

March 21, 2017

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

The meeting was held in Room 214, Town Hall. Jeff Palumbo opened the meeting at 7:00 p.m. Jeff announced that the meeting was audio and video taped.

TOWN ADMINISTRATOR REPORT

Report of Warrants

Jack reported that the following warrants have been signed: 3/14/17 - #37V17 for \$109,699.94 and #37VSA17 for \$1,578.00.

Action Items

Jim Lehan moved to appoint Larry Sullivan of 3 Margauxs Way and James Wilkinson of 25 Village Green as members of the Energy Committee, terms to expire June 30, 2020. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved approve the Norfolk Baseball parade on Saturday, April 29th starting at noon at the H. Olive Day School and ending at the Freeman-Kennedy School. Jeff Palumbo seconded, and it was **so voted**.

Jim Lehan moved to approve the annual triathlon of the Hockomock Area YMCA on Sunday, July 23rd from 8 a.m. to 10 p.m. A small section of the route comes through Norfolk. Jeff Palumbo seconded, and it was **so voted**.

Jack said that Zoning Board of Appeals (ZBA) Chairman Mike Kulesza would like Dan Hill appointed as Special Counsel for the ZBA for the 40B challenges we have before us. Jack said that Dan worked with a former Town Counsel George Hall and Dan was someone we liked. Mike will be asking the applicants to pay for the Town's counsel. It is the Selectmen's prerogative to appoint special counsel. Jeff said they are wanting this pretty quickly, and Jeff was wondering if Scott has expressed concerns about this at all. Jack said no, but it hasn't been talked about in detail either. He has talked with Mike at length, but he also talked to Dave DeLuca who said their firm has counsel but 40B is not their strong suit. Jim said he knows Dan from working with George Hall, and said that he has done a great job and Dan is a great choice. Jim would support this.

Jim Lehan moved to approve Dan Hill as Special Counsel for the Zoning Board of Appeals. Jeff Palumbo seconded, and it was **so voted**.

Jack said that with respect to 40B, Lorraine Sweeney was here tonight concerned about the 40B going in off of Seekonk Street. Lorraine said she has met with Jack because of the 60-day window that the State has to get comments, and in all probability they will approve it. She said if the Town was successful in convincing Mass Housing that this 40B is not appropriate in this location. Jeff said that the Special Counsel could assist her in working through this. Jack agreed that this would be something Dan would work on for the Town. Lorraine said she wanted to mention the deadline, which has been extended to April 3. But Mass Housing still has their timeline.

Jeff said the next matter is Run and Gun. The decision made by the full board at that time was that the Board members independently would review the dates given by Mike Brogan from 42 to 24. Jeff explained that Mr. Brogan was not able to give the dates at that meeting, which is understandable, and he provided them to Jack and Marian, who then forwarded them to the Board of Selectmen. We are at a point now that we have a license showing the dates that Mike provided to us. Jack sent the dates to the Board, and told Mike that while the Board had to approve them, he did tell him he didn't think there was a problem.

Jeff asked if this license has comments made by Board members. Jack said he thought so, but reiterated the comment about Pan Mass Challenge race. Jim said to reflect the fact that any Board approved races or activity that involves Seekonk St. on the same date, that there be a police detail paid for by Mr. Brogan. He is required to have a police detail for any Board sanctioned activity using Seekonk Street, i.e., Pan Mass Challenge type event.

Jack stated that for the record, he has received the following letters from Kathy Kubit dated 3/21/17; Thayer and Steven Olson dated 3/21/17; Henry Kanter and Cindy Tayman dated 3/19/17; Karen Clark dated 3/8/17; and 3/21/17 from Tara Comendul with copies of previous letters.

Jim commented on the letters and said that this Board, nor any one Selectman can bind a future Board, and he wants to go on record that on no condition will he support further increases for Run and Gun next year.

Dr. Carpenter asked the Board if they realized all the dates are Sundays. Jeff said he appreciates the comments, but we had over two hours at our last meeting of public commentation, and tonight is not a public hearing, and we do not have a full Board tonight so it wouldn't be fair to any of the parties involved. Dr. Carpenter said the Board is vindictive. Jeff said that at our last meeting, we allowed over two hours and that is not a fair statement. He said he is very surprised to hear him say that. We have business to conduct, and the Run and Gun. Dr. Carpenter said I thought we said we didn't want Sundays and said these are all Sundays. Jeff said he had a number of opinions, and not

necessarily all the same preferences by the folks who attended the last meeting. Jeff said he would encourage you and any of the residents of this Town who may be curious to watch on NCTV and there is at least two hours of video of our last meeting two weeks ago that shows the activities of this Board and the process that we put in place to vet the Run and Gun Ranch. Jeff said with that, he would entertain a motion to approve the Entertainment License for Run and Gun Ranch. Dr. Carpenter commented "screwed by the Town again" and walked out.

