

June 23, 2014

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

The meeting was held in Room 124, Town Hall. Scott Bugbee opened the meeting at 7:00 p.m., and announced that the meeting will be audio and video taped. Scott Bugbee read the agenda contents.

ANN PROTO, RECREATION DIRECTOR

Ann was in to discuss the town gazebo and benches for town hill.

Ann said they (Recreation Commission) would like to take down the railings around the Gazebo because they are rotted. They would like to do repair work, and it would be ideal for events on the hill and the concerts.

Ann told the Board that Helen and Stan Collins' family came to her and wanted to put a bench in their parents' memory on town hill. Ann said they would like to put a bench there, and Recreation would like to put some there. There are teak benches that are falling apart. They would like to put in a commercial bench and have a plaque with the engraving in it for the Collins.

Ann said this was discussed at one of their meetings. It was agreed that Recreation will purchase the four benches, and if someone wanted to dedicate a bench to a loved one, you could purchase it from them. You can remove the plank and have a plate put in it that's engraved. The benches are approximately \$1300, and last about 10 years.

Jim asked about limited space on town hill and if you put it out there, how do you decide who gets a bench. What if many people want to do it. Ann said they chose four, because they are replacing the four benches that are there now. Ann said first come, first serve. Jim didn't think that was fair. Everyone should have an opportunity. Jim doesn't know the answer, but thinks it's a fairness thing. It's the most special place in town.

Discussion centered around advertising so every resident is aware. Ann said NorfolkNet and her brochure which goes to every family, but the timing now would be winter. Ann said she felt that the Collins family had the idea, so they should be allowed to purchase a bench. The Board is okay with the Collins' family and with Recreation getting the four initial benches. We will go from there.

Jim Lehan moved to allow Recreation to replace the four benches on town hill. Scott Bugbee seconded, and it was **so voted**.

ASTRUM SOLAR

Tripp Blair, King Street told the Board that he was interested in solar panels for his home. He spoke with Astrum Solar, and they have a discount program with towns. He had suggested the Board look into this.

Doug Telepman of Astrum Solar was present. He said he is speaking in general about community solar initiatives. When he refers to community solar, he is talking about group purchasing.

He handed the Board a packet. Solar is being adopted rapidly in the United States. We get about 90% of sun to make solar. Massachusetts gets plenty. Germany leads the world in solar installations. We would pay less than \$4 per watt. In 2013, Massachusetts was fourth in the country in installing solar.

To do this, we would apply to Mass Clean Energy and you need to be a green community, and if you are selected as a solarized community, then you can do this. You have flexibility and control over the program yourself.

Doug said that the main advantage to signing up is that it costs less. Unlimited 30% federal tax credit. If you have more than you need, then you can keep it on the grid and use it whenever you need it. NSTAR will hold it on the grid for you. Systems can be leased if you cannot afford to get started.

Solar panels are maintenance free. They work on their own. Silicone crystals are placed between two panels of tempered glass. No maintenance – don't need to be cleaned. Micro inverters would be used for Norfolk. No machines – no moving parts. These would be covered by warranty. Anything defective or malfunctions would be replaced free of charge. Jeff questioned pine trees. Doug said they shouldn't be a problem.

Jim did a summary of what we discussed. He said that there are bidding rules and have you gone through that with other towns. Doug said not necessarily a bidding war, but an RFP. Jim asked what it would cost someone to do this. Doug said the average system size is 8 kilowatts. An 8 kw system with good solar exposure would generate \$1800 a year, which is about \$150 a month. An average family of 4 would be in the neighborhood of \$30,000. State would kick in and so would Federal, with tax credits. Then it would be about \$19,000. A little less than 5 year payback. Look at it as an investment.

Jim asked about trade in terms of the lease. Lease with the same scenario would be the same. It would be \$100 a month. The economic benefit of owning is better than the economic benefit of leasing. His experience has been that if people can afford to own, they do. The rest lease. They work with a couple of leasing companies, and

operate in 13 states. One state may have better pricing, so they figure out who will get the better deal.

The lease is 20 years. It is completely assignable. At the end of the lease, they can extend the lease for another 10 years, they can buyout the system, they can be totally done with solar, or do nothing. The contract says if they do nothing, they must make available for the leasing company to come get the equipment. They feel at the end of a lease, the leasing company would abandon the equipment because it is already 20 years old and not marketable. They can't get rid of it, so the homeowner would own the equipment. If the homeowner owns it, they still have 5 years of warranty left on it.

This is no cost to the town. Jim said it would make sense of including our Energy Committee and see if this is something they would want for the residents.

Tripp said investment tax credits expire at the end of 2016, so there is some urgency to this. He likes distributed energy because you don't have to put up additional transmission lines. This is the right way to go. Jim said we have an obligation to do due diligence. Tripp would like to be part of the committee.

