

January 23, 2018

Present is: James Lehan, Jeffrey Palumbo, Scott Bugbee and Jack Hathaway, Town Administrator, Richard McCarthy, Town Planner, Todd Lindmark, Finance Director and Bill Scully, Green International Affiliates, Inc. and Susan Jacobson.

The meeting was held in Room 124, Town Hall. Jim Lehan opened the meeting at 7:00 p.m. Jim announced that the meeting was audio and video taped. All present recited the Pledge of Allegiance.

Jack read the Discussion/Action Items for discussion/approvals/voting.

Report of Warrants:

Jim reported that following warrants have been signed:

12/05/17 - #23V18 for \$121,104.48; 12/12/2017 #24V18 for \$877,234.72;
12/08/17 - #12P18 for \$798,895.02; 12/19/17 - #25VS18 for \$123,994.94;
12/19/17 #25VSA18 for \$620.00; 12/19/17 - #25V18 for \$449,965.75;
12/26/17 #26V18 for \$413,663.23; 12/22/17 - #13PS18 for \$787,156.49;
01/02/18 - #27V18 for \$94,415.22; 01/06/18 - #14PS18 for \$732,852.61;
01/09/18 - #28V18 for \$1,065,767.62; 01/16/18 - #29VS18 for \$147,429.05;
01/16/18 - #29V18 for \$139,333.70.

Jim Lehan reported that he, Jack Hathaway and Jeff Palumbo attended the MMA meeting over the weekend. Jim said it was one of the largest attended meetings in the Commonwealth. Marijuana legislation was one of the major topics. Jeff said that this is still in a state of flux and the Town has chosen wisely to move forward with a moratorium. Jim reported that he spent time with Mass Housing discussing the 40 B legislation as it exists today. Jim said it was a good discussion and they shared that there is discussion to change the law and allow towns more control. As the law is currently written it is not serving towns in their best interest. Jim believes the Governor is open to some change. Jim felt that we may get some local control over 40 B developments if legislative changes are made. There was discussion related to the opiate crisis. It is crippling the State and is a terrible social tragedy. We anticipate a 3.5% increase in state aid, but it still not back to where it was in 2008.

Discussion Items:

Run & Gun:

Jim said it has been brought to our attention that there had been postings about events to be held at Run and Gun. Mr. Brogan has not applied for a 2018 Entertainment License. Jim said any events in which a fee is charged for participants will not be held without an entertainment License.

Karen Clark asked if Mr. Brogan chooses to ignore the Selectmen's and/or Town Counsel's decision and go forward with the event what recourse will they have. Jim said that if an event is held they will stop it. Jack told them to contact the Police Department and they will be aware of the situation. Karen asked if the barn being rented would be discussed tonight. Jim told her that the Board would not be discussing that tonight. Karen said she met with John Curran and discussed what pieces of property are in and out of the Chapter Land. Jim said they are not in a position to comment on that. It has been presented to Town Counsel.

Cindi Tayman said she wanted to make sure that the letter was delivered in such a manner that Mr. Brogan could not deny receiving the document. She has had her own experiences with deliveries. Jack said it was sent certified mail. He is not sure if the lawyer has received the return receipt at this time.

Lawrence Street Bridge Road Project:

Bill Scully, Green International Affiliates, Inc.:

The Mass Works Summary, Project Description and a brief review was presented by Bill Scully. Bill said they have completed 50% of the design plan. The award was submitted the first week in September. The award is for 1.8 million dollars. It will address the critical needs of the Lawrence Street bridge replacement. It will allow for pedestrian sidewalk from Park Street to the end of causeway. It will provide significant improvement to the Lawrence Street section along the causeway.

Mass DOT has also awarded some additional funds for this project.

This bridge is in need of serious repair. It has been inspected by Mass DOT and the Town. The Causeway between the bridge and proposed Abbyville site is approximately 20 feet in pavement width.

The Town has done some repairs over the years but the condition is still very serious.

Project Objective:

Bill Scully reviewed the overall project. (The presentation has been attached to the minutes) Jim asked when they will determine what public safety issues will arise and what plan will be used to address them. Bill Scully said they have plans to address many of those situations but they will be conducting staff meetings with the Police Chief, Fire Chief, Town Planner, DPW Director and the Town Administrator. They will tweak the plan to minimize disruption. They will have to close the bridge completely at some point. They will also have alternate flow but may be able to have two lanes at times. Jim asked who makes the final decision on which plan they go with. He said it will be made with all of the parties involved in the meetings. Jack said he wanted the DPW Liaison to participate in the meetings as well.

Jack brought up a similar bridge and Jim spoke about the wooden railing versus steel railings. Bill Scully said he would be happy to look at the bridge to evaluate the railings. Jim said this is

a beautiful area and we want it as attractive and welcoming as we can possibly make it. He does not want to see metal side railings like you see on the Highway. Bill will evaluate railings and guardrails both aesthetically and for safety. This will be reviewed with the group. They will present what are workable and feasible options, there may be several options. Bill asked if we like the appearance of the Miller Street Bridge and Jim agreed it was a nice bridge. Jim asked if there would be conduits under the bridge. Bill said it is not as simple as placing them under this bridge.

