good to go.

ACTION ITEMS

Jonathan Smith moved to grant permission to the Knights of Columbus, per John Macalone, to conduct their annual Tootsie Roll Drive at the Transfer Station on Saturday, October 15th from 9 a.m. to 5 p.m. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to grant Stony Brook Wildlife Sanctuary a one-day liquor license for June 16, 2006 for a wine tasting fundraiser, from 6 p.m. to 10 p.m., and subject items regarding Chief Stone's comments with respect to parking incorporated into the license. Jim Lehan seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Jack Hathaway reviewed his calendar with the Board.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of July 11, 2005 – Regular and Executive Session, and July 25, 2005 – Regular and Executive Session. Jonathan Smith seconded, and it was **so voted**.

NEW BUSINESS

Jack Hathaway announced that the MMA is conducting their annual photo contest, and anyone wishing to send in a photo depicting the town is welcome. The Board suggested putting the announcement on our website.

Jack announced that Jane Lepardo has been certified as a Collector. He said that she had previously been certified as a Treasurer, and is now a Collector. The Selectmen would like a letter sent to Jane from the Board.

Jack stated that he has received applications for the Finance Director position. He is setting up a Screening Committee, and asked if any Board of Selectmen

members are interested in being on it. Jonathan indicated an interest. Jim said he would prefer Jonathan take part. Jack will ask Ramesh when he returns, but meetings will possibly be held during the day, which may be a problem for Ramesh.

Jonathan Smith moved to appoint Jack Hathaway as the MAPC representative for a term of three (3) years, expiring June 30, 2008. Jim Lehan seconded, and it was **so voted**.

Jack announced he will be on vacation the week of October 10th.

Jack said he had a discussion about FEMA with Chief Stone. Officers have been pulled into different duties, such as the Red Sox parade. Policies need to be set if the officers are hurt or worse, and whose liability is it? It could put a burden on the Police Department if any officers are pulled into that type of duty.

Jack reported that he spoke with Chief Bushnell and they are doing maintenance on the ladder truck. Repairs were done a month ago. We have used about 75% of the maintenance budget.

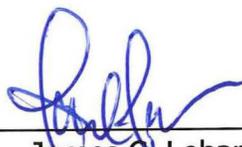
Jack said that the Fire Contract is negotiated this year. The first session would be the financial status of the Town and we need to be on the same page. Then we can have good faith negotiations because everyone will know where we stand. Jack said the Police would like to be in on this discussion as well, which is terrific.

Jack noted that Chief Bushnell has had training at Southwood for his new officers.

Jonathan said he attended a meeting at Tri-County and road maintenance was discussed. He asked about our situation in the center. He asked how we get the MBTA moving on things, and can we get back into the RTA bill. Mr. Cogliano claimed it is still active and moving in the Legislature. Jonathan suggested we talk with Rep. Ross and Sen. Brown.

At 8:30 p.m., being no further business, Jonathan Smith 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 September 26, 2005.



James C. Lehan, Clerk

October 3, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7 p.m. Jack Hathaway read the agenda contents.

POLE HEARING – NORTH/UNION STREETS

Christine Crosby of Boston Edison Company was present. They need to install a new pole on North Street at the intersection of Union Street.

Jonathan Smith moved to approve the installation of one (1) pole 7/90A on North Street at the intersection of Union Street, approximately 92 feet south of pole 7/90. Jim Lehan seconded, and it was **so voted**.

EMPLOYEE AWARDS

The Board of Selectmen gave annual employee awards as follows: Jonathan Smith presented five and ten year awards to the following: Five Year Awards: Paul Mullaney, DPW; Walter Kelley, DPW; Ann Proto, Recreation; Kathy O'Brien, Recreation; Ann Czarnowski, Library; Elaine Mason, Conservation; and Eric VanNess, Police. Ten Year Awards: Elizabeth Lehan, Library; Tom Benedetti, DPW; Karen Mitnick, DPW; Raymond Mullaney, DPW; Pat Slovacek, Library; and Art Marshall, Assessors. Jim Lehan presented fifteen and twenty year awards: Fifteen Year Awards: Joan Dooley, Assessors; Marian Harrington, Board of Selectmen; Timothy Heinz, Police; Sarina Bluhm, Library; and Marie Simpson, Conservation/Zoning Board of Appeals. Twenty Year Awards: Jonathan Carroll, Police; David Holt, Police; and Virginia Homer, Council on Aging. Twenty Five Year Awards were given by Ramesh Advani. These went to: David McConnell, Police; Steve Hamlin, Fire; and Peter Petrushik, Fire. Awards were also given to Fred Oullette, bus driver for the Council on Aging who had been here fifteen years, but recently retired. Joy Leonard, Dispatcher for Fire/Police Communications received her twenty five year award, and it was recognized that she will be retiring January 1, 2006.

CHIEF STONE – POLICE DEPARTMENT UPDATE

Chief Stone reported that his new officer, Nathan Fletcher, has been working since graduating from the Academy.

Chief Stone said he is working with Reserve Officers to be ready to step in down the road. He had new hires earlier in the year, and got them into the Reserve Police Academy. He is ready to put a few to work.

Chief Stone said residents will be seeing the Sierra Club doing a membership drive. They will be door to door between 4 p.m. and 9 p.m., Mon-Fri. They do not need to come through the Police because they are non-profit. They will be canvassing the middle two weeks of October.

The Chief discussed the roundabouts and said that they have had no issues and they are working fine.

Chief Stone said they solved the breaking and entering (B&E) at Provo Liquors because the guy got cut and left blood. The B&E's on Holbrook Street are still being investigated, although they may have a suspect.

Chief Stone told the Board that the Speed Trailer was damaged by a beer bottle. Personnel at the Prison has repaired it with a mesh screen.

Chief Stone reported that the Metro LEC was called into Boston for post game celebrations. Sgt. McConnell from our department is part of the Metro LEC, and was in Boston all weekend.

Jim Lehan said he is continually impressed with the public safety organization and we take it for granted. We are very fortunate to have you all. He told Chief Stone he can't say enough. They do wonderful work and he appreciates it.

Jonathan Smith questioned the motorized scooters making a comeback. Chief Stone said he hasn't had issues with them. Jonathan questioned the roundabout at Union Street. He is concerned about the Library opening. Will you be monitoring it more? Chief Stone said education and spending a little more time there will help. It probably is people who don't live in Norfolk, and didn't get the brochure.

Ramesh Advani asked about the budget. Chief Stone said he is within budget and right now everything is on track. He informed the Board that this is the first time in a long time that he is fully staffed.

Chief Stone said that all units have been asked by FEMA to go down to Louisiana and Mississippi. He said that Massachusetts will probably be asked to go down in November. Sgt. McConnell will probably be asked to go for two weeks. They will put in approximately 13 hour days. Funding will be handled by FEMA.

Chief Stone discussed vehicles. He usually got two vehicles per year. He said a tremendous amount of wear and tear and mileage is put on the vehicles. Everyone discussed housing vehicles at DPW while we consider what to do with the Police/Fire facility, as there isn't enough room.

DOG HEARING – JULIE URQUHART, 4 VALENTINE DRIVE

Present was Hilary Penlington, Animal Control Officer, Police Chief Charles Stone, and the dog owners, Julie and Wayne Urquhart.

Hilary Penlington gave an overview of the issues with the Newfoundland dog, Ben, owned by the Urquharts. Hilary said she received calls from Whispering Pines Animal Hospital when they lived on Sharon's Avenue that there were problems with dogs. First, on 10/28/03 she received a call from the hospital that a client and 10 yr. old daughter were bringing their dog for a visit and Urquhart's dogs circled her dog and her child, and the girl was scratched on the knee by one dog and dragged on the ground because she was holding the leash. The dogs were aggressive and since this was a business, it was reported. Hilary said she sent a warning letter for license within seven (7) days, because the dogs were unlicensed, violation of leash law, and showing aggression toward pedestrians and domestic animal in a public way. Julie Urquhart had asked if they could set up a time for Hilary to come to her house and speak to the children, and said the dogs were loose because the children would leave the door open and let the dogs out. Hilary went over to talk to the children to teach them to be responsible. They set up a time for Saturday at 3 p.m., and Julie said she would have the whole family there and when Hilary got there, no one was home. She hung around for about 20 minutes, and left a message on the door to reschedule. There was no follow up. She left one phone call which was not returned, either. Hilary stated that this was on her own time, after working a full day. Hilary said that she did tell Julie that if it is an issue of the kids letting the dog out, it is not a hard procedure to dog proof your doors, such as put a latch up high where the kids can't reach it. Hilary quoted some of the Town bylaws and State laws which Hilary referred to, and has impacted them financially.

The second incident occurred on 1/27/04. Whispering Pines called again that the dogs were loose. The yellow dog was showing aggression toward a client at the hospital who was bringing their pet in for care. Hilary then went to the Urquhart residence and spoke to Mr. Urquhart and asked him where his dogs were. He said he didn't think he knew where his dogs were. She said it then got into a match between Mr. Urquhart stating that if they were going to report his dogs, then Mr. Urquhart was going to report Whispering Pines to the Board of Health for violations. At that point, Hilary asked Mr. Urquhart to have Julie call him. She did not receive a call. She left messages on 1/28 and 1/29 that were not returned, either. She sent a citation based on non-compliance and no communication and that was the leash law, showing aggression, and that was sent Certified Mail on 2/3/04 and it was also a letter saying that they needed to keep their dogs at home safe from injuring other people, other dogs or themselves.

The third incident happened on 5/7/04 while a Norfolk Police officer was conducting routine patrol. While driving up Sharon's Ave., he was chased by the yellow dog. When he got to the end of the road to turn around, he noticed the black dog tied out on the road with a surgical type cone on his head. The dog tie-out was long enough that he could stand in the road. The officer was concerned that with the cone on his head, he couldn't see if cars were coming. The officer stated that he has often seen this dog loose, not cared for. The yellow dog showed aggression when he got out of his car. At this point, he honked his horn and Julie came out and asked if there were a problem. He said the dog showed aggression and chased his cruiser causing unsafe travel and that the other dog was injured but was tied out in the road. He told her to either tie them properly or bring them inside. It was then that Hilary was notified, and did an investigation as to the disposition of the black dog, and why he was out with a collar on his head. Approximately ten days prior, this dog was injured as he had been hit by a car while out loose and not in the care and control of their owners. At this point, the dogs were still not licensed. The dogs showed aggression to the police officer and were in violation of the leash law. Later, when Hilary went to serve these citations, she went with another patrolman and they were driving up Sharon's Avenue and noticed Julie and her son with leashes in their hand and they didn't know where the dogs were. Again, these dogs were running loose and one dog was injured and running loose. Supposedly, the children had let the dogs out again. Julie told Hilary and Officer Fletcher that she didn't want the dogs anymore, she could take them. When Hilary asked her if she was serious, because she would take them, Julie recanted her offer. Hilary issued violations and served a temporary order to restrain, per Norfolk bylaws.

After this incident, Hilary came to the Board of Selectmen on 5/25/04, and the Board placed a permanent restraining order. In June, Julie placed an appeal on Hilary's restraining order at the Wrentham District Court. Hilary is not sure what the order was by the Court, but her restraining order was only a 14 day order. She doesn't really know, but she thinks the Court, on a good faith order, may have vacated the restraining order issued by the Board of Selectmen. No one had been notified by the Court. Ramesh said he was on the Board and recalled this. Ramesh said the restraint is put on until a permanent solution is worked out.

Hilary said then everything had grown quiet. She had heard that the Urquhart's moved.

Hilary said that on 9/14/05, she received a call that there was a dog bite attack. The reporter was walking down Valentine Drive when the Urquhart's black dog came off the property, across the street, and caused moderate wounds to another dog which was on a leash. The reporter had to forcibly remove the dog by hitting it on the head. The reporter then picked up his dog and carried it

home to take it to the vet. The cause for the dog being loose was the door was left open by the children. Hilary talked to Julie and she was very upset about what happened. Hilary said she tried to impress on her that she get a behavior trainer and find out why the dog is like that. Perhaps try to redirect it. The dog is doing substantial damage. Hilary is afraid of major damage especially if anyone is walking their dog and Julie's dog comes out and a car comes. She told Julie that the property should be fenced in physically so that the dogs can't be loose. She said that Julie said she couldn't afford it. Hilary is asking that the dogs be removed. Hilary recommends that if they cannot permanently guarantee that these dogs cannot come off their property again, then these dogs be removed.

Julie said she is not disputing that the dogs were out. The yellow dog is not aggressive. She said the 1/27/04 was the first police report that was reported to her. These dogs are not aggressive dogs. She said they had problems because the business was there.

Julie said they recently moved to Valentine Drive. Before they even closed on the house, they had the invisible fence installed. Julie said they put the dog on the choke chain and the invisible fence people said that is the wrong thing to do. She doesn't know why the dog broke out that day and attacked the dog. She said as the dog ran out the back door, she ran out the front door. She didn't see him pick the dog off, her dog just walked away. Julie said she wanted to know what she could do. She said that Hilary said put the dog down. She did not offer her advice or training. Julie has contacted trainers. She is trying to keep the dog restrained at all times and is training the dog. She is asking for time to get through the training, and then if it doesn't work, she will get rid of the dog. Julie submitted a letter to the Board. She stated this dog has never shown aggression toward anyone.

