

October 18, 2016

Present was Jeffrey Palumbo, Scott Bugbee, James Lehan, Jack Hathaway, Town Administrator and Marian Harrington, Executive Assistant.

The meeting was held in Room 124, Town Hall. Jeff Palumbo opened the meeting at 7:03 p.m. Jeff announced that the meeting was audio and video taped. All present recited the Pledge of Allegiance. Jack read the agenda contents.

Kay Doyle was present to discuss Town Hill Caroling. Kay told the Board she was seeking permission to use Town Hill on Saturday, December 17th, with a rain date of Sunday, December 18th to sing Christmas carols. Kay said she is looking for individuals who play brass instruments to assist. If anyone knows people who play brass who would like to help out, they could contact her. Kay said she has already inquired of the KP Band.

Kay told the Board that she grew up in Baskin Ridge, NJ and they always had a caroling night that was a huge success. She said that they had around 500 people attend, and it was a memorable event. Kay said she would like to bring this to Norfolk. She chose 5 p.m. to let young families participate, as they would have the small children. That way they could go home and eat and get to bed at a reasonable hour. She would like to see 300-500 people attend.

Kay said she has discussed this with Chief Stone, and he approved. Kay has requested police details for the rotaries, and will do fundraising efforts to help pay for police details. She said parking is available at the Federated Church, and they offered to open for restrooms. She said possibly Country Crossing and the Library would have parking as well. Jim Lehan moved to approve the use of Town Hill for caroling on December 17th, with a rain date of December 18th. Scott Bugbee seconded, and it was **so voted**.

Kim Galvin and Mark Conley were present on behalf of the Norfolk Lions. They were requesting a One Day Liquor License for two separate events, one for October 25, 2016 and one for November 22, 2016, both from 6:30 p.m. to 10 p.m. at the Norfolk Grange on Rockwood Road.

Mark said they always held their meetings for years at Novatos, formerly Tylers and Guido's, but the Lions have grown in membership size to over 100 members and Novatos can no longer accommodate them. Kevin Roche is the President of the Norfolk Grange, and is a member of the Lions, so he secured the Grange for them to meet in now. The Grange doesn't have a kitchen, so Novatos caters

the meetings at the Grange. Mark said Novatos will be providing the liquor for their events, and will have two TIPS certified bartenders serving the drinks.

Jim Lehan moved to grant a One-Day Liquor License to the Norfolk Lions for October 25, 2016 from 6:30 – 10 p.m., and November 22, 2016 from 6:30 – 10 p.m. at the Norfolk Grange. Scott Bugbee seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Action Items

Jim Lehan moved to approve the Joint Salt Bid with the Town of Medfield to Eastern Minerals – CC Salt at \$53.50/ton delivered, and an alternate to Mid-American Salt LLC – CC Salt at \$55.37/ton delivered. Scott Bugbee seconded, and it was **so voted**.

Jack asked the Board to extend the RECC Agreement to the year 2040. Jack said he has no paperwork now, but would like it extended. Other towns have done it already. Jim said there is no downside to this, and there is no harm to doing this. Jack and Jim would rather vote it now, and get it off the table. Scott Bugbee moved to extend the RECC Intermunicipal Agreement to at least to the year 2040. Jim Lehan seconded, and it was **so voted**. Jack will get paperwork to be signed.

SPECTRA PIPELINE DISCUSSION

Ann Willever and Angela Wilcox spoke on behalf of the group. Angela is an abutter, so she gets information from SPECTRA. She said because she didn't know anything about it, she asked around and tried to see what other people thought. Most people weren't aware because if you weren't an abutter, you weren't notified. The more she talked to residents, the more she realized no one knew anything. So she started to educate people and has a small core group who has set out trying to inform people. They had a meeting at the Library and many people had no idea this was happening.

Jeff said that there is a 30" pipe that delivers natural gas to Norfolk, as well as other towns, and we need to get the word out. Ann Willever said they would like the Board of Selectmen to be intervenors, and this is not a pro or con decision, it is just to apply for intervenor status. There is only a 21 day window, and we don't want to miss it. As intervenor, you could file briefs, file for a re-hearing for filings, and other rights we wouldn't have. You could get copies of any legal papers, and have the right to be notified of appeals. Ann has signatures asking the Board to apply to be intervenors and have input in the process. This doesn't make the Board take a position at this point. It is not a pro or con on our part, it gives us a right to intervene. Without applying, you can't intervene. Ann said that they hope to eventually ask the Board to say yes or no, but at this point, it is not what they are looking for. Massachusetts does

not need this gas to meet our heating needs. This pipe is going north and Canada for hydro electric plants.