Marian will distribute a copy electronically to the Board, Jack and Energy Committee.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to approve the SERSG Contract Awards for the DPW commencing July 1, 2014 for DPW Supplies for Loam, Pre-Cast Concrete Manholes and Catch Basins, Permanent Bituminous Concrete Patching Mix and Class 1 Bituminous Concrete Patching Mix, per the SERSG sheet attached. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to renew the Directional Sign Permits for Jane and Paul's Farm, 33 Fruit Street – Rockwood/Cleveland; Main/Seekonk; Fruit/Seekonk; and Needham/Rt. 115. Norfolk Rink Management, One Dean Street – Baltimore/Holbrook; Main/Medway; Main/Myrtle; Main/Hanover; Hanover/Myrtle; Miller/Myrtle; and Medway/Myrtle, and Fore Kicks, 10 Pine Street – Rt. 1A – North and South at Rt. 115 intersection; and two at the Pine Street intersections. Jeff Palumbo seconded, and it was **so voted**.

Annual Appointments

Jim Lehan moved to appoint David M. Rosenberg to the Board of Registrars (D), term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

There was a hold on Capital Outlay Committee as we haven't heard from all members.

Jim Lehan moved to appoint Cyndi Andrade, Precinct 3 member to the Community Preservation Committee, term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Dan Crafton and Joyce Terrio to the Conservation Commission, terms to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Kevin Roche and Gail Andersen to the Corrections Advisory Committee, terms to expire June 30, 2015. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Charlotte Howard, Jason Talerman and Charlotte Pfischner to the Council on Aging, terms to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Richard Tedoldi to the Cultural Council, term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

The Board held the Economic Development Committee appointments as Planning Board jointly votes with us.

Jim Lehan moved to appoint Andy Bakinowski to the Energy Committee, term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Geraldine Tasker to the Historical Commission, term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Scott Bragdon, Neil Cross and James Dyer to the Insurance Advisory Committee, terms to expire June 30, 2015. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to appoint Ray Goff as our Metropolitan Area Planning Council member, term to expire June 30, 2017. Jeff Palumbo seconded, and it was **so voted**.

Jeff Palumbo moved to appoint Thomas Cleverdon, William Conklin, Scott Dittrich, James Lehan and Sandra Smith to the Municipal Affordable Housing Trust, term to expire June 30, 2016. Scott Bugbee seconded, and it was **so voted**. Jim Lehan recused himself as he is a member being appointed.

Scott Bugbee moved to appoint John J. McFeeley as our member to the Norfolk County Advisory Board, term to expire June 30, 2015. Jim Lehan seconded, and it was **so voted**.

The Board held the Planning Board Associate Member appointment as it is joint with the Planning Board.

Scott Bugbee moved to appoint Bob Nicodemus and Ray Goff as our members to the South West Area Planning Council (SWAP), term to expire June 30, 2015. Jim Lehan seconded, and it was **so voted**.

The Board held the appointment of Town Counsel.

Scott Bugbee moved to appoint R. William Conklin as Veterans Agent, term to expire June 30, 2015. Jim Lehan seconded, and it was **so voted**.

Scott Bugbee moved to appoint Joseph Sebastiano to the Zoning Board of Appeals, term to expire June 30, 2019. Jim Lehan seconded, and it was **so voted**.

Scott Bugbee moved to appoint Donald Hanssen and Jason Vanderpool as Associate Members to the Zoning Board of Appeals, term to expire June 30, 2015. Jim Lehan seconded, and it was **so voted**.

Zoning Bylaw Study Committee members terms expire in December, 2014.

The Board reviewed the Disclosure submitted to them by Peter C. Diamond, 84 Seekonk Street. Peter submitted a Disclosure as a member of the Zoning Working Committee, informing the Board of Selectmen that as a member of the newly formed Zoning Working Committee for the Town of Norfolk, there may be an assumed financial interest with respect to the fact that his father owns property in the Town of Norfolk's B-1 downtown business district.

After reviewing the matter, Jim Lehan moved that Peter C. Diamond must recuse himself from any lower B-1 district discussions as it relates to this Committee. Jeff Palumbo seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Jim Lehan moved to accept the minutes of March 18, 2014 – regular and executive session; April 2, 2014 and May 1, 2014. Scott Bugbee seconded, and it was **so voted**.

Jeff Palumbo moved to accept the minutes of May 13, 2014 and May 28, 2014. Jim Lehan seconded, and it was **so voted**.

DISCUSSION ITEMS

Jim mentioned that the \$100,000 for KP is not needed, so we can get the money to go into free cash. It was more than the other towns. KP took the funds out of A & D and that decreased the amount needed.

Jim gave a brief update on the new Zoning Working Committee.

HIGHLAND LAKE

Paul Terrio appeared on behalf of the CPC and Barbara Bartholomew represented the Historical Commission.