Hilary clarified that she did not say that the dog needed to be put down. She said she took off her Animal Control role and became a parent. Hilary said we are here as a public safety issue for the rest of the town. The kennel in the yard doesn't solve the problem of the children letting the dog out, unless the kennel is connected to a door. Hilary said if this is connected to a new situation, we have had problems at two locations. The dogs have repeatedly been let out. He didn't even blink at the fence, he just bee lined out of the yard and attacked the Connors' dog. Hilary said her part of the law is to protect residents. She does not like to micromanage the law and tell people how to control their dogs, but she has to protect animals and people. Newfoundlands are a very docile breed. She plays the training of dogs. She has two pit bulls as neighbors, which she was at first leery of, but they are leashed and she doesn't know they are there. This is a large dog. Any dog can do damage. A large dog does more damage. There is over \$200 in vet bills.

Jim Lehan said he has great empathy for people trying to handle their dogs. Even though they are not aggressive now, they can be very different with other non-family members. If a dog attacks an animal, they will attack a person. He said that if a dog owner breaks up a fight, the dog will turn and attack the person breaking it up – family member or not. Jim said he had an aggressive dog and knows first hand. You can't have a dog loose that poses a risk to another dog or person. How would you propose to assure someone that this isn't going to happen again? Julie said for the interim, she has spoken with 2 trainers, the invisible fence company, and the Animal Control Officer. Her goal is to try to work out the aggression and if it doesn't work, she is willing to get rid of the dog. In the interim, she is tying the dog to the house. The only time it isn't tied is when he is on the run outside and they play with him. Jim asked how you make a judgment when a dog is no longer aggressive. Hilary said there is no black and white determination. You cannot remove every stimulus from an animal. Julie said she is willing to put in a permanent fence. Hilary said as long as it encompasses so that if a child leaves a door open, the dogs would go into the fenced area.

Julie said she is concerned about locks high on the doors because what if there was a fire, and her children can't reach them. Julie said her neighbors have asked if she got rid of the dogs because they have not seen them in two weeks.

Jonathan asked what are the challenges in an adult dog in training them. Hilary said if it is a residential problem, a fence will take care of that. Rewiring a dog can be successful to a point. Once its hit maturity, it's harder to do. Hilary said she has seen these dogs too much. She has had too many complaints about people's safety. These are two different dogs, but run together. Jonathan has seen aggressive dogs, and is concerned. Jonathan said he thought the law was that you should keep the dogs restrained anyway. Hilary said that after so many times of being loose, they impose fines.

Julie said that the Inspector came to her house to quarantine the dogs, which happened about six days after the incident. She invited him inside to see the dogs. Chris Wider has given her some advice. She asked him to attend tonight, but he was not available, and suggested she talk with Jack Hathaway, which she did. Julie told the Board that she did not receive her Certified letter until this morning, and she wanted to postpone the hearing, but Jack advised her not to.

Jonathan said he would prefer there be communication continuously between the trainer and the Animal Control Officer. If she's not comfortable with what this person is doing, it should be worked out. Jonathan is not satisfied with invisible fences. Julie said this dog doesn't bother house painters, house cleaners, house sitters while they have been on vacation.

Jim commented that we find some way to work this out. He hears in Julie's voice the compassion she has for her dog. Jim said that a dog that will run through an invisible fence to attack another dog is an aggressive dog. When the attack happens, you automatically involve the owner of the dog. The training as a sole solution is not the whole answer to the problem. You need something else as well. An electric fence does not provide the solution. Julie said the yellow dog has never violated the restraining order.

Ramesh asked if the dogs are licensed. The answer was yes. There is no solution to a human situation where a child leaves a door open and you are busy. What would you do to be sure human behavior within your family resolves this? She said her children are scared to death and they know they would be upset if something happened to their dog. She said her house is grand central station and she cannot train each kid to shut the door. She said kids are in and out of her house all day long. Her remedy to the solution is to tie the dog 24 hours a day inside, and she has a crate. Ramesh asked if it is responsible to have such a huge dog around children if she is "grand central station". She said yes. She said it is a kind, people oriented dog.

Chief Stone said the Board is on the right track toward disposition of this hearing. Chief Stone said that we have heard a lot. There is a good remedy of a fence in the back yard. That second buffer would be more than the 20 foot leash. Chief Stone said that he would not want to have to fight off a dog. You should be able to walk anywhere in town with your dog on a leash and not have to worry. He said Hilary has a very difficult job. The onus is on you. You need to take the responsibility. Chief Stone told the Urquhart's that he knows the Board will make the right decision to keep your dog in town, and you need to follow what they tell you.

Richard Connors, Everett Street, is the owner of the dog that was attacked. He said they have been very nice. Mr. Connors said he walks his dog up Valentine Drive because Everett Street has no sidewalks and it is a speed zone. Richard said that he cannot walk his dog on Valentine Drive until corrective measures are taken. It is preventing him from using Valentine Drive until something is done.

Nancy Connors said she feels very badly because the Urquhart's have a dog they love. She said they love their dog too, and he is 12 ½ years old, and will probably be their last dog. She said that she did not know about the background of these dogs. They disregarded the rules of the town by not licensing their dog.

Kerri Annand, 6 Valentine Drive. She thinks it is a devastating situation. She is hoping with training and the restraining of the dog this will all be resolved. They will keep the dog in and the Connors will be comfortable walking their dog.

After asking if anyone else wanted to speak, Ramesh Advani closed the hearing.

Jack Hathaway said that Julie did come in and speak with him. He said the letter was mailed on September 26th and had the Certified Mail receipt to prove it, so he didn't know what the issue was that they received it so late.

Jim said it is a very difficult situation. He does not think an invisible fence is the answer. If they can provide assurance of short term that the dog cannot in any way get loose, but in the long term provide some enclosure that the dog cannot get loose in any capacity and use the invisible fence as a backup and provide the training of the animal to give him some degree of comfort that Mr. Connors dog is not at risk. They cannot be at risk. We need to know there is no way at all that this dog can get out. They will take whatever steps are necessary to make sure no one is at risk. Jim said we need to provide this level of security.

Jonathan said at minimum the back yard should be fenced so that the dog cannot be seen from the front and it can't see anyone. He would like the fence double gated. By that he means open a gate to put the leash on the dog, or whatever to bring it in the house. Close that gate and open another one to bring the dog into the house. This should only be handled by an adult, not the children. Also, because of the size of the dog, you need to consider the height of the fence. It is very important that people on the street not see the dog. Jonathan suggested they put a time period on how soon this should be done, and training be monitored by the Animal Control Officer.

Ramesh said that he remembers the list of events because it involved a police officer on patrol. He is concerned that regardless of the motivation of the owner, the owner chose to go to court and have these appealed or removed. This is fine, but the dogs were unlicensed and there were numerous violations. He said how do you manage the human behavior of the owner? Ramesh feels there is an element of social irresponsibility. No matter how much money you spent putting up all these fences, or how much of a dog lover you are, he is concerned this has been going on since October, 2003. People can say what they want, but their actions depict how they are going to live and operate in a community.

Ramesh stated that in October of 2003 and again in June 2004 the dogs still were not licensed. He is concerned about the human behavior of the owner. That is what we should be looking at. He said we should not worry about a pet lover, but a human lover.

Jim agreed that this has nothing to do with being a dog lover. The fact that one is a dog lover only creates empathy for people that care for that dog. Dogs are

members of families – you heard the Connors state that. He said he is sure that is the case with the Urquhart's too. No one will disagree that no one should be at risk from a dog that is aggressive. And if a dog is aggressive to dogs, it can certainly become aggressive to people. Jim said that Ramesh's point is the behavior of the individual. He agrees with that. The person is responsible for the dog. You need to know that the individual is taking the type of action, or making the effort to do the right thing to prevent this from happening again, and the behaviors around that are indicators of whether they will or they won't.

Ramesh said it wasn't that they just weren't licensed, but there were violations of the leash law and they were cited. When you get a citation, if you are a responsible citizen of Norfolk, whether you love dogs or not, you take some action and act appropriately. If you don't do that and then there's another incident, and a third incident. Ramesh questions how believable the individual is who says he is going to take this responsible action, but they haven't demonstrated it in the past. Jim said he doesn't know how you can judge that, and he doesn't know how to discern the difference tonight. He said he can understand, doesn't agree with it, but can understand how easily this could happen. Jim said there are two solutions here – either they keep the dog, or they don't. Ramesh said he is trying to find a way that they can keep the dog and you can count on the solution to be relatively foolproof so that human behavior – intentional or unintentional, doesn't cause issues. Jim doesn't feel there is a relatively foolproof solution for a dog. You can't keep a dog leashed 24 hours a day in your house.

One solution is that we could ask the Animal Control Officer to develop a plan that is acceptable to both her and the owner, that would offer the level of security that she feels would be required to be sure that this dog is kept restrained and kept in a way that it wouldn't attack another dog. If they come up with a plan that she is comfortable with, that would solve the issue, and we could act on that recommendation. If she can't come up with something acceptable to everyone, then that answers the question.

Jonathan said that part of the problem we have here is that in terms of our bylaws and state laws, the laws pretty much only go against the animal. The only deterrent we have now is that the owner might lose their pet. We have no laws that really act as a deterrent against the owner. Jonathan agreed that an agreement with the owner and the Animal Control Officer, developed by the Animal Control Officer, could be the answer.

Hilary said she has used a previous plan - 6' high chain link fence sunk into the ground 6". She thinks the double gate is an excellent idea, or have a spring loaded gate so it automatically closes behind every child. She has concerns about the interim with the dog tied inside all the time. What if the rope broke,

and gets tied around a child. We should have a provision to the fact that if anything else ever happens again, whether the dog is in the front yard, or breaks loose, or attacks or whatever, the dog goes. Hilary said she doesn't want to see anyone else or any animal hurt. Ramesh agreed. Hilary says within 10 days of the hearing they must have a contract with a fence company, and a purchase order for the fence on her desk, and the fence installed within 30 days. If they fail to do this within 30 days, the dog is in a kennel at their expense until the fence is done.

Mr. Urquhart asked if he can appeal this if he is not happy with the decision. Jim said he has every right to do this, but are you implying you are not happy with this? Mr. Urquhart said he does not want a 6' fence and 6" trench underground. Jim said it is a large dog, and could jump over a 4' fence. Mr. Urquhart said that he has a 4' fence for his pool that has never been jumped. Jim feels we should accept the plan the Animal Control Officer has developed, and feels that if Mr. Urquhart doesn't agree to a plan that gives the Animal Control Officer a feeling of security that this dog does not pose a risk to other animals and people off of your property, then I would find it very hard to say that the dog could continue to be housed there. Mr. Urquhart wanted to know why Hilary should have full authority over this whole thing. Mr. Urquhart wants to know Hilary's qualifications. Jim said we are not here to debate that, but you do have a right to appeal.

Jim Lehan moved that a plan be developed within a time frame acceptable to the Animal Control Officer and that the dog be restrained pending implementation of this plan at all times and that the plan reflect the appropriate time frames and actions to be taken and if not complied with, the Animal Control officer will report back to this Board and appropriate action be taken. Jonathan Smith seconded, and it was **so voted**.

ACTION ITEMS

Jonathan Smith moved to approve the consent agenda for action items as read by the Town Administrator. Jim Lehan seconded, and it was **so voted**.

Consent Agenda was: Norfolk Federated Church road race to be held on October 15, 2005 at 10 a.m. Race route has been approved by Chief Stone; Norfolk Community League would like to place signs for two events. Both sign locations will be Main Street at the intersection of Independence Drive, and Pond Street Recreational Facility for the Haunted Train Ride from October 15th through October 29th, and the Halloween Candy Give-Back from October 30th through November 1st; Norfolk Lions Club and Norfolk Recreation have requested permission to use the Town Hill for the annual Santa's Parade and Town Hill celebration on Sunday, December 4th at 3:30 p.m. Photos will be taken at the Library, with the Town Hill celebration on Town Hill.

OPEN ITEMS

Jack Hathaway questioned Call and Wait. The Board suggested that on November 2nd, they could submit a report and then we can have them in to discuss the report sometime in November. Jonathan suggested Bob Bullock do another inspection in mid-October.

Jack did a review of the calendar with the Board.

NEW BUSINESS

Jim Lehan moved to establish the mileage reimbursement rate to coincide with the IRS mileage reimbursement rate. Jonathan Smith seconded, and it was **so voted**.

Caritas has an introductory meeting on October 26th. Jonathan will attend.

Jack discussed the new question and answer page on the town website. Ramesh suggested doing an archive section.

Jack reviewed the Low Impact Development seminar as presented by George Hall.

Jack will look into having the BPW Candidates interviewed on October 17th.

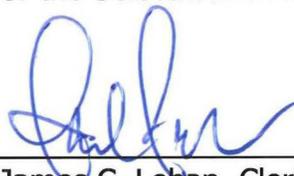
Jack distributed the resumes for Finance Director. Jonathan will represent the Board on this Committee.

Jim Lehan moved the acceptance of Audubon Trail and Gordon Road. Jonathan Smith seconded, and it was **so voted**.

At 10:17 p.m., Jim Lehan moved to go into executive session for pending litigation. Jonathan Smith seconded, and it was a roll call vote: Jim Lehan, **aye**; Jonathan Smith, **aye**; and Ramesh Advani, **aye**. The Board will not return to open session except to adjourn the meeting.