At this point they are not recommending putting the conduits under the bridge. They are putting a water line in on that side. Bill suggested discussing this more with the entire group. It is more complicated. Scott asked who gets to dictate whether or not this happens. Bill's staff has recommended they not move forward with the conduit. Rich McCarthy said he still wants this issue explored. He would like to confirm that it is not feasible and cannot be completed. Bob McGhee is working on getting the correct answer and will get back to the group on this.

The plan review will continue and they will do research on the railings, Bob is getting utility information. They will be filing the Notice of Intent and will set up the first staff meeting to discuss the project further.

They will be putting together the boilerplate for town advertising for review. The Con Com hearing will take place the 13th or 14th of February and they would like to meet as a group the first week of February after that meeting they will begin to finalize the plans and schedule a second meeting to make final decisions.

Jeff asked if the curbing is granite curbing, Bill said it will be concrete. Jeff would like some sidewalk detail presented. Bill said that the plan does show the layout of each side of the sidewalk.

Sandra Myette said she felt that they were setting up a dangerous situation on the road. How are they going to have kids cross the street at the construction entrance for seven years safely? Bill said Abbyville will have to control the construction traffic with a traffic management plan. She asked if a sidewalk could be done on both sides. Bill would rather have them cross in a controlled area. Jim said that we should discuss this with our public safety officials and take direction from them.

Dave Dimond asked who Mr. Scully is working for. Bill Scully said he is working for the town. Dave said that he and his wife have travelled over the bridge 45,000 times during his 30 years in town. He would like the town to allow the neighbors to provide some input into the project. Dave would like to see the sidewalks be 24 feet wide. Dave said that we have one shot at this and he would like to see us go wider. Dave felt it would go a long way into building support for the project. He would be happy to sign up to provide that input.

David Mastro/Lawrence Street: He wants the school systems to be included in these conversations. He would like it discussed with Holmes Bus Company. He wants the neighbors to be included in these meetings. He wants to know about Mr. Scully, he knows Mr. Scully has represented Mr. DiPlacido and now he is representing town, he does not feel comfortable as a tax payer. He believes this is being pushed through to allow DiPlacido to go forward. Bill Scully said that he is an engineer and he works for many towns.

Jack said that the grant was applied for by the Town of Norfolk and it is being done for the town of Norfolk and that Bill is a professional engineer. He won't get paid and the project won't get done if the Selectmen aren't happy with the outcome of the project.

The Mass Works grant makes you start the project in the fiscal year you were awarded it in. Bill Scully said there has been a lot of input from both residents and town officials.

Chris Wagner/Park Street: asked if the sidewalk should be on the same side as people are going to be fishing on. He also wondered what the ton limit would be on trucks. Bill Scully said he would get that information back to him.

Margaret Kahaly said this is the first chance they have been able to make comments on this project. A lot of concrete is being used and it does not holdup to salt. Being on Cranberry Meadow they are completely cut off from the Town if the bridge is closed. They would have to go through Franklin. Jim said closing that bridge for a long period of time is a big concern of his. Jim suggested Bill return every two weeks to the meetings with updates. Bill said he will back to the Board after the staff review and discussions.

Josi (Seekonk Street) accident on corner of Main/Seekonk Street this has caught her attention she is coming from Norwood with a truck route (she moved from Quincy) she would expect a truck route. She would like to see lighting as well.

Mike Guidice said Dave Dimond mentioned that we have one chance to get this right. We have six weeks with a lot of questions on both public safety and the design. He feels the bid schedule is too compressed. Scott Bugbee said if they are not comfortable with the public safety or designs concerns they will bump out the date. They will not move forward. Scott said that MASS Works has to understand public safety concerns. Mike would like them to look at granite curbing instead of concrete. Mike asked if the bids come in over the amount does it mean the project does not move forward. Jack confirmed that if the project comes in over bid it won't move forward.

Peg Bedard said she wants to make sure that they know that public safety is number one. This is not a routine road. They have not gotten direct input and no one from the neighborhood that has been able to speak. A 12' beam is a balance beam. They are having a lot of discussion about what is going to go on for several years she does not see this as a recreation area and they are losing a gem because once people stop doing something they never do it again.

Scott thanked the residents for coming and there input.

Margaret Kahaly read into the MASS Grants she feels we applied for this a year to soon. We should not be rushed. She said that we have 15 years before that bridge is a problem.

Jim wanted to assure the residents that public safety concerns will be addressed. If pushing back the timeframe is what is needed he does not have a problem doing that. He wants to ensure the public safety issues are addressed appropriately.