Jim said he agreed that we didn't need to hear information over again. Jeff said especially without a full Board. Jim said that it is a Board meeting, and we do have a quorum. Jim said if anyone had anything new, he would like to hear it if it hasn't been discussed before. He said he couldn't see beating the same information.

Paul Comendul said that he has two brand new items. One is that he now has the accessory building that wasn't there before with the other licenses. He said that now it is an indoor event rather than an outdoor. Jim asked what difference that made? Paul said that the events are now inside. Jim said that doesn't matter. He can have them in or out. Paul told us to get some good legal advice from the attorney the Town is paying good money for. Jim said we have volumes of good advice from our Counsel. It is Town Counsel's job to guide us through case law. Paul said someone must have missed something because he is doing horse racing. Jim said that there is case law, and he is not doing horse racing. Jim said whatever attorney you may have should check this law. Paul said that he said it's amazing that one man has the right to do what he wants, whenever he wants and to jeopardize a whole neighborhood and a town community and the PanMass Challenge.

Jim said there is no legal basis to deny him a license. Jim said he made the comment that it appeared as a commercial business. It is under agricultural laws, and he is legal to do what he is doing whether we like it or not. We have no say and the Assessors have confirmed with the State; and he is within his rights to do what he is doing under 61B. Jim said we have to follow the law and we have boundaries of what we can do and not do. Paul Comendul asked for case law. Jim said he didn't have it, it is a privileged component of the law that we can't share.

Jeff said that everyone is disagreeing and it is an unfortunate situation. We are sympathetic and this Board cannot create a significant liability to the Town by telling this gentleman that he cannot operate his legal enterprise. Jim finally told Paul he wasn't getting anywhere and ended the discussion.

Jeff said that in his opinion and in the opinion of Counsel, it is not legal to deny Mr. Brogan this license. He said as Chairman, and as we do not have a full

Board, he is going to end all testimony. Jack also said the applicant isn't present, and it's unfair to continue without him.

Jim Lehan moved to approve the Entertainment License for Run and Gun Ranch with 22 events and 2 floaters, noting that the two floaters are for barrel races and with specific reference to events requiring police detail if they are Board sanctioned races on Seekonk Street, and including all conditions as on previously approved Entertainment Licenses for Run and Gun Ranch. Jeff Palumbo seconded with the amendments, and it was **so voted**.

Jim Lehan moved to approve the final dates for the Entertainment License for Run and Gun Ranch, 123 Seekonk Street as discussed. Jeff Palumbo seconded, and it was **so voted**.

Discussion Items

Jack reviewed the recommended budget with the Board. He did a budget summary. They had a brief discussion on King Philip's budget. There is a deficit of \$386,848. Jim said it is the lowest differential we have seen in years.

Jack reported on Public Safety Building. The Architect opened up bids on 3/17 and they came in at \$5.5 for public safety. They briefly discussed Metacomet. Jim said they are saving for unknowns in the Fire Station because we don't know what that will find.

Jack said they need to sign into a contract with Metacomet. Once that's resolved, we will move forward. Jack said we need an agenda item at the next meeting to authorize the contract. Jeff is comfortable with us discussing it with him gone.

Jack discussed the draft town meeting warrant and said there is nothing new, no changes. Jack asked do we want to ban the recreational use of marijuana. Dave DeLuca says we could put a moratorium in place. Jack said just something to think about. Jim wants to know why we don't have the Town decide if they want recreational marijuana in Norfolk. The Town should have their discussion. What is the risk in giving the Town the chance to discuss it? What does the moratorium mean? It is a time frame of 18 months. Jack will have Dave craft a moratorium bylaw.

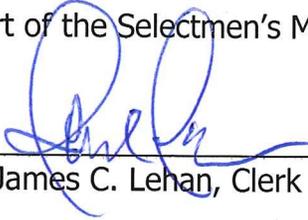
Jack said we are very close to getting rid of the Stop and Shop issue, and releasing the bond and getting the work done on Liberty Lane. We are quibbling over small amounts of money.

Jack said they met with Mr. Borelli today. They have a lot they would like to do something with. He would like something from us, but still owes us on the 40B

issue. They were frustrated that we brought that up, but we were firm and hoping to get that done.

At 8:54 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 March 21, 2017.



James C. Lehan, Clerk