At 10:22 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of October 3, 2005.



James C. Lehan, Clerk

October 17, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:30 p.m. Jack Hathaway read the agenda contents.

FIRE CHIEF COLEMAN BUSHNELL

The Board presented an award to Chief Bushnell that we received from FEMA naming Chief Bushnell an Executive Officer, for completion of a course he recently took. The Board commended Chief Bushnell for his accomplishment.

REVIEW OF FALL TOWN MEETING WARRANT

The Board reviewed the warrant to see if anyone needed to speak on any of the articles at town meeting. The Board discussed Article 7 and it was recommended to Indefinitely Postpone this article. The Board would like to have a meeting regarding this in November. Jim will speak to the PBC as to why this will be postponed.

Jack will do the Selectmen's goals during Committee Reports at town meeting.

TOWN ADMINISTRATOR REPORT ACTION ITEMS

1. Jonathan Smith moved to grant permission to the Friends of the Council on Aging to provide refreshments at the Fall Town Meeting on October 25, 2005. Jim Lehan seconded, and it was **so voted**.
2. Jim recused himself from this discussion as he is an Executive Board member of the Federated Church. The Board of Trustees of the Federated Church would like an abatement of the Building Permit Fee of \$287 which was assessed for the work done on the sanctuary ceiling this summer. Ramesh is not in favor of this, as we haven't waived other fees for the same type of service. Jonathan said this does not fall within the exceptions for the building fee structure. Jack agreed that this does not fall within the structure, and noted this fee was paid in June, which would be the last fiscal year. Jonathan Smith moved to take no action on Action Item #2. Ramesh Advani seconded, and it was **so voted**. Ramesh would like a discussion on the building permit fee categories with the Building Commissioner.
3. Jim Lehan moved to approve the Chapter 90 funding to complete the engineering designs for the Route 115/TIP Project (Pond St/Pine St) per

the request of Butch Vito. Jonathan Smith seconded, and it was **so voted**.

OLD BUSINESS UPDATE

Jack reported that the Urquhart's dog will be removed from town. It will be housed in North Attleboro at her mother's home.

BIWEEKLY CALENDAR

Jack reviewed the calendar for two weeks.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of June 27, 2005; August 8, 2005; August 22, 2005 – regular and executive session; August 29, 2005 – regular and executive session; and September 12, 2005 – regular and executive session. Jonathan Smith seconded, and it was **so voted**.

NEW BUSINESS

The Board reviewed the new purchase and sale agreement on the Weeber property. The Board will talk with the developer on November 14th, and invite all boards and committees in to listen.

The Board reviewed a letter from Congressman Barney Frank regarding resources available for our community through the federal government for disaster assistance, relief and support. They would like to update the emergency plan, and obtain resources from Barney Frank's office. The Board would like to discuss the emergency plan at our first meeting in December.

Jonathan questioned naming rooms in public building and what is the restriction for having it in return for money. He would like an answer. Who determines the value of something, and what is the limit. Jack will check the legalities, and is it wise to do?

Jim gave a brief update on a meeting held Friday regarding the Stop & Shop development with senior management. They will attend the roundtable Wednesday night. They did reinforce commitment to the project, and will be filing for site plan approval with the Planning Board. They will break ground on a smaller building, before the supermarket and plan to break ground in the spring or summer.

The Board questioned liability if Eagle Scouts worked on the Tramp House.

Jack will talk to the Board of Public Works and Butch Vito and the officials at the Middle School regarding a resident's complaint of no sidewalks on King Street,

and the safety issue. Any alternatives? No funds available. Maybe Senator Brown has access to funds?

Ramesh would like to submit a nomination to the MetroWest Community health Foundation Leadership Award for the ALS Services. Ramesh felt that the fact that we've implemented a program that impacts our community and has saved some lives is unique. We were left with no alternative because the paramedic service shut down, and we were left with nothing. The Board discussed that this was innovative – the Chief found a way to do it with budget issues, staff issues, and a unique way of beating deadlines to accomplish this.

At 8:50 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of October 17, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

October 26, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

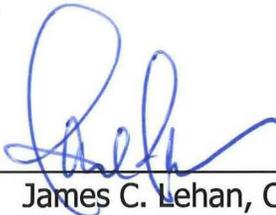
Also present was George A. Hall, Jr., Town Counsel.

Ramesh Advani called the meeting to order at 7:26 p.m. at the King Philip Middle School, prior to the start of the Fall Town Meeting.

Jim Lehan moved to issue the Winter Parking Ban - to suspend all street excavation in the public ways from November 15, 2005, through April 15, 2006, except for extreme emergencies or hardship; and to impose a Winter Parking Ban, effective November 15, 2005, through April 15, 2006. No overnight parking on town roads will be allowed. This is to include parking vehicles on the sides of roadways, just off the road. Jonathan Smith seconded, and it was **so voted**.

At 7:28 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of the Board of Selectmen on October 26, 2005.



James C. Lehan, Clerk

November 14, 2005

Present were Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani opened the meeting at 7:00 p.m.

Jim Lehan moved to accept the preservation restriction between Ronald Eisner and the Town of Norfolk. Jonathan Smith seconded, and it was **so voted**.

CLASS II PUBLIC HEARING – 84 Rockwood Road

Jonathan Smith moved that the Board of Selectmen rescind the Class II license issued to Donald Crawford, 84 Rockwood Road on August 8, 2005. Jim Lehan seconded, and it was **so voted**.

Ramesh Advani called the hearing to order at 7:02 p.m.

Present was James Gagne, owner of the property at 84 Rockwood Road, and Denise Anderson, applicant for the Class II license.

The Board asked Ms. Anderson if she had operated this type of business before. Denise said that her father and ex-husband were in the business, and she assisted them for about 13 years. She said her current husband does this type of work, too. She would like no more than five (5) vehicles at one time.

Jonathan Smith asked if they were aware of the problems at this property. Denise said yes. She said there would be no oil issue (leakage) or parking issues. Jim Lehan read the five conditions that were placed on the prior license. These conditions were: 1. Vehicles displayed for sale shall not exceed five (5) at any one time. 2. Vehicles are not displayed within the wetland resource areas. 3. There are no lights, banners, balloons, or signs calling attention to the sale of the vehicles (exclusive of signs inside, or markings on the vehicles for sale). 4. Only one (1) vehicle in excess of 10,000 pounds shall be on site for sale at any given time. 5. The sale of second hand motor vehicles will be an ancillary use to the principal use of the site.

Denise will sell only cars – no trucks, boats, etc. Jim asked if they are currently in business now. Denise said yes. She works out of her home. She has been doing it for about 13 years. She only displays one vehicle right now. Jim asked about repairs. Denise said there will be no repairs on site. Repairs are done by a mechanic in Middleboro. Ramesh asked what she does with the vehicles at home. She only has one in Mansfield. Ramesh asked why she picked Norfolk. Denise said she liked this area.

Jack Hathaway had no questions.

Ramesh asked the audience if they had questions. Gino Orsogna asked if there were any past problems in other towns. Denise said no. Bob Boucher asked the hours of operations. Denise said she would like Mon.-Sat. 9-6 and Sunday 12-6. The Board said they prefer Mon.-Sat – 9-5, as that was the hours of the previous license. Denise said this is okay with her.

With no further questions, Ramesh Advani closed the public hearing. Jim Lehan moved to issue a Class II license to Denise Anderson, d/b/a Norfolk Auto Brokers at 84 Rockwood Road with identical conditions and time frame as set forth in the prior license to Donald J. Crawford. Jonathan Smith seconded, and it was **so voted**.

ACTION ITEMS

Consent Agenda

Jim Lehan moved to approve the consent agenda. Jonathan Smith seconded, and it was **so voted**. The consent agenda is as follows:

1. Norfolk Community League would like permission to hold their annual Jingle Bell Run 5K Run/Walk on Saturday, December 10, 2005 at 11 a.m., beginning and ending at the H. Olive Day School.
2. Norfolk Community League would like permission to place signs for their annual Santa Breakfast and Jingle Bell Run at the H. Olive Day School on Saturday, December 10th. Signs would be placed at Main Street at the intersection of Independence Drive, and Main Street at the intersection of Boardman Street, from November 27th through December 11th.
3. Please vote to award contracts to bidders for DPW Services through the SERSG IFB. This will be a 12 month period commencing January 1, 2006.
4. Please appoint Janis Daly and Donna Spigarolo to the Norfolk Elementary Education Fund Committee, effective November 14th, expiring June 30, 2008.
5. Norfolk Garden Club would like to place signs advertising their December 4th fundraiser at the following three locations: Main St/Independence Drive intersection; North St. at the Needham/Pond intersection; and Union St/King Street intersection. These will be up from November 20th through December 4th.

OLD BUSINESS UPDATE

Jack Hathaway did a review of the calendar.

Jack Hathaway did a review of the open items.

Ramesh suggests we send in our comments and attend one of the 5 workshops by the MBTA.

Ramesh would like the evacuation plan reviewed and made known to the public. He would like to discuss the emergency evacuation plan for Town Hall and Town emergency procedures at our meeting on December 12th.

BOARD OF PUBLIC WORKS (BPW) CANDIDATES

Ed Melanson was present and will do the interviews. Ed gave an overview of the BPW and what they do.

VIDA HOLMES, 19 Hanover Street

Vida is interested because as a family they have been here forever, and will be forever. She said her father was a Highway Superintendent years ago, so she is familiar with that. She is not familiar with the water side, but is willing to learn it. Vida said she does go to Florida during the month of March. She wants to get back into the Town again and help. Ramesh asked how she liked change. She said she doesn't always like the change, but doesn't object to change. She has served on many committees, and is currently on church committees.

JOHN OLIVIERI, 99 Boardman Street

John said he would like to complete some of the things they started. He feels there are a lot of unresolved issues. John goes to the DPW regularly and is happy with what he sees. He is satisfied with that. He goes to the BPW meetings and Ed allows him to speak as an outsider.

Ed asked him if he has any other commitment that would take up his time. No. Ed questioned him working in a team environment. John said you try to get the best picture and best solution possible and hold it up as a model for people to look at and work with and make sense. Access to email? Yes. Jim asked about the management style. Jonathan Smith asked about things other than the water side. John said he is familiar with the other aspects.

ELLEN FRIEDMAN, 25 Beaverbrook Road

Ellen said she was a member of the DPW Ad-Hoc Committee and was an integral part of this committee, and feels like she would like to see this through to completion. Ellen said she has no other commitments that would interfere. Management style in a team environment – Ellen said she worked extremely well with the other members, and it got stressful at times, but everyone managed to

work through everything. She is analytical and organized. She works well with this group. Ellen is very active with email.

Jonathan Smith asked her idea of how you think this process has gone to now from the time you got up at town meeting and advocated for this. Ellen said she is very pleased. There are still some glitches, but she knows they will work out. Jonathan asked what kind of glitches. Ellen said communication, for one.

Jack asked outside experience that would be helpful. Ellen said she works in sales in a manufacturing company, but it doesn't play into this at all. Her education doesn't really help. Working with the group and her skills would be her experience. Ed reminded the Board that Ellen would be an alternate member.

DAN WINSLOW, 17 Fredrickson Road

Dan is interested because he has served many years on boards. He had an interest in the Water Commissioners, but withdrew to run for Planning Board. He has a long history of service in Norfolk. Dan has experience in drafting local regulations, harmony between town bylaws and zoning bylaws. He has practical management experience that will assist in being a benefit to the town. Dan feels infrastructure is very important. Dan served on the Design Review Board for a short time this year, expired in May. Dan said he travels but most of it is planned travel, so he could avoid conflicts. He said he prefers team environments.

Experience in state government and the judicial system would be a plus, should he be appointed. His philosophy is that if he puts an idea on the table and someone disagrees with it, then he wants to hear their better idea. Dan has had an interest in the DPW since the mid-90's and would love to be part of it.

Following interviews, BPW members Ed Melanson and Jack Hathaway had a short discussion with the Selectmen on the candidates. Ramesh said he would choose Dan Winslow and Ellen Friedman. Dan has extensive knowledge, and Ellen has wanted to be on this from the start. Ramesh said he would also suggest Vida Holmes. Ed agreed, and said that there is a lot of legal interpretation, and it would be helpful to have Dan on the Board. He was also amenable to selecting Ellen Friedman having worked with Ellen extensively on the Ad-Hoc Committee. She has a very analytical approach. John is analytical as well, and thinks outside the box, but he attends all the meetings anyway. Ed said that Vida would be good because she has lived in town forever, and would give a different view on things.

Jonathan's two choices are Ellen Friedman and Vida Holmes. Dan would be his third choice. Jim also favors Vida Holmes, but his first two choices would be Dan

and Ellen. Jack said he feels Dan is his number one choice, but is torn between second and third choices. Dan gives him a lot of information as far as money available, etc. He agrees that Vida is knowledgeable, but looked at what Ellen and John has contributed. He feels that Ellen would be excellent because of her commitment to the Ad-Hoc Committee.

Ed Melanson nominated Dan Winslow and Ellen Friedman as members to the Board of Public Works. Ramesh Advani seconded, and it was a unanimous vote by Ed Melanson, Jack Hathaway, Ramesh Advani, James Lehan and Jonathan Smith.