Angela said there are two sides to the story, and would like the residents to educate themselves so they can make an informed decision.

Ann gave paperwork explaining the intervenor status, and petitioner signatures to the Selectmen. She thanked the Board for their time. Jeff asked if anyone present wished to speak.

Donna Jones came forward. She pointed to a section of land on the map. Jack said that this property is owned by the utility company. Jack does not know if they pay taxes. He said that property owners have an easement.

Donna is concerned about the pipes being in for 50 years. The 24" was put in in 1962. Jack said the leaks are not in the distribution line and he said the Fire Dept has been challenging them to repair them.

Donna asked about a conservation restriction. The Selectmen said they (Spectra) came before the Conservation Commission, and there were no conservation issues.

Donna mentioned the ice rink and that a line is installed there, and was concerned about an explosion. Jim felt a line installed today would be more integrity than a line there for 40-50 years. Not sure what the answer would be.

The Board took a 5-minute break so that Jack and Jeff could consult with Hilary Cohen on the next item.

The Board re-adjourned at 8 p.m. Jeff opened the dangerous dog discussion. The dog in question is Buddy, owned by Rob Sheehan, but resides with Gary Sheehan, 48 Noon Hill Avenue.

Gary and Rob Sheehan, and Hilary Cohen present. Also present was Officer James Vinson and Detective Koren Kanandanian who were both present during the last dog attack, and Ann Moran whose owned the dog in the most recent attack. Jack Hathaway swore in Gary, Rob, Hilary and Ann with the official oath.

Hilary said she was asked to come back to discuss the fencing plan. She provided the Board with all the emails back and forth. She does not believe there is a resolution at this point. They started the training. She has no information on the dog being micro-chipped. Hilary said halfway through working with them, she was informed that they had an attorney. She said that

at this point, she no longer has contact with them once an attorney is in the picture.

Jeff stated that he was not present at the last meeting, but looked at the tapes and caught up with what went on.

Jeff asked if the dog is co-owned. Hilary said Rob owns it, but the dog resides with Gary, who is the keeper. She has heard nothing from the keeper. Jeff said what has been a reasonable amount of time to construct a fence – 3 weeks, a month? Hilary said yes that is reasonable depending on the weather. Hilary said that she has never had anyone ever refuse the fencing plan. The Sheehan's will not work with her fencing plan. Hilary said she is at a standstill. She goes back to her original recommendation.

Hilary said that if this isn't worked out, he has options. She said that there is 10 calendar days. The owners objected to Hilary's directives for fence. They can appeal to Wrentham District Court.

They did not appeal the dangerous dog verdict. Jeff told the Sheehan's that this is a very serious matter. Gary and Rob Sheehan came forward. Jack swore in the Board of Selectmen, Rob and Gary Sheehan, Hilary Cohen and Ann Moran, a resident present whose dog was attacked by Buddy most recently.

Jeff said that you fully understand what has been communicated to you by Officer Cohen. Are you clear with what she told you? Gary said that

Rob said they constructed a fence. It's a pen. He has spent \$1400 out of pocket for training. They keep Buddy on leash with muzzle. Trainer thinks there is a plan that could help Buddy. Rob said preventing incidents is their goal, too. He built a pen, and keep him in the pen for 30 minutes, and keeps him in the house. The Trainer feels there can be a lot of progress with the dog. Gary said the proposal with the septic system, and cutting a hole in the house is a problem. He does not feel it's reasonable as far as money and logistics. The Board asked how tall the pen is? Gary said the pen is 7.5' tall. They would like to add a shed heated so the dog can go in and out of the shed. But the Trainer doesn't want the dog outside for long periods of time. Hilary wanted the fence enclosed so that the dog cannot see. He disagreed with that. Gary would like the fence with some visibility. Rob felt it was cruel to keep the dog fenced so it can't see out.

Jeff said that is not what Hilary specified and he said they will not usurp her authority. We are not experts. Hilary is our expert, and has years at this. We support what Hilary says.