Paul said that they did an estimation of costs on constructing dam alternatives on the upstream side for the Selectmen to consider. Paul said this project got sidelined because of other projects.

They are concerned with controlling the water levels, current maintenance that has taken place, and opening up the lake for reasons that it was purchased for. Paul presented a report by their consultant on this project, Pare Corporation. The inspection of the Highland Lake Dam was done on June 6, 2013.

There appears to be a question of ownership of the dam. There are four alternatives that Pare put together. Paul said this report is about the upstream side. The dam is in poor shape. There is not a high degree of threat if the dam should breach. Mr. Roche said he has had the dam examined and the State said there is a low degree of property damage should the dam breach. Paul said the last alternative that is not on here is why don't we buy the dam.

Barbara has been researching the dam since about 2005 with Walpole. She figured out the chain of title on the dam. Barbara gave a summary of the Lake. It has been there for over 300 years. Jeremiah Morse of Medfield. 1/3 rights sold off to James Blake. Switch from Morse to Fales. 5/6 is a solid bundle. Barbara has all the deeds and the Fales family owned it. Town comes and takes a tax taking. All that's left of the Fales family is Bertha, Alice and Sara. The State comes and says they would like to buy her rights. In 1936, the State bought 5/6 of the dam rights, and 3/8 of the land and 1/6 of the dam rights was sold to John Conroy. He died and his daughter sold the mill lot to George Nichols in 1961. This included the 1/6 dam right. Later, George Nichols sold part of the mill right, which included the 1/6 dam right to Carl Nelson. Peter Nelson, executor of the estate of Dot Nelson Cheever (Carl's wife), sold this to Kevin Roche. No one can find any proof that the State has ever relinquished their rights so it appears that Kevin Roche only owns 1/6 of the dam.

Barbara said that up to this point, Highland Lake was not a problem. They would install and remove the boards and keep a natural flow of the lake.

Everyone assumed that if they bought the building, they also owned the land underneath. This isn't true. Barbara explained some inconsistencies because a title wasn't researched, just a quitclaim deed drafted. And this information is wrong. The State only wanted to own the dam to be able to control the water level while digging a sewer pipe alongside the lake. The deed is probably in a draw somewhere in the State somewhere, forgotten.

Paul said it is their intention to solve the ownership of the dam. He said they haven't made a decision one way or the other. They have listened to the abutters, and they are only here to ask if the Board could bring Town Counsel in with the information Barbara uncovered, or do we only look at the upstream, or should we consider the downstream as well.

Barbara said there were no problems with the lake levels until the sewer problem. When Dot Nelson was alive, she served as caretaker of the dam. Simple device, and she, in the spring and fall, would remove a board from the dam to accommodate the ice for the winter. In the spring, she would replace the board in the dam. As she got older, she encouraged them to help her and taught the residents how to do it. After Dot passed on, they would take care of the dam. But then the do-it-yourselfers took it upon themselves and two groups were now doing it. One group let the water out, and the other kept it in. The meddlers have destroyed the ecological balance of the lake. There is a stench there. Barbara said it is a very simple mechanism and you regulate the dam by inserting and removing boards.

The Board agreed the first thing is to establish ownership of the dam. Barbara suggested we buy Kevin out because the land and buildings are historical value. The Blacksmith shop foundation is still there.

Mrs. Benton of King Philip Trail, said since 1976, the level has been brought up to where it should be. Now the lake is a mudhole. They don't know who has been tampering with the boards. They need a short term solution, such as two boards put in and a locking system. The boards are kicked out.

Everett Benton, of King Philip Trail agreed, saying the boards are put in and they are kicked out again. They need the locking system.

Paul mentioned a gate system. Jim said he would have to review this a lot further, but he thinks there is a much simpler solution than what Paul is suggesting. Jim said possibly negotiate with Kevin Roche and try to get control of the lake and work with the DPW.

They have suggested talking with the DPW to get the locking mechanism in place. Jeff has experience with dams and said we should hold off having the DPW do something. Jack has a contact at the prison that may help us.

Mr. Benton said Kevin Roche was approached the last 3 years and said no problem. His people helped them put boards in, but all of a sudden this last year the no trespassing signs went up, and now they can't enter the property. They don't know what prompted this. Barbara said that Kevin has been blamed for taking the boards in and out, and he is in a protective mode, and went into his shell. Kevin also mentioned his liability and

people being in and out of his property and concerned that someone will be hurt and he'll be liable.

Jeff asked about the Army Corp of Engineers.

Mr. Benton felt the first step would be a conversation with Kevin. The dry lake issue would be resolved if we put the board in and locks.

The Board will speak with Kevin and have Jack talk with Town Counsel.

At 9:21 p.m., Jim Lehan moved to adjourn the meeting. Jeff Palumbo seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of June 23, 2014.

Jeffrey Palumbo, Clerk