WEEBER PROPERTY DISCUSSION

Present was Lou Petrozzi, owner of Wall Street Development Corp. regarding the Weeber Property, off Cleveland Street. Mr. Petrozzi explained to the Board on a plan of what he would be planning to do. The property is located off Chicatabut Avenue, and abuts Winston/Churchill Road. Mr. Petrozzi said that he would have approximately 5-6 homes on the Weeber property, showing the Board on a plan and stressing it is very preliminary. Mr. Petrozzi showed the Board three separate plans with three different outlines of what he would propose.

Betsy Pyne asked about access to the property.

Paul Terrio, Chairman of the Community Preservation Committee asked on the contingency property, do you have a time frame?

Andrea Langhauser said the site plan needs to get to Planning Board for an early review. They couldn't render a decision by Dec. 12th, but there are going to be changes to the plan. Open space shouldn't be isolated, but should open up into the public way.

Kay Doyle, 7 Chicatabut asked about where the stub road comes out on Chicatabut. She was told it was #10, near the McFeeley's.

Jeff Kane, Conservation. Jeff takes exception to the amount of open space, parking, etc. If that area is used for passive recreation, they would require parking spaces. Lou said they would not be advocating for all residents, but rather local residents who live there and can walk.

Steve Brylinsky, 7 Winston Road, asked about the detention ponds. It would be important to identify that this would be a desirable outcome. Why is the other plan more desirable? Lou said Planning Board has approved it, and there will be fewer roadways. It is less costly to build for them, and less costly to the town to plow and maintain. There would be less disruption to the property.

John Lavin, Board of Health. He asked what permits are from the Board of Health. Lou said he isn't here tonight to answer that. Lou said he would need to go to the Board of Health for permits. John said the piping was going to Callahan's Pond, and that's what the variance was based on.

Dotty Strohl, 3 Winston Road asked if moving the pond would affect people on the end of Churchill. The answer was no, it would not.

Paul Terrio asked if the town exercised their right, would you still use the contingency property. Lou said probably. There would be other permits that come into play.

The Board thanked Mr. Petrozzi for coming in, and will discuss this subject again at our December 12th meeting.

LONG TERM PROJECTS

The Board discussed what is possible at the Old Town Hall. What are some of our options? They would like to schedule a roundtable for this on the first Thursday in January.

Jim would like to add the status of the Stop & Shop project as it relates to the Planning Board.

Ramesh wanted to add the debrief of town projects – Library and PBC. The Selectmen will chair the meeting.

ACCEPTANCE OF MINUTES

Jim Lehan moved to approve the minutes of September 20, 2005 – special meeting; September 26, 2005; October 3, 2005 – regular and executive session; October 17, 2005; and October 26, 2005 – special meeting. Jonathan Smith seconded, and it was **so voted**.

NEW BUSINESS

Jim discussed the Library being open seven days now, but don't have the funds in their budget. He and Jack will bring this up at the Trustees meeting on Thursday. They were concerned about the cost of fuel and heating the building seven days straight.

Jonathan mentioned ambulance diversion being a problem at Norwood Hospital. He reported on the meeting he attended.

Jonathan attended the Norfolk County Selectmen's Association meeting.

Jonathan attended the BPW meeting and said they are making progress and are doing things outside of the box.

At 10:42 p.m., being no further business, Jonathan Smith 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 November 14, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

November 23, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack P. Hathaway, Town Administrator.

Also present was James Tomaszewski, Advisory Board; Jeffrey Kane, Conservation Commission; Gino Carlucci, Planning Board; and Lou Petrozzi, Wall Street Development.

The Board met regarding the Weeber property. Ramesh called the meeting to order at 12 noon.

The following considerations were discussed:

- Purpose: to present considerations for a proposal of the gifting of land from the Weeber property.
- 18 to 20 acres gifted to the Town of Norfolk
- Acreage to be contiguous
- No less than 50% upland
- With an adequate easement for access (maintenance and public)

The Board of Selectmen requested Mr. Petrozzi to propose an agreement with the Town as outlined on the comments above.

Mr. Petrozzi expressed concerns that he does not want to limit his options.

Mr. Petrozzi agreed to bring forth his best options. Lou will work with Jack Hathaway.

On another matter, the Board discussed Call & Wait, Inc.

The Board discussed giving a Class II vs. Class III license for Call & Wait. Should the Board give him a Class II or Class II license in December?

Ramesh said that what bothers him is that they are acting as a Class III operation.

Jim said he doesn't want to be left with the property.

Jack said if you issue a Class III license, the zoning clock is reset for grandfathering the Class III license.

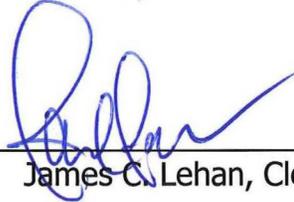
Jonathan suggested we have George Hall check "How you can add conditions that you'll be able to take the license away."

Ramesh and Jim both asked what is the advantage of postponing him until April?

Jack asked if we grant him a Class III license, what are we giving up. The only progress we make between now and April.

At 1:26 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of November 23, 2005.



James C. Lehan, Clerk

November 28, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:15 p.m. Jack Hathaway read the agenda contents.

TAX CLASSIFICATION HEARING

Present was Robert Alford, Chief Assessor.

Ramesh opened the hearing and read the hearing notice. He asked Robbie Alford to present his information.

Robbie presented spreadsheet information to the Board detailing the different tax rates and explained the single/split rates. Jack Hathaway told the Board that they were looking for the Board tonight to determine either a single or split tax rate. The proposed tax rate is \$12.48 per thousand. The average single family home is \$445,200. Jack said they will put this information on the website so that people can download it.

Robbie compared these rates with 2005. The rate was \$12.50 per thousand in 2005. The tax rate will come down slightly, but it doesn't mean taxes will be lower because the assessment is higher.

Jim asked how he came to the 15% number. That is a big jump in assessed value. Robbie said the difference between assessed value and what the sales were coming in at. They have to be at 100% market value. From that 100% they have 10% to go either way. Robbie said you will be able to go online and see the assessed value of your home after January.

Jonathan asked if that's the average, or the median. Robbie said it's the average. The median would be lower.

Jim Lehan moved to have the tax rate remain consistent between residential and commercial. Jonathan Smith seconded. There was discussion by the Board. The Board felt if they adjusted this, the commercial is such that it would be a 10/1 shift. Robbie said the Assessors voted to go with the single rate as well. Ramesh would like to see what happens after we have the revaluation next year. It was **so voted** by the Board. The hearing was then closed.

POLE HEARING – STANDISH ROAD

Present was Art Spruch, Standish Road. There were no representatives from Boston Edison present.

Ramesh stated that the hearing was for Standish Road, southerly, approximately 1130 feet southwest of Boardman Street, a distance of about 76 feet conduit.

Art Spruch is an abutter. He has no issues with this. There has been construction associated with this that has left the place a real mess. He wanted to know what would happen during the winter. His driveway has a cut across it and it hasn't been paved. Art is concerned about paving. What happens now? He isn't sure who is doing the work either Edison or the contractor. After they put the conduits in, it is a real mess. Jack said he will look into this.

Jim Lehan moved to approve the request of Boston Edison Company to install conduit as noted above. Jonathan Smith seconded, and it was **so voted**.

CALL & WAIT UPDATE

Present was Glen Hannington, Esquire and Dan Orwig, Orwig Associates.

Dan Orwig presented the Board with operating manuals.

Dan Orwig said they are here this evening to provide an update to the Board. He said they have correspondence with the Board of Selectmen dated November 7th regarding a September first phasing plan for environmental compliance for Call & Wait. He is reporting this evening that the memo that was provided on November 7th is in fact active. Dan said since we put this memo together, the single page he handed out is a Notice of Intent which will be mailed tomorrow. He did not get the signature of Mr. Waznis until this morning. This triggers the NEPDES permitting process. You have to have completed the stormwater pollution prevention plan, and that's what the document is that he has there. It is not only a stormwater pollution prevention plan, but there is a spill prevention plan and an evacuation plan within this document. These are the 3 requirements that require Call & Wait to have on their premises prior to submitting the Notice of Intent. We will submit the Notice of Intent, and then we will have communication with EPA and we will start the general permitting process. This is the key document that John Lavin and others have been asking for. This is commented to in the short term action steps and is all filed. All the short term action steps that we proposed on September 1 have been completed. Where we are going at this point is, we have filed with the Norfolk Conservation Commission for an abbreviated Notice of Intent to put in the 3 monitoring wells, and that hearing is Wednesday evening. He is preparing at this time, a complete Notice of Intent for the entire project filing as well as last week had some discussion with the Secretary for the Planning Board and she provided him with all documents for him to fill out regarding a site plan approval for the facility. Within a week all these documents will be filed with both Boards.

Dan said he knows that Bob Bullock's concern was let's get it all going at one time so we can see any problems or see how we can make sure we make all the revisions we need to in order to keep each Board happy at this point.

The mid-term action steps show that we have filed the first Notice of Intent, and we are planning to file the second Notice of Intent. We have filed the Stormwater Pollution Plan, as proposed. With the next round of permitting, which is more focused on the local permitting, will influence the general permits that we will eventually obtain. We had to do this first, and then we will go into the general permitting.

Bob Bullock said that he, Jim Lehan and Jack Hathaway went out to the site, and we still saw some things in disarray, but they definitely saw some action going forward. Bob said the roundtable meeting that we had a few weeks ago, was pretty productive as far as learning where all the Boards stood with it, and the direction EPA and DEP were going. They also were getting the monitoring wells going and filed with Conservation for that. Bob said that Dan didn't mention anything about soil testing. Dan said the permit through Conservation includes six areas that the Conservation Commission has defined for testing. So this includes the monitoring of soil and water. Bob asked if this book was an operating manual, because it looks like one. Dan said yes it is. It took awhile to put together. This has to be implemented within 48 hours of the mailing of this (he referred to a document he had).

Jim Lehan noted that this is a very thorough, detailed manual. This is only as good as the training that goes around this. My guess is that this is a foreign language to a lot of what is going on in the business today. Who is going to do the training? Dan said two or three of them are going to sit down with all of them and go through item by item. It isn't going to be done at one meeting. They are going to have to set up procedures like the refrigerants, mercury switches, etc. Because it's a lengthy thing, we will have to go through, sit down with them and get a procedure established. When a vehicle comes in, these are the items you look for. Where are you going to put those items. This is what hasn't been done yet.

Jim said you need someone on site that has the skill set. That knows how to implement this and can work with these people on a daily basis. Just sitting down and having training sessions and walking them through it, there isn't anyone on site today that has the skill set. Do you agree? Dan said he doesn't know. You need to take one of them who is responsible and will keep a log and manifest of every vehicle that comes in and that he does these things to. Jim said he will rephrase the question. It is safe to say that these things have not been done to this degree. Dan said most of them haven't. There are some that have. Jim said they haven't had an operations manual of this degree. Without

any knowledge of the people who are there, it will only be as effective as someone on site who knows how to implement and manage and monitor this on a regular basis. Glen said they have some good people there. Dan said Paul's son works there daily. Jim said he isn't suggesting they don't. Dan said Paul is the one who will tell us who will be the person being responsible for this. Paul will be the one signing the manifest, and there is a liability here.

Jim said if you have someone who is accountable, he has gone to a far higher level of oversight with a result of what is going on here than this business has ever had in the past. There are consequences now if he doesn't do it. Some of these consequences will be automatic that have nothing to do with us that will flow from this. Jim said this gives him a level of comfort once that's in place because this will be a watchdog and help people do the right thing here.

Jonathan asked if the Board of Health approved this. Dan said this was hot off the press, and hasn't been distributed yet. Dan said there is a monitoring plan in there, but is not specific to the stormwater pollution plan for EPA. They can start doing this immediately. It should be done within the next few weeks.

Ramesh discussed the roundtable meeting regarding this. He said that we will have to go through the process. He mentioned the triage issues. Dan said that he can address that. He will look at this, and respond to Bob Bullock. That way he can get other things done other than permitting. The way he has gone with permitting is the best foundation. They are real close and once he files site plan review, then it can take its course and then they can focus on the triage.

Bob asked if there is a plan that will document everything going into the facility and going out of the facility. These vehicles should not be coming in with them filled with junk. Dan said they developed a manifest for all oils – there is a form that DEP has and they put a binder together and they have to fill out all the forms. Dan said right now there isn't a manifest, but there will be. He said employees will be responsible. Bob asked what the process is now with a vehicle that comes in before it gets cut up. At what point does the oils get drained, and the batteries, etc. If this isn't done immediately, then the vehicle sits for months and nothing gets done. Bob said that if vehicles are drained, it would solve the triage issue.

Ramesh said that everything we are talking about now is a Class III business. Ramesh said it is very clear from the time the Class II license was granted this year that they are actually doing Class III work. He said he is wrestling with how to understand how to deal with this because he is really doing Class III operations there. He said it has been documented in public records.

Glen said obviously the goal here is to get the Class III license. He is doing the work toward this goal. The financial commitment is predicated toward the Class III. Ramesh said you have a specific deadline to apply for a Class III license. Glen said yes, April. Glen said they fully intend to do what is there. Ramesh said the Conservation Commission is asking for an oil/water separator. Dan said they cannot put an oil/water separator in there until they get a permit. Dan said the oil/water separator was not in the Order of Conditions.