Jim said this is a very painful thing as a dog owner. Jim said he went home that night second guessing his decision. There have been 5 incidents; four reported, and one not reported. The last one was severe. That was an attack to kill. Jim said now he reads your own report, after spending some time with Buddy – anxiety when seeing another dog....releases adrenaline...showing aggression. Hilary's recommendation is to prevent the dog from seeing other dogs. Jim is very concerned that he can control that dog. Rob had compassion in his voice; Gary didn't. There are homes all around you. Jim said he is bothered by this.

Rob said his plan changed from being permanent to what they have now.

Jeff said that this is troubling to him because this Board could have very easily euthanized the dog. Jeff told them that with Hilary's years of expertise, they should be listening to her. Gary said that the dog was on a metal tie that was rusted and had broken through. That was his fault. He paid all the vet bills. Jim said that is not relevant. Gary said the trainer talked him into this. Jeff said we cannot vett her against Hilary. Hilary is our expert – our employee, and we rely on her. She is our source of expertise. We don't go by what other people say.

Gary said Jim made a point and some of the things Hilary wants to do is within reason. He spent a lot of money on a pen. Rob got a \$100K policy for the dog. The pen is about 15' x 12'. That is going to change. Scott felt that putting the dog in a pen like this one would make it more aggressive. He said that was just his opinion.

Gary showed a photo of a fence in Medfield that he would like to build.

Jeff mentioned that this pen you built is nothing like what we asked you to do. This was an order; a directive. You cannot just build what you want. Jeff said Hilary has their 100% support. They are only volunteers and rely on Hilary's expertise.

Hilary spoke. She did not have her police reports with her. Hilary said the dog jumped out of the half open window in Medfield. Hilary said the sketch she sent the Board was a very simple fence. The fence can be made out of regular stockade wood. She said studies have shown that a prong collar on an aggressive dog can cause more aggression.

Hilary said when working with them, she realizes it is an emotional issue for them. She does it as a public safety official. She noticed the septic system. She did ask Chief Bushnell if there were safety issues. He said no fire issues. Hilary feels that the Sheehan's are losing sight of how serious an issue this is. She said that this is a very serious sight. Gary said he is a contractor and builds

all the time. Hilary said she proposed a fence. She said if it is a financial issue, make it smaller. Gary said if you want to come over and show me how this is going to work, he isn't understanding what she's looking for. Jim said the plan encompasses the door.

Gary said he is bringing the house back after many years of being neglected. He is doing cosmetic things. Rob asked for the logic in the dog being able to be walked around the neighborhood with a leash and muzzle, but the dog has to be totally enclosed to the house. Jim said they are trying to mitigate the chance that the dog can attack again. Someone can leave a door or gate open, and the dog will bolt. Jack reiterated that the fence on others in dog attacks was around the house. And their dog attacks were not as serious as yours.

Jim said we are not leaving tonight and come back next week arguing about where and what he's doing. They questioned the chip and Hilary said it is state law. Rob said his intent is to buy a house within the next year and take Buddy with him. Jeff said every day you wait, people and animals going by are at risk. Hilary said it's not by jurisdiction, it's by the State of Massachusetts. He said then he'll go to Newport, RI. She said it is a dangerous dog; States will be notified. Rob asked for a copy of the law. Gary said he had it. Gary did say that he wasn't sure he understood what Hilary wanted him to do. Hilary repeated it to him.

Jim said your correspondence was arguable. You didn't like this, and you weren't going to do this. Jim read the conditions voted at the last meeting. Jeff said a plan needs to be in place by the end of the day on Monday with Hilary; Monday the 24th.

Jeff said we are talking about November, and not late November. Jim said we would start with the plan with Hilary for Monday, and then go from there as to a date that it will be complete. Jeff said he would like a reasonable date decided tonight since we are all here now. Jeff wants it on record that mid-November is the time frame. Rob and Gary did agree with mid-Nov being reasonable. Jeff did tell the Sheehan's that they cannot listen to other experts. They need to listen to Hilary.

TOWN ADMINISTRATOR REPORT

Action Items

Jack asked the Board to please vote to approve the Purchase & Sale Agreement for the Braun property. He said that this property is for a new well. It is 95 Holbrook Street. Jack said we ask you to declare that it is a unique piece of property. In order to comply with Chapter 30B and other laws, we will be able to prove that this is a water bearing piece of property. Jack said the agreed purchase price is \$550,000. We will pay \$15,000 after town meeting approval,

and the remaining \$535,000 will be paid at the closing. Jack feels we tied up the property for a year, and probably will be tying it up another year, so this was reasonable.