Jim said to come in to a meeting in January to renew the Class II license and then to approach the Board in April for a Class III. They are asking you to help convince the Board in Dec/Jan as opposed to April. Jim said he is uncomfortable issuing a license for a business you aren't in. He is comfortable in issuing a license that they are in. Jim said the progress cannot stop. It has to continue. He and Ramesh feel that they call it what it is, and address it as such. He does not want to issue a Class II license when it is not that type of business.

Dan said they discussed posting a bond. Glen said Paul is amicable to posting a bond. The Board has a bias towards a cash bond.

Ramesh said they've been pretty generous. We have said we would do inspections but have not assessed fines. We have inspected and seen violations and been very patient.

Jim said a cash bond and EPA give him a higher level of comfort. Dan said he will work the triage and give a plan to Bob Bullock.

The Board said the more they can demonstrate over the next thirty days, the better. They are hesitant about the Class II license.

Glen asked why we can't have the Class III license sooner than later. The Board said that we could have the hearing sometime in January. Bob Bullock said to remember their permit expires Dec. 31 and then they will be operating with no license at all. The Board needs to be sure that certain things are done.

Board decided February 13th to have this hearing. Ramesh wants the specific date for the triage. Dan said he will get together with Bob within a week or so.

Jim asked that he keep tabs with Bob on who will manage and supervise this site. The bond and triage will be given to the Board by December 15th.

Jonathan asked about filings, and Dan said he has filed one item with Conservation, and will file the second one within a week. He also will take care of solid waste and stormwater. Planning Board is site plan review and stormwater. Board of Health is stormwater.

Ramesh said that if in the interim we have to issue a Class II license, he thinks his client should give serious thought to limiting activity in the interim to only Class II operations. Glen said fine, although there will probably be enough snow to take care of it anyway. He will speak with his client.

The Board agreed to put this matter on the February 13th meeting. Glen asked what will happen after February 13th. Will we still meet? The Board said absolutely. This will still need to be monitored. Jim said Glen has made progress, and Dan has had him doing things that he has never done. Glen said Paul is excited about this. There will be a state of the art place there.

ACTION ITEMS

Jack reported that Norfolk Recreation has received two gifts. The first gift was from Norfolk Soccer and was a \$6000 installed flagpole at the Pond Street Complex. The second gift was from the Norfolk Community League and Norfolk Lions for \$1500 for the summer concert series. Jack told the Board they need to accept these gifts. Jim Lehan moved to accept the two gifts to Norfolk Recreation as noted by Jack. Jonathan Smith seconded, and it was **so voted**.

Ramesh questioned the announcement board. Jack said there has been communication between the Lions Club and Butch Vito. The clock is being built and should be installed in December.

Jim Lehan moved to adopt a Zero Tolerance Policy toward the purchase and/or consumption of alcoholic beverages by persons under age 21. The sale of alcoholic beverages in the Town of Norfolk to any person under age 21 will be reported to the Town of Norfolk Licensing Authority by the Norfolk Police Department. All reported violations will result in a hearing and appropriate action will be taken by the Board of Selectmen. The Norfolk Police Department has also adopted a Zero Tolerance Policy and will adhere to this policy adopted by the Board of Selectmen when conducting their Alcoholic Beverage Compliance Checks within the Town of Norfolk. Jonathan Smith seconded, and it was **so voted**.

Jim Lehan moved to support House Bill 4809 which proposes to eliminate the state gas tax for municipal vehicles. Jonathan Smith seconded, and it was **so voted**. This was a request of the President of the Mass. Selectmen's Association that each town support this legislation and inform our Senator and Representative of our support.

CALENDAR UPDATE

Jack reported all calendar updates/meetings to the Board of Selectmen.

LIQUOR LICENSES

Jim Lehan moved to renew and approve liquor licenses for 2006 to the following establishments: Restaurant – All Alcoholic: Eagle Brook Saloon, Horse 'n Carriage Restaurant, and Tyler's Family Restaurant; Package Store – All Alcoholic: Norfolk Fine Wine & Spirits, Linda's Variety Store, and Provo Discount Liquors; Package Store – Wine and Malt: Norfolk Food Mart; and General On Premise: Fore Kicks, and Center Ice. Jonathan Smith seconded, and it was **so voted**.

OPEN ITEM UPDATE

Jack said he has been working the four different unions' negotiations. Jack discussed the administrative union for Town Hall. He went to Boston today for half the day to work that out. Dispatchers have begun negotiations.

Jack said he will hope to lock into electricity in the next few weeks.

NEW BUSINESS

Jack informed the Board of a safety concern in town and that he worked with the Police Department this afternoon. Jacked noted the Press Release from Chief Stone, which he gave to the Board. The Chief requested assistance from the Metro Star LEC force. This was handled very professionally. They ran the command center of today's incident. He said hats off to the Police and Fire departments. It was handled very well within a two hour time frame. Some roads were closed and schools were involved.

Jack announced that Mrs. Vito (Butch and Paul Vito's mother) passed away on Thanksgiving.

Jonathan attended the first event at the Library. Major Andrade came back from Iraq and was very appreciative of a Little League team that sent a package to him. He met the kids and thanked them and gave them a story of what he did overseas.

Jim said that with the BPW we elected two new members. We mentioned that Jack will be stepping down, and the Chair of the BPW has asked Vida Holmes to attend the meetings, so Jim felt the Board should formally appoint her. Jonathan said he was at the meeting, and she was active. Jonathan Smith moved to appoint Vida Holmes to the Board of Public Works, effective January 1, 2006. Jim Lehan seconded, and it was **so voted**.

Jack Hathaway gave his resignation from the Board of Public Works, effective December 31st.

Jim applauded the Boomerang for being successful.

Jim said that he hopes the Library can sustain the seven day schedule. He said that the Selectmen made a promise to the residents that we will keep within our budgets. We owe it to the community that this is an unknown and we need to keep a good eye on this and keep a handle on expenses. That was the message to the community.

Ramesh discussed something in the packet from MAPC asking us to identify ourselves in the Southwest region. Ramesh is fine with us being there. They will be discussing the boundaries at some point. Jack will write a note on our behalf stating that we are fine with this.

Ramesh asked for an update of the Finance Director position. Jack said we are asking for applications through December 15th and have advertised in many places. They did not have a strong candidate in the first round of applications.

Ramesh discussed the No Place for Hate that Wellesley took a proactive approach on. He wondered if we would like to do this. Harriet Warshaw was the woman who provided him with information. The Board will review the information. Ramesh said you get certified and have to be re-certified every year.

At 9:15 p.m., being no further business, Jonathan Smith 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 November 28, 2005.



James C. Lehan, Clerk

December 12, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith and Jack P. Hathaway, Town Administrator.

Ramesh Advani called the meeting to order at 7:00 p.m. Jack Hathaway read the agenda contents.

PUBLIC HEARING – CLASS III LICENSE – NORFOLK AUTO, 38 Main St.

Present was Kevin Roche of Norfolk Auto.

Ramesh welcomed Mr. Roche. Jim Lehan asked if there are any changes. Mr. Roche replied no. There were no other questions. There were no abutters present, nor comments from the public.

Jonathan Smith moved to approve the Class III license for Call & Wait with the same conditions previously granted. Jim Lehan seconded, and it was **so voted**.

ANNUAL LICENSE RENEWALS

Jim Lehan discussed the concern of Chief Stone with the AWOL (Alcohol Without Liquor) machines that is the rage in alcohol serving establishments. It is an inhaler that feeds alcohol mist right into your system and you don't have to ingest liquid. This is something the Board will address at a later date.

The Board approved the 2006 annual license renewals as follows:

Jonathan Smith moved to approve the following liquor licenses: Eagle Brook Saloon, 258 Dedham Street; Tyler's Family Restaurant, 218 Dedham Street; Horse 'n Carriage Restaurant, 210 Dedham Street; Norfolk Fine Wine & Spirits, 206 Dedham Street; Norfolk Food Mart, 10 Rockwood Road; Provo Discount Liquors, 282 Dedham Street; Linda's Variety Store, 158 Main Street; Fore Kicks, 10 Pine Street; and Center Ice, Inc., One Dean Street. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the following Common Victualler licenses: Eagle Brook Saloon, 258 Dedham Street; Tyler's Family Restaurant, 218 Dedham Street; Horse 'n Carriage Restaurant, 210 Dedham Street; Norfolk Town Pizza, 158 Main Street; Bourque's Restaurant, 194 Main Street; Dunkin' Donuts, 134 Main Street; Fore Kicks, 10 Pine Street; and Center Ice, Inc., One Dean Street. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the following Entertainment licenses: Eagle Brook Saloon, 258 Dedham Street - Live Music, secular days and Sundays – 1-5 instruments from 8 p.m. to 1 a.m.; Tyler's Family Restaurant, 218 Dedham Street – Coin Operated CD-player, secular days and Sundays. One Coin Operated Arcade-style machine, secular days and Sundays. 11:30 a.m. to 10 p.m.; Fore Kicks, 10 Pine Street - Eleven (11) Coin Operated Arcade machines,

secular days and Sundays – Winter hours are 4 p.m. to 9 p.m., Monday through Friday and 8 a.m. to 10 p.m., Saturday and Sunday. Summer hours are 9 a.m. to 10 p.m. Monday through Sunday; and Norfolk Rink Management Co., Inc., One Dean Street – Six (6) Coin Operated Arcade machines, secular days and Sundays. Monday through Sunday, 7 a.m. to midnight. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the following Class I license: Cliff's Cycles, 84 Rockwood Road. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the following Class II licenses: Call & Wait Auto, Inc., 15 Lincoln Road; Norfolk Auto, Inc., 38 Main Street; Joseph Wolf, 104 Pond Street; Norfolk Auto Brokers, 84 Rockwood Road. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to approve the following Taxi license: Foxfield Taxi, 29 Wall Street, Foxboro, MA. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to allow Eagle Brook Saloon, Horse 'n Carriage Restaurant and Tyler's Family Restaurant permission to remain open until 2 a.m. on New Year's Eve, December 31, 2005 with all patrons off the premises by 2:45 a.m. Jim Lehan seconded, and it was **so voted**.

WEEBER PROPERTY DISCUSSION

Jack Hathaway mentioned that this property is Chapter 61A property. The Board of Selectmen has the right of first refusal. The 120 days expires February 8, 2006.

Mr. Petrozzi, Wall Street Development would add the Weeber property and the Cahalane property to his Ferne Ridge development that would give it another 7 lots to develop. Mr. Petrozzi would give to the town a portion for open space.

There has been discussion over the past several weeks of a proposal with Wall Street. It was agreed to pursue an open space subdivision with approximately 25% (16-20 acres) to the town. The Weeber property is 27 acres. At least 50% will be upland, with multiple access points to the public.

Jonathan explained that this has been a process over several weeks. The percentage of upland is important. They are trying for the best interest of the town by working with the developer.

Jim said he approached the developer for negotiation no less than 18 acres of town contiguous acreage, not piece meal. The potential to go up to 22 to 24 acres at no cost vs. purchasing outright.

Ramesh said there are 4 total parcels. One is Ferne Ridge; one is Cahalane, and there are two Weeber parcels. Wall Street will put in 17 lots. Ferne Ridge has 10 lots, so only 7 more lots exist in the three remaining parcels.

Choices are:

1. The Town purchases via CPC purchase. First right of refusal and we call a town meeting.
2. The Town let time run out and signs an agreement with Wall Street for the land donated to the Town.'

The Conservation Commission voted 6-0 to purchase the property outright. Wall Street is to meet with Planning Board to go over plans this week.

Jim said he is concerned about wetlands, and what it will do to neighbors' property.

Jonathan said what is flagged wet area; there is a certain amount of protection where nothing can happen.

Jim said the Cahalane property will go for lots. The Weeber property will be donated land.

Alan Shaw asked the nature of access/parking? Jack said similar to Christina Estates. There are multiple points – Chicatabut Avenue cul-de-sac and neighboring roads. There are details that are not yet decided. They need plan approval first.

Jonathan Davies, 14 Churchill Road. He wants to take Weeber and Cahalane to protect property from development. It is a unique opportunity, and we should purchase it all. Jim Lehan said Wall Street has a deal for the Cahalane land to go through with development. Mr. Davies feels Wall Street would like the profit by selling the land (all parcels) and not building at all.

Jim Giebfried asked if the Community Preservation Committee (CPC) has voted yet. Ramesh said not yet. They are meeting on 12/15. Jim G. said he is concerned about loss of irrigation ponds for Jane & Paul's Farm. Jim commends the Board for looking for a compromise, yet feels that Chapter 61A property should be enjoyed by the Town. He is concerned that we are setting precedence of what 61A is all about, and who will manage it.

Ramesh said that our objective should be to preserve and conserve open space. He is not sure who will manage it, and we must see who will control it. Leave drainage issues to those who know.

Mike Taurasi, 18 Turner Street. He passed out a map. A GIS map – property lines as they exist. He advises against. The only way to protect is to buy with CPC funds. If it's taken as a gift, Wall Street could put their drainage on it. It would be a big mess. He is not concerned with the Cahalane parcel. That is a separate issue.

Ramesh said the P&S is contingent on the purchase of the Cahalane property. CPC could decide on their own to buy all of this if they choose to. What is the most effective use of town funds? Mr. Taurasi feels CPC should buy it. It's the best use of their money.

Dan Rochefort, 10 Churchill Road. He asked what the conditions are in the agreement. He also asked can he change the open space contingency.

Jim said the contract says he must turn over 18 acres, but he could change lot plans. It is in his best interest to remain open space.

Alan Shaw asked if we are still guaranteed access if he doesn't pursue the open space plan? Jim Lehan said yes.

Ramesh asked the Board members how they felt. Both Jim and Jonathan said they favor the Wall Street proposal.

Jack said that Wall Street will be meeting with the Planning Board on December 15th. He feels they will donate more than 18 acres.

Jonathan said we are just trying to do the best we can.

Ramesh said his position is that if funds are available and town meeting approves, he would agree but would much rather take 18 acres at no cost. He wants to use the funds wisely. He acknowledges drainage issues and feels there are plans in place to address those issues. He is not in favor of parking lots for access.

Ramesh said he will schedule a meeting for December 19th to vote the draft agreement – whether to sign or not sign the agreement after CPC makes a decision and/or recommendation. The Selectmen are the only ones who have the authority to call a Special Town Meeting.

Dotty Strohl, 3 Winston Road. She asked if CPC votes in favor and the Conservation Commission is in favor, what the Board of Selectmen will do.

Ramesh said we will wait until December 19th to decide. The Selectmen will also attend the CPC meeting to hear discussion.

HOUSING AUTHORITY LAND DISCUSSION

Present was Marie Chiofolo, Town Clerk.

There was discussion about the development of affordable housing. They discussed Cottage Court and access issues. It is not feasible and can't be built. What are the options?

Jim Lehan said he had a conversation with Scott Dittrich of the Housing Authority. They want to scrap Cottage Court. There is no formal plan, but thoughts and ideas to advocate for affordable housing. It was brought up what about the old town hall land? It's worth exploring. Also five acres on Lawrence Street.

Ramesh said that we had an affordable housing committee, but it died on the vine. Start a plan, approved by the State and it's a way to jump start.

Marie Chiofolo told of her experiences in Westwood. She feels Norfolk needs to have a plan in place. We need to look for grant money to develop a plan and hire a consultant.

Jim pointed out other Towns who have a plan in place. Can we use CPC funds to hire a consultant?

Marie agreed that it is essential that we need a plan as a starting point. Marie told the Board that open grant season is coming up in February. Should we pursue it?

Ramesh said we need to reach out. Is the grant process complicated? Do we have a grant writer in Norfolk?

Jonathan said we need to be smart about how we proceed.

Marie said there is information available from the State. We need to get a letter of intent in.

Ramesh suggested we find the name of the Norfolk grant writer and reach out and explore this with the CPC and Housing Authority member.

Jim said he doesn't want to re-establish this committee.

Ramesh said that regarding zoning bylaws, they are working to tailor them for the Affordable Housing.

Marie Chiofolo concurs and said we can take over boiler plate language from other towns.

Ramesh said some action items are affordable housing initiative; apply grant Notice of Intent for funds to create plan; approach CPC for use of funds; working with Planning Board – incorporate in future developments; Zoning Bylaw Study – new bylaws; identify town land (properties) to be used for Affordable Housing.

Marie feels we can handle Notice of Intent for grant money.

Jim feels we must advocate promoting affordable housing.

Marie said we should be able to create a plan within a year.

Jack Hathaway said we should have a more aggressive plan. Partner with developers to create affordable housing.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of November 14, 2005 and November 28, 2005. Jonathan Smith seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to name the new street for Saddle Ridge Subdivision off North Street as Saddle Ridge Way, per GLM Engineering. Jonathan Smith seconded, and it was **so voted**.

Jack reviewed the calendar with the Board for the next two weeks.

New Business

Jack reported problems with the new ambulance. There are six separate issues. It has been sent back several times with poor reliability. They will pursue a replacement vehicle or refund the purchase price.

The Library is working on final occupancy. A handful of code issues need to be resolved. Should be addressed tomorrow. Needs final occupancy to get grant monies from the State.

Most significant is roof vents – code issue and the contractor is unresponsive. It is the Clerk of Works responsibility to get him back to fix them.

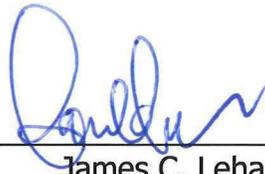
Jonathan asked about the timeline with the Southwood property. Jack said he has been playing phone tag with Bill Fleming.

Ramesh said that the Mass. Commission Status of Women that was in the packets has a January 19th deadline. He suggests it be publicized, and sent to NCL, Friends of Library, Norfolk Net and the Boomerang.

At 9:25 p.m., Jonathan Smith moved to go into executive session to discuss pending litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, **aye**; Jonathan Smith, **aye**; and Jim Lehan, **aye**. The Board will not return to open session except to adjourn the meeting.

At 10:10 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Jonathan Smith seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of December 12, 2005.



James C. Lehan, Clerk

SPECIAL MEETING

December 29, 2005

Present was Ramesh H. Advani, James C. Lehan, Jonathan P. Smith, and Jack Hathaway, Town Administrator.

This is a joint meeting with the Community Preservation Committee (referred to as CPC in these minutes) to discuss the 61A Weeber property and make a decision. Members present were Paul Terrio, Andrea Langhauser, Tom Terpstra, Betsy Pyne, Richard Connors, Scott Dittrich, Jeff Kane, and Kevin Hughes. Also present was their secretary, Michelle Thoener.

Ramesh Advani called the meeting to order at 7:30 p.m.

Ramesh said that this is unique; because it is the first time we have had a joint meeting with the CPC. Ramesh introduced the Board of Selectmen, and then asked Paul to introduce his committee, which he did.

Paul said they understand that there was a petition that was circulated with respect to the property known as the Weeber property; 28 acres off of Chicatabut Avenue and borders a proposed development Ferne Ridge. He then asked the people who headed that petition to come forward. Jon Davies, 14 Churchill Road and said he is one of the members of the action committee in support of buying the Weeber property. Mr. Davies said at the last CPC meeting, the CPC didn't know if the town was in favor of buying this property, and felt that they couldn't go ahead without some town support. At that time, they felt a petition in support of buying the Weeber property was a good thing for them to do. They came tonight to support CPC in their mission to acquire open space and passive recreation. Mr. Davies presented a petition with over 475 signatures of residents and voters in favor of buying the Weeber property. The signatories represent over 100 streets, neighborhoods and precincts in Norfolk. Mr. Davies said at the last CPC meeting, the Board didn't feel that the Town wanted or was interested in this purchase, so they brought proof tonight. Dan Rochefort presented the petition to the CPC, and said this is of great interest to the Town, and the whole community. He said they accomplished this task in the last seven days and thanked the citizens and Norfolk people who let them into their homes to hear their views on purchasing this property. He said it was very critical and very difficult in this holiday season. Mr. Rochefort said they have much more interest than even the 475 people. Mr. Davies would like to have the purchase come before all the voters of Norfolk. They feel that tonight is a very important vote for the citizens of Norfolk. They said we have the opportunity to acquire 28 acres of land. There will not be another opportunity like this in many, many months. They feel that they should be heard in an open town meeting. They would like them to vote yes and let them decide.

Paul turned this back over to Ramesh. Ramesh said they have copies of the petition. Ramesh said the purpose of this joint meeting is to discuss two items: One is the Weeber property is a 61A property. If the Town is going to vote to purchase this

property, it requires the Board of Selectmen to exercise the right of first refusal, or recommend to the Town Meeting that they want to exercise the right of first refusal. Without rehashing the many discussions, Ramesh told people who haven't been part of this that we have had presentations to the Board of Selectmen from the developer of the Ferne Ridge property. These have been open meetings and subsequent to that, the Board of Selectmen actually talked with the developer about a potential agreement to acquire some of the property that is up for sale at no cost to the Town. An agreement to such effect, at least from the developer's standpoint, has been signed by the developer and provided that to the Board of Selectmen. However, in order for the Board of Selectmen to act on this, we need the permission of town meeting. Since the time we have been discussing this in some of the open meetings we've had, we have had discussions primarily with most of the neighbors of that particular area. Neighbors of Winston and Churchill and even Turner Street. Most of the people are here tonight. In that whole area, what we have done – due diligence on our part, was had a roundtable discussion last evening. Ramesh explained what a roundtable is.

Ramesh said the property in consideration here is being talked about relative to another property which the developer already owns called the Ferne Ridge property. The Ferne Ridge property was approved for development before this roundtable process was ever put in place. The Board of Selectmen last night decided to hold a roundtable, not with the purposes of discussing the developers plans, but to get the Board of Selectmen to understand a little better what are the issues involving the development of the current property in conjunction with the purchase of the Weeber property. The focus of the discussion was not on the Weeber property. It was on the Ferne Ridge property and what would be involved with that. Ramesh said they heard a lot of good information, and he also heard a lot of bad in hallways and with people kibitzing, but to actually site and have a proper discussion where you are looking at all the facts, that was very helpful and helpful to him personally. The purpose of that discussion was to precede this discussion so that the Board of Selectmen could talk about what do they want to do relative to exercising the right of first refusal? Ramesh opened up the process and said he would like the Board of Selectmen to have a discussion on where they individually stand, and then this discussion will help spur discussion with the CPC, and at that point he will turn it over to Paul Terrio and have the CPC discuss the merits of purchasing the property. Ramesh said that depending on how the CPC votes, then it will be turned back over to the Selectmen for their decision.

Jim Lehan said this has not been a simple discussion. Normally things tend to square out as either black or white, or you can come to some sort of relative conclusion that you can define and feel comfortable with. Jim said that isn't the case here, at least for him. He could defend purchasing the land, and he could defend taking the agreement. He feels they are both very defensible positions. We have two options. We can exercise our option and allow this to go to town meeting and let the voters make that decision. Or we can choose not to and CPC could choose not to fund it, and we could go forward with the agreement that we have with the builder. Jim said that he met with Wall Street this morning. He found them to be very cooperative and helpful in terms of trying to work through the issues. He compliments Mr. Petrozzi on that. He also said that 475 signatures is an incredible statement on their part, and he complimented them for being so productive during the holiday season. It's quite a statement – almost 10% of voters

in town. Jim said if this was a simple financial decision, he would say it's a no brainer. We have an opportunity to get 18-20 acres at no cost vs. buying 28 acres. A differential of either a maximum of ten or potentially as little as five or six. Jim said it's not a simple financial issue to him. In looking at the considerations for purchasing this, this land backs up to Jane & Paul's Farm, which is a valuable asset to the community. CPC funds are designated for the purposes of open space and passive recreation. We also have space that potentially could be used up on Chicatabut, which to some could be controversial, but we need to look at all the facts. We could use this for an affordable housing lot which is something this town has been very lax in and something we need to pay attention to and work towards. Jim said when we look at spending our tax dollars, and if we are going to spend our tax dollars, there have to be justifiable reasons for doing that. Affordable housing has to be one of those considerations that he hopes CPC will weigh in their discussions tonight. Jim said he personally feels this is a difficult area in terms of drainage and the potential impact to existing neighbors. Jim said that since we have time limits on this, the bottom line is he would personally recommend that if CPC is willing to fund and states that they are willing to so fund, the Jim believes that this issue should go to the voters. He would be supportive of that. It is important enough and there are enough issues associated with this that it should have a public hearing and we should not stand in the way of that. If we do not exercise this option, then in essence, we are standing in the way of that. He is supportive of letting this go to town meeting and letting the voters make that decision. Norfolk has a right to do that.

Jonathan said there are two fundamental issues we are dealing with tonight. One is the first major potential acquisition and use of Community Preservation money for so-called open space or land acquisition. Jonathan said the second issue is the Selectmen's rights under the law or Selectmen's responsibility whether or not to exercise an option under Chapter 61A. He is concerned that, in fact, this first issue of the CPC's first purchase is something we take very seriously. It will set the tone for what will happen for many years in this town as far as how the townspeople, the CPC, maybe the Board of Selectmen look at how this process operates. This has been very important to him in looking at this matter. When people voted the CPC, they thought of it as open space acquisition. He also thinks when they thought of it, they thought of it as open space acquisition of properties that were readily developable. If the town didn't have money to buy it or negotiate with an owner, it would become developed; and probably become developed in a relatively easy fashion. It was also intended to be for properties that are readily visible to people within the Town of Norfolk. You feel that as you drive around town, you are in a different town than I was when I crossed the line from Franklin or Walpole or anywhere else. Jonathan said he also thinks that, as Jim mentioned, some affordable housing was also a part of the consideration for some voters, but he believes for the vast majority, they were thinking of it as open space, dry land acquisition. Jonathan said he grew up in a town before we had this Community Preservation Act in the early 70's that made an effort to go around and buy properties that were in fact very developable properties. That town was able to successfully get options and do that in a time when it was very difficult. That town had to put up their own money. They didn't get half the money from the State, or a 3% tax. Jonathan said one of the examples that spurred the town to do that was the original purchases that had been made by the Town previously had been made for conservation purchases and they basically bought

swamps, which couldn't have been developed anyway. This was reaction to that concern what about the land that houses can go on. Jonathan said that as a Board of Selectmen, they have a responsibility under Chapter 61A and one that they should not seek lightly. They have been given this power for good or for ill, by the statute to make a decision on when 61A properties become available. That is why Jonathan thought it was very important that this Board work toward seeing what kind of agreement could be made with the developer in order to see what the real difference would be between what the developer might do and what we would be purchasing. Jonathan said it never was \$474,000 for 28 acres of land. It was always the difference. As far as the issues regarding drainage, he did attend the roundtable last night. He said he might not have asked any questions, but he thought he was there to listen to what everyone else was saying. What he heard from those boards were that they were very particular about what they would do as far as controlling the issues that might arise as far as drainage and anything else that was under their purview. They were very sensitive to that, and would make every effort that anything that would be detrimental would not happen. Given the reputation that boards have in town, they do not have the reputation of allowing people to do things easily to develop. Jonathan feels they have the opposite, and since he's in the business of sometimes representing banks who lend money to people who build developments, he has gotten more criticism over the years for being one of those people from Norfolk where they don't allow anyone to do anything. Jonathan said we don't have boards that are going to just let anything go. Primarily, we have an agreement. It may not be the best agreement in the world, but neither is the decision they have on purchasing the property for the amount of money. There is still going to be land left to develop, and there is still going to be a development going in there. The difference is going to be one of size and perhaps location, and other property that is not subject to this sale that still can be developed, and still can be obtained by the developer. You have to look at what that difference is. Getting back to the first point, which is very important, how is this going to be looked upon, how we did this process by residents in town when other projects come along, which may be, in terms of the size of the properties locations, actually much more significant than this particular property. We nearly had a town meeting about the airport property. We've had other properties around town and CPC is probably working with owners right now. He respects the fact that they may be negotiating with them, so he won't bring up those properties. Jonathan said the only thing that drives this that we are here tonight is the 61A option and what we do as a board. He still thinks we have something that is worth having the Selectmen have a discussion and a vote on whether or not to exercise the right of first refusal. He doesn't automatically think that it should be a town meeting vote. However, if it does go to the town, he feels the town needs to have everything expressed by the boards here and those that aren't here, to think ahead what other properties are available in the next three or four years. What are the resources that we are going to have to get those and whether or not they would be something that would be something that is part of the vision that many people had when they voted for open space. He takes this very seriously, and he would like to see what CPC has to say after they have their discussion.