Jim Lehan moved to vote to declare the property located at and abutting 95 Holbrook Street to be a unique property and advertising to acquire real estate will not benefit the Town of Norfolk. Scott Bugbee seconded, and it was **so voted**.

We are still able to get out of this, if this property does not bear water, or if we do not get DEP permits. We do have the funds in the Water enterprise funds, and this is from the Water users.

Jim Lehan moved to approve the P&S for Leo C. Braun and Riverview Realty Trust and the Town of Norfolk for \$550,000. Scott Bugbee seconded, and it was **so voted**.

Scott Bugbee moved to approve the NCL's request to hold their annual Jingle Bell Run on Saturday, December 3, 2016. The run will begin at 11 a.m. at the H. Olive Day School and continue on their regular route. Jim Lehan seconded, and it was **so voted**.

Scott Bugbee moved to appoint Karen Turi to the Municipal Affordable Housing Trust, term to expire June 30, 2018. Jeff Palumbo seconded, and it was **so voted**. Jim Lehan recused himself as he is a member of the Housing Trust.

Jack announced that Marian Harrington will retire as Executive Assistant to the Board of Selectmen and Town Administrator as of November 10, 2017 after 31 years. Jack said that Marian will come back part time and help with the transition.

Discussion Items

Jack did a review of the Fall Special Town Meeting warrant articles. They discussed the zoning article for Southwood development. They have hired an attorney and looking at comments and drafts by this attorney. He is well regarded and has the expertise and had this done before.

Jim explained that at a school assembly, he saw where a teacher had the kids do a Veterans' Day Recognition of the veterans memorials in town. The kids explained each memorial and who the veteran was, and why we have a memorial named for that veteran. Jim said he would like to have it done at town meeting since it is so close to Veterans Day, and it would inform residents as well. We will let Jay Talerman, Moderator know that we will probably take 15 minutes to do this.

Jack said regarding the recognition of Police/Fire, he needs to wait for Chief Stone's return to get a date to do this. The Chief felt that most of them should be able to come. It will be an outside cook out event.

Jack gave a quick Public Safety Project Update. He said they met today. Jack showed them the photo with the colors. He stated the Architect did not like the colors chosen. They are going to Planning Board on December 10th, but they will need to attend a Design Review meeting before then. They will show a rendering at town meeting.

Financial Update – Free Cash

Jack told the Board that Free Cash was certified for \$1,552,778 – general fund balance. The water enterprise balance is \$1,270,971 and the sewer enterprise balance is \$15,404.

With respect to Transfers, Jim would like to transfer money into the Selectmen's budget for old town hall evaluation.

Capital Items: new purchases, Jack said the Stabilization Fund, as of town meeting, was \$1.2M. He said we should put \$300,000 in because we are going out to borrow again for the public safety building, and having that there will stabilize our bond rating with S&P to save interest.

Jack would like to put \$50,000 in the snow and ice budget to make it \$250,000.

Jack said he would like to increase the Advisory Board Reserve Fund by \$25,000 to \$50,000.

Regarding Capital, Jack said Chief Stone would like two cruisers, but decided on one cruiser for \$50,000. Fire wants \$48,500 for Marine 1 at \$9,500; 4" supply line hose - \$30,000; and IV pumps - \$9,000. Jim questioned if the hose is fireproof. Jack will check. Jack said Bob McGhee would like a DPW truck for water use to carry equipment for \$52,000.

Scott Bugbee moved to approve all Capital items as outlined by Jack. Jim Lehan seconded, and it was **so voted**.

Deputy Chief Carroll told Jack that we are getting \$21,000 back on a 911 Grant. Jack said a possible motorcycle for the Police Dept. may be considered.

Nominations for the Wall of Volunteers will be done in the spring.

Jack told the Board there would be a walk at 25 Rockwood Road tomorrow, and they can attend. He and Jim plan to attend, along with Ray Goff and several ZBA members.

APPROVAL OF MINUTES

Jim Lehan moved to approve the minutes of August 23, 2016, regular session; and September 13, 2016, regular session. Scott Bugbee seconded, and it was **so voted**.

The Executive Session for litigation on Run and Gun was not held.

At 10:15 p.m., Scott Bugbee 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, 2016.

James Lehan, Clerk