Ramesh said his view is that he firmly believes he is very conservative and doesn't want to spend any money that he doesn't have to. If he can get 20 acres, or whatever he can get, for not spending any money, he would rather not spend the money. But,

having said that, he has learned a lot over the open meetings we've had. The two most significant things that he has learned, which has got him to think a lot about this is: (1) a comment by one of the abutters in the area, which clearly the person had a vested interest, but without vested interests, nothing moves. This person said don't you as a Board of Selectmen have an obligation to think about the current residents and people who live in Norfolk as you make your decision? Ramesh said this statement gave him a lot of things to think about. He said absolutely, this is the only reason he is here on this Board is because he cares about the Town and the people. Yes, he cares about open space, and yes he cares about getting someone to care about converting the moonscape into some commercial property, and yes, he cares about the schools and the Library. If he doesn't care about the people, then he doesn't know what he is doing. The current drainage plan for the Ferne Ridge property creates a very difficult situation and makes a bad situation worse. Ramesh said that adding the Weeber property, and based on yesterday's discussion with the Building Commissioner and Director of Public Works, he said the proposal that has been presented which also ties into the open space plan and everything is intertwined, it is not something that is going to make the situation any better. Not only does he feel that part of the Weeber property or the Cahalane property should not be developed, he feels that even the Ferne Ridge property should not be developed. Ramesh said that when we went to develop the Noon Hill property and created issues downstream and then we developed certain other streets, at that time we didn't have the regs that we have now and yes, we are not an easy town to develop in, but he would hope that we are a town with common sense. Ramesh said his primary driver for determining that we should exercise our right of first refusal is to stop this development. Ramesh said his secondary interest is if we have the money to do this, money is there to be used for a purpose. To him it is gravy that we can use this space for open space preservation or recreation, or affordable housing, though his personal preference just given the area, it should be passive recreation or open space. Certainly, he would not equate \$450,000 to the 8 acres or the 28 acres, but it is the concept of what is going on in that area. That is his input, which is diametrically and 180 degrees opposite to where he stood when this process started. If he doesn't listen to what everyone is saying, and if he is not using his own brain, and listening to the Planning Board, and Board of Health, and everyone else he really compliments Lou that he gave us the best possible agreement, but the open space lots and some of the things that Chief Stone even said really bothered him. If there are open space lots to develop where the houses are difficult to access and it is difficult for the Fire Department, or the Police Department to show up in less than 5 minutes – even residents who are not here who might become future residents, we would not be able to provide the services that should be adequate, and frankly that would be a travesty. Ramesh strongly urges the CPC to vote to use the funds to preserve space and help minimize the high water table issues and wetlands issues and things that we have

Ramesh said that they have heard the Selectmen's opinions. They don't want to take a vote because clearly regardless of what they decide to do, they would not do anything unless they knew where the money is coming from, because the Town doesn't have any money to do anything.

Paul Terrio said the CPC would reconvene and will start their internal discussion. Paul said he is very sympathetic to all of the neighbors who border any development. He

personally borders open space himself, so he knows what it would be like if someone wanted to put 20 houses in his backyard. He wouldn't be happy about it. There is property across the street from where he lives that has a proposed development going in. It gives him concern. It has been said that they have money to spend. Why aren't they spending it? What's the CPC do? Paul said the CPC is charged with a number of different options. One is open space recreation, housing, and historical. To date, they have made some purchases and they have completed some projects, but they have not made any significant purchases. They have talked about this property once before when it was at a different price level and it was the Board's opinion at the time that it was not pursuing relative to the cost of the property. That cost is significantly reduced. There is currently an open agreement with the Board of Selectmen, but he is not sure just where that agreement stands. He thinks it is a minimum of 18 acres.

Ramesh said yes, the agreement that they have, which has not been signed by the Board of Selectmen, but signed by the developer, called for a minimum of 18 acres. Jack said that Lou is willing to go to 20 acres. Ramesh said of contiguous open space and that space could go up to 20 acres of open space. If an open space subdivision plan was not approved, then the commitment is a minimum of 20 acres just to make it clear on what we are talking about.

Paul said just to continue what he was getting at. There are some people who felt that they need to demonstrate their ability to purchase something because they do have money sitting in the account. Paul is of the opinion that that is no reason to go out and spend money if they don't have to. He said there is a strong agreement in place, and he would like to think that the integrity of the developer would hold true on the agreement. Paul said if they decide to purchase this property, the Ferne Ridge development will not go away. That property is still in play. So we aren't going to be purchasing a development where 19 houses are not going to be developed. The counterproposal calls for 19 houses. Ramesh said it is 10 houses. Paul said that some of the information disseminated out there was that it is a 19 house development, with the Weeber property. There are drainage issues and there are boards that addressed those issues quite effectively. Planning Board and Board of Health, Conservation – they all play a strong role in that area. For him, Paul says it is a difficult decision. CPC has a charge of looking at multiple uses for the money. When we recommend purchasing, we have to recommend multiple uses for the property. He, for one, would not support a proposal for purely open space. He would support a proposal to offer some lots for affordable housing. That's his opinion as a taxpayer and a board member.

Kevin Hughes said one point from the CPC that he thinks is important to bring up is in addition to the funds; at their last meeting they also had over \$700,000 in applications for uses of the funds. He wanted to clarify that it isn't just this \$427,000. Paul said there is another \$140,000 scheduled to come in next month. Kevin said he wanted everyone to know that they have continually things coming in. They have to look at this in the context of all of the projects that they are working on. There are a number of things on their agenda that they are looking at. That is important for people to know.

Richard Connors said the questions he had from his Precinct, which is Precinct 4 and which is as far away from this property as you can get is who controls and makes the

decision of the use of the land. You buy the land. Who then controls it to decide if you can put affordable housing, walking paths, horse paths, or whatever you have in mind. Ramesh said the way the process works, if the right of first refusal is exercised, and the funds are available and the town votes to buy it, the warrant article that is placed on town meeting that could be two separate issues – one is the purchase of the property, and the second is the use of property. You could spell out the use of the property. Basically, it would be town property in terms of who determines the use. If the town meeting votes to use it for a particular purpose, then it is designated for that purpose and that's what it would be used for.

Paul said doesn't the CPC becomes the stewards of the property. Betsy said she believes that is true. If it is purchased with CPC funds, then to change the use of the property, it has to be done after a recommendation from CPC and then the town would vote on it. Ramesh said you are talking about who controls it after. The CPC merely makes a recommendation. On an operating basis, you are not the Recreation Commission or the Conservation Commission for example. If this was used for conservation purposes, then the accountability and responsibility would lie according to where it falls. But you are not an operational group. But you are correct. You would recommend it. But once you recommend it and the town meeting votes on it, that's as it's voted. It is public property. The town meeting could vote at a subsequent town meeting for another use. It will be managed by whatever use it is.

Jonathan said he isn't exactly sure, but how he thought it works is it wouldn't necessarily be under the control and management of the CPC, but it would be subject to the purposes contained within the Act. Jonathan read an excerpt in which he said basically said if we had a vote at town meeting, and the only article was to buy the property, he would say that until there was a future town meeting to have another article to decide who was going to manage it, or break it up in some way, then it would be technically under the control of the Board of Selectmen until such time it was decided what Board would control it – i.e., Historical, Housing, Recreation, Conservation, etc.

Jack said that if the land should particularly go into the Conservation Commission, there are some stringent regulations about taking it out of there. It's a 2/3 vote. This would be if it was strictly for Conservation purposes.

Betsy Pyne said she was at the meeting last night where there was a roundtable discussion and was illuminated and surprised and educated when there was discussion about the retention pond and how large they were going to be, how this retention pond was going to have to be lined, and maintained by the town, and it did not sound like this was a good development and regardless of how many acres were given to us for free, she did not think this sounded like a good thing. Jonathan's points about how we should be careful stewards of the town's money and really focus our purchases on land that is developable, she thinks this was very valid when this was \$800,000. Betsy said that now that it is \$427,000, it is so much cheaper and it's a bargain and she thinks we should buy it.

Andrea Langhauser said that speaking from the Planning Board perspective, the Town of Norfolk does not have to maintain a reputation for being hard to develop in. All we are

trying to do is make it easier to live here on the long term. She said they try to put as much of the up front costs of preparing a development onto the developer so that the Town doesn't have to pay for it later. When we speak of drainage issues, they tried to fix the problem before they come into play, and that does cause for a lot of study. They try to put in the trees and sidewalks when a development goes in, because it is very difficult to get sidewalks in after the fact, and cut trees down when the roads are close to the trees. When the Weeber property first came up, she didn't vote in favor of purchasing it. Since then she has had an opportunity to talk to a lot of people, and the price has come down, and we've seen the property and the agreement that the Town put together to work on this was a very important piece of any process that we go forward on. In terms of 61, Andrea feels that this negotiation and discussion was a lot more open and we had a lot of information available to them. She thanked the Selectmen for being a party to that. Andrea said unfortunately, she doesn't think that the agreement that the Town has before it is any better than the Planning Board can do on it's own with the regulations we basically have before us. Most developers use the open space subdivision requirements, even though it's voluntary, because there are a lot of advantages to the developer and to the Town. If in the future if the Selectmen were to work on an agreement where we could get something that the CPC or the Town regulations can't get on its own, it would bring a lot more to the table than they can do on their own. There will be very few fabulous parcels, and CPC has already begun to rank the parcels and they already know some of the very prime parcels in town. They are not always available, and may not become available. As long as there are parcels of land that aren't of low importance to the town, and those do exist, then a parcel of medium importance is valuable. Speaking to long term residents of Norfolk, there are a lot of pieces of land that no one ever thought would get developed. Andrea said she has been on the Planning Board for 12 years, as long as she's been in town, and everything can be developed, it's just more expensive, in the short term and in the long term. This parcel has enough value to go forward, and we have the ability to purchase it.

Tom Terpstra moved that the CPC exercise the town right of first refusal to purchase the Weeber property to be used for recreation, open space and affordable housing. The number of affordable housing units to be determined at a later date. The motion was seconded by Jeff Kane.

Jeff Kane asked to amend the motion. Jeff said he would like to hold off on what we are actually designating it for right now. Jeff amended the motion to read that we tell the Board of Selectmen that we support the decision to exercise their right under 61A and purchase the parcel and decide the use of the parcel at a future time. Paul asked if he had that in a written format, and Jeff said no. Ramesh said that this is all good, but you need to vote on the money unless you are going to have two separate votes. Paul said they are going to have two separate votes. Betsy seconded the motion. Paul asked if there was any discussion on the amended motion. Richard said yes. He said he liked Tom's motion because it gives them the opportunity to not dump it into one pot and be able to cover the three areas, and it gives them a lot of flexibility. Richard said they are not 100% sure what they are doing with the property, since they just decided if they buy it, they still need to have some discussions as to the use of the property. To

put it off to a further date or to not recommend it to the town meeting, he thinks would be a dereliction of what they are here for.

Kevin said he is not entirely in favor of buying the property, primarily because he thinks we are buying a small piece, but we need to look at this as a cut and dry issue. All the arguments made thus far have been related to the value of this property in preventing the development and helping to solve some of the water table issues that are there and the ability to develop this property or maintaining the option to develop this property in some way defeats the entire reason of buying it. Kevin said to him, the most compelling argument to do it is to preserve it as open space. If it is going to be potentially affordable housing, then it doesn't solve any issues. It doesn't meet the needs of the people that are in that area who are signing these petitions who are doing all these things, and he really thinks that we need to really look at this in a much more black and white, cut and dry issue. It's either preserved as open space, or we're willing to take what the developer is willing to give us. We are either looking at 28 acres of open space roughly, or 20 acres of open space. That's what we need to vote on and that's the context of what we need to vote on it. If we put on the table that it's going to be potentially used for affordable housing, it involves a significant investment from somewhere, whether it is from the Housing Authority, or CPC funds or some other pool of money, to develop plans and go through the Planning Board process. We know how difficult that potentially could be. Kevin said we are muddying the waters by talking about this as an affordable housing development site. If we are looking at having to spend some of our money on that type of development, and we do, there are much more cost effective ways to do that than to develop – all the arguments he has heard since he arrived, on a very difficult to develop site of land.

Richard said that he didn't hear in Tom's motion that we will put affordable housing in there. It is only an option in the motion for affordable housing. He heard from people in his neighborhood that it should be assured that it will benefit the whole town, not to buy it just so that someone else has a nice backyard. If it is affordable housing, it helps the whole town get toward the 10%. It would clarify to the people who don't live there and don't know where it is and will never know. It would give them a clear cut vision of what it could be. Not what it's going to be.

Jeff Kane said that the whole idea behind this meeting was to give the Board of Selectmen our backing on acquiring the property. Paul said he understands that, but you are forming the basis of the agreement that we want to move forward to the town. Jeff said the whole idea is to acquire the property right now and tell the Board of Selectmen that they our backing in the future and the next vote are the funds to do it. I think it is inherent that it can be used for any of the reasons mentioned previously, because we are all members of these boards. Jeff said the idea tonight was to give backing on the purchase of this property. Again, this meeting was just intended for this purpose alone and not to actually go through every possible use for the property. This is why it was a special meeting for the Weeber property, and it was done at most people's inconvenience.

Kevin said that he just wanted to add that Jonathan alluded to it before that if this article goes to town meeting, we have to be specific on what the property is going to be and who the owner had to be.

Jonathan said he thought it was just the opposite. Kevin said no, they went through this with the airport property.

Betsy said you have to be specific in the use of the property.

Kevin said we have to recognize that we only have 6 weeks from now until town meeting, and there is almost no one in town who will vote on an article and spend this much money if they don't know what it will be used for. We can't go to town meeting with an article that will say it may be used for a, b or c. We have to be specific. It is unrealistic to say that in that short of a time we are going to have a plan for affordable housing.

Scott Dittrich said he did not attend the roundtable, but has attended others. He looked at this as a black and white, that we are going to get 18-20 acres for open space and he happens to live near a retention pond for 23 years that the town has never touched or maintained. It doesn't look anything like it did 23 years ago. He isn't sure if the town maintains any retention ponds. Scott said we are trying here to stop development and if we buy this land, it appears that they are going to have development whether there are 10 homes or 19 homes. There can be 10 homes on 28 acres, or 19 homes on 20 acres. This will all be open space and not developed. He is very much in favor of that. It is the Housing Authority's goal is to have scattered affordable housing throughout the community. We would love to buy this and put up one affordable house on Chicatabut. It still makes more sense to him to have 20 acres of open space that Conservation can have that doesn't cost the town anything.

Paul said there is an amended motion on the table that reads as such – he asked Jeff to repeat the motion. This will replace the main motion. Jeff said his motion is to agree to fund the purchase if the Selectmen exercise their right of first refusal under the 61A subject to town meeting approval. That is the new motion. They voted a NO vote.

The main motion now takes over. Paul read that main motion. The CPC exercises the town's right of first refusal to purchase 28 contiguous acres known as the Weeber property to be used as recreational, open space, conservation and affordable housing with the uses and number of affordable housing units to be determined at a later date. Paul said he is adding, if that's acceptable, for the sum of \$427,000. That wasn't spelled out before. Jim said to add subject to town meeting approval. Jack said the motion still needs to be amended because it is not the CPC's right to exercise the right of first refusal. Jack said you should vote to defeat that one, and start over to make it clear. Ramesh said it might be easier to have a simpler vote to say that the CPC would move to approve the use of CPC funds of whatever, for the purposes as defined by the CPC Act, subject to town meeting approval. Based on your vote and decision on that, then the Selectmen would take a vote on deciding whether we want to exercise our right of first refusal. You need to separate the two. Paul asked for a vote on that motion he had just read. It was opposed.

Paul moved a new motion to approve the use of CPC funds in the amount of \$445,000 for the purchase of the Weeber property for uses under the CPC Act and to recommend to the Board of Selectmen to exercise their right of first refusal under Ch. 61A. This was seconded by Jeff Kane.

Kevin said the bottom line on this is we are buying 8 acres of land for \$445,000. Buying this land isn't going to solve any of the wetland or drainage issues in this neighborhood.

Ramesh said the current plan for drainage as spelled out, and this is not a retention it is a lined detention pond, maintaining this will do will exacerbate any existing drainage issues. It doesn't mean the drainage issues are going away. There is a presumption here that there were orders of conditions issued by the Planning Board. These were discussed at some length, went to the Board of Health and there were some issues of off-site mitigation. Look at this as to what is cost avoidance as an issue. There is more than the \$445,000 and at a certain level, I agree with you that even one affordable house would not help the drainage, it will make it worse. Ramesh said he would tend to think that open space or recreation use – but that's his personal view. Jim said we are complicating it far beyond the realm of what we are here to do this evening. We debated this last night for an hour and a half, and there is no consensus of any of what we are talking about. And they know what they are talking about. Jim suggests they give the voters an opportunity to make this decision. In the process, you are going to make some recommendations if the Town were to go forward with the purchase on how you feel that land should be used. There is time to make that decision. There will be ample time on town floor to debate that decision. The argument on the financials is absolutely valid. You can defend either decision here. Without you taking action and without us taking action, we do not give the voters the opportunity to debate and vote this.

Paul said no further discussion. All in favor - 5-3 vote. It is a vote.

Jim Lehan moved that the Board of Selectmen exercise its right of first refusal to purchase the Weeber property. Jonathan seconded for discussion.

Jonathan thinks we need to realize that whenever we do something like 61A from now on, it is not automatically that we have given up our rights as to our best judgment. It is also not something where we don't try to make agreements with owners of property regarding the use of it. He is concerned about that, because there are other 61A properties out there. He thinks that in future, we are talking about the fact that the good stuff probably we'll never see. Well, there is still other 61A issues out there that will come up, and will always be under a tight timeline. There will always be something that is difficult, and we can't necessarily get into the habit of saying we are going to spend x amount of money for a flood insurance policy that is really not preventing anything, but we'll spend money to keep a status quo, or to keep something from supposedly being a lot worse. And we are presuming that our boards are not going to be diligent and give up their zealotry in dealing with the issues they dealt in the past.

Ramesh said that he completely agrees that we need to be diligent in the use of our funds. He also thinks the 61A property decision will always be limited time frame and he thinks it's important to stress to the CPC, based on the CPC plan on acquisition of property and the use of funds, these things are always going to come up where something may be #10 and it will be bumped up because of time requirements. Ramesh said he doesn't want to just dwell on the drainage thing. It should not take away, in any way, his desire even for the 20 or 28 acres to preserve open space from a Conservation standpoint or for recreation, or any of the purposes for the CPC Act. He was just pointing out that every piece of property that comes before us is going to have its unique issues around it. This just happens to be a property adjacent to a well established pond, and adjacent to another piece of property which is all in a high water table. Ramesh said he, for one, needs to see the thing in a holistic fashion. He needs to see if from the standpoint of people who live there today in Norfolk. Ramesh said he agrees with Jonathan, he is certainly not in favor of just going out and spending any money. In any event, the CPC fund spending was funded by tax dollars and really goes to town meeting. We have just been thrown in the middle because this is a 61A issue. Ramesh said he feels there are a lot of good things, not just an insurance policy of future drainage issues, or whatever. There are many, many things that have come out of this.

Jim said it will be a fascinating town meeting and he hopes it is well attended. He has a feeling it will be. This is the forum where these issues should be debated and discussed. Jim said he disagrees with the comment you made - that we buy property to prevent development. That is not a use of CPC funds that we should be considering, and he doesn't feel that is an appropriate use of CPC funds. We buy property to preserve open space, recreation, and all of the things that they are charged with doing. He doesn't agree with that comment. Ramesh said he made the comment in the context of - not saying that we should use it, but another good benefit that comes. Ramesh said he is not against development. He is the one who has got people going on roundtables and getting the town center and commercial development. Jim said he is not in a position to decide if the Ferne Ridge development is good or bad. He relies on the Boards that are empowered to do that, that have far more knowledge than he has in making those decisions and enforcing the rules that are appropriate to those developments. He doesn't view that as the privy of the Board of Selectmen. He can have an opinion, and his opinion is that he would trust their judgment. Jim said he is glad that CPC is giving the voters the opportunity to do this. Jim feels that is the right answer. He would encourage us to look at what uses and one of their charges now is to make that decision if, in fact, this goes forward to look at what uses might or might not be appropriate to that and bring that recommendation to town meeting and let the debate begin. That is a good healthy process. Jim said he thinks we have gotten to the right place. He agrees with some of the comments that Jonathan said. Jim said that one thing he hopes comes out of this is that CPC is a new board, and is going through a very steep learning curve with a new opportunity, but he hopes we can begin to put some process in place, and this is an opportunity to reflect on the process we've gone through, and really set up some structure around how we go forward with this so the labor of love becomes a meaningful labor of love for future opportunities, and we can lean on experience and not just wing it as we go. Jim said he didn't mean that in a negative way. We had no choice. This is the first experience we've had with a 61A property. Personally, he feels

we've gotten to the right place for the right reasons and he is grateful for everyone's support.

Jack added that one of the comments made was that this agreement didn't do anything above and beyond what the Planning Board could do. He said he agrees with that in most respects, with the exception that one of the things that we concentrated on was that if an open space development had fallen through, or was rejected for some reason and we had to go back to a normal standard development, that in our agreement we are guaranteed 20 acres. We no longer have that agreement. Now the decision is not about 8 acres and \$445,000. The agreement is not in place because part of that was to give up your right of first refusal. Now if town meeting decides not to buy this land, we don't have the agreement in place and he can potentially develop to a greater extent. Jack said he wanted people to understand that. Jim agreed and said we need to bring this up in town meeting, and we need to understand that risk. This is within the developer's privilege to present to Planning Board whatever he feels is appropriate. This is a very good point and we need to remember that.

Jonathan said we have to understand what we've done here. Here's our first one. We're doing it with a split vote of the CPC. We're doing it through a process we've all gone through that's been back and forth. We are now going to go to a town meeting in four and a half weeks. Jonathan hopes this process works out so future ones that come along; we haven't set a tone that is going to make it difficult for CPC or Board of Selectmen or any other board to do their job.

Ramesh said if there is no further discussion, all those in favor of the motion Jim just made. It was a unanimous vote of the Board of Selectmen.

The Board discussed opening the warrant tonight, and will close the warrant at their next meeting on January 9th. The article will be submitted by the CPC as it is their article. Jack said they will also need to put a transfer of funds for the Special Town Meeting article on as well. Ramesh said the formal notification does not happen until after Town Meeting, correct? It was agreed that the vote needs to happen first, but Jack will talk with Town Counsel.

Jonathan Smith moved to open the warrant for a Special Town Meeting for January 31, 2006. Jim Lehan seconded, and it was **so voted**.

Lou Petrozzi asked the Board to vote regarding their agreement. The Board said since they haven't signed it, there doesn't need to be a vote. Mr. Petrozzi said there is no time limitation on the agreement, and he would like the Board to vote. The Board was not comfortable voting, and said they would check with Town Counsel and if they have to vote, they will do it at their January 9th meeting. Lou Petrozzi said no, he feels it needs to be done tonight. Ramesh said thank you, but no. Mr. Petrozzi informed the Board that Wall Street has formally withdrawn their agreement. Jack stated that the Board has already violated the agreement by exercising their right of first refusal.

At 9:02 p.m., Jeff Kane moved to adjourn the CPC meeting. It was seconded and **so voted**.

ACTION ITEMS

Jonathan Smith moved to grant permission to Al and Ellen Rao to sell raffle tickets at the Transfer Station on Friday and Saturday, December 30 and 31 for a scholarship in memory of Joe Santino, who was a Norfolk resident. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to award a contract through SERSG to Health Resources of Woburn for a three (3) year period, 1/1/06 through 12/31/08 for the Drug and Alcohol Testing program for municipal employees. Jim Lehan seconded, and it was **so voted**.

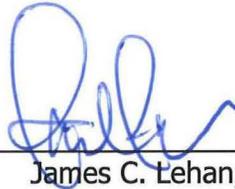
Jonathan Smith moved to name a street in Shire Park, 282 Dedham Street, owned by Luke Joannides as "Shire Drive". Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to name two streets in Swan Pond Estates owned by Scott Colwell as Swan Drive and Cygnet Road. Jim Lehan seconded, and it was **so voted**.

Jonathan Smith moved to grant a Class II license to Mitch's Repair Shop, 269 Dedham Street, as this was an oversight by office staff when doing the annual licenses. Jim Lehan seconded, and it was **so voted**.

At 9:17 p.m., Jonathan Smith moved to adjourn the meeting. Jim Lehan seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of the Board of Selectmen of December 29, 2005.



James C. Lehan, Clerk