40 B Safe Harbor:

Scott read a letter received from the Department of Community and Housing Development. We have obtained Safe Harbor effective 12/18/2017 through 12/17/2018. Jack explained that we are not required to accept any new 40 B projects but must still continue with the projects are before us. If we produce an additional 16 units is we would get Safe Harbor through December 17, 2019. Scott also read portions of a Memorandum received from the DHCD outlining that the fact that Norfolk has not ever been in a position between 2012 and October of 2017 with or without an approved HP Plan to obtain Safe Harbor. Jim said Norfolk was one of the first towns to move forward with a Housing Trust. The Trust is also the group that updated the current plan. It only serves as a plan to get to Safe Harbor we have been working that plan since 2007. Jim said at a prior Town Meeting they tried to making zoning changes to the Rockwood Road property that is now going to be a The financials did not work for the town or the developer. Jim said it is a flawed law. He said 40B and the voters voted it down. We worked for two years with a developer at Southwood to try and develop a project that would help us reach the 10% affordable housing goal. there is a lot of incorrect information being posted on social media websites and it is very frustrating to the Trust and Susan Jacobson. The NMAHT volunteer board along with Susan has been working very hard to increase the SHI numbers. Jim said NMAHT meetings are typically held at noon. We have never had residents attend. Jim said the Trust has purchased lots, built homes, provided a Habitat for Humanity home, a modular home and CPC has been very generous with financial support that has allowed us to buy several homes. We could not have stopped these 40 B projects we are working hard to get through them.

Jody Cordi said she appreciates the input and that is exactly what we need to do if we have more control it won't be as difficult. Many people did not think 40B's would come to this town. She attended the hearing at the State House and Susan Jacobson attended as well. She said the developers are very comfortable going in before these hearing boards and in that setting. She felt like the developers presented the poor me case. She brought up the prison and feels those resident should count towards our affordable housing percentage. Jodi said the laws should be different for smaller towns and cities.

Anne Marie Battisone asked if the contamination at Southwood was removed, Jim said it has been capped but not removed.

Mr. O'Harte Conversation:

Jim said that there was a conversation with Mr. O'Harte and he restated that conversation to the BOS. Mr. O'Harte requested to meet with Jim. The conversation lasted 12 minutes he heard that the town had a lot of money and he wanted the town to buy his property on Seekonk Street. Jim said he (Mr. O' Harte) presumed that CPC had a lot of money. Jim said that he suggested the Town purchase the property for around \$850,000. Jim explained the CPC process and the steps Mr. O' Harte would have to take to get the vote before Town Meeting. Mr. O' Harte said he wanted an answer in two weeks. He wanted the decision prior to Mass Housing approving his project. Jim told him they board could not guarantee those conditions they were illegal and that the BOS cannot bind CPC or Town Meeting. He did send a follow up but he did not hear anything back. Jim said there was no deliberation and that is what the issue was.

Run & Gun:

When Mr. Brogan comes before the Board he needs to explain all of the events. If we approve something and we find out that something else is happening then it's a problem. Jim is hoping the attorneys can come to an agreement and we will follow the advice of Town Counsel. The dispatcher and police offers will know what the decision is. We have told him that he cannot hold an event. Jim said if something happens between the two attorneys and the town is notified in advance we will let Karen Clarke know and she will notify the neighbors know. Jack said that hopefully it will be resolved before the 27th. Jack said we will improve with this procedure each year.

Dr. Carpenter/Seekonk Street he has a problem that we are not being proactive but reactive with this individual. He feels like he will have the event and then he will come in and get a slap on the wrist.

Scott said he is not comfortable shutting down an event without Town Counsel advising us to do so. If we shut down the event that we should not have, we are subject to a lawsuit and that is costly to the town. Jim said we have not given our attorneys direction to keep us out of a lawsuit. There is no agenda to take this one way or the other. It is what the law says we have the right to enforce. The agreement is annual. Jim said we do not have an agreement with Run & Gun for any events in 2018.

Jack said there has been discussion that no entertainment license is required. The courts need to decide this case. Jack said that you need to keep in the back of your mind that if we shut down this event there is nothing the Town can do to prevent him from sitting in his backyard shooting guns all day and riding motorcycles.

Financial Update:

Todd Lindmark:

Todd provided a financial update to the board with some preliminary numbers and will be coming to the meetings quarterly to provide updates. He said if the Selectmen would like any format change or additional information for them to let him know and he will make those changes.

Summary sheets were made available for the Public Safety Project.

Todd reviewed each sheet for the Board. Todd said that this is his first time presenting this information and if the board wants it in a different format or more information, he would like to know. Jim said that we have \$684,000 in free cash if we put \$200,000 for three years we would have \$600,000 we would earmark and do something with old Town Hall. Todd said that you really cannot earmark funds. Jim said we don't need an override, CPC has turned us down. Scott said you cannot guarantee that another board would want to do this. Todd feels that the estimate is on the low side. Two floors it must be ADA compliant an elevator must go in.

Jack said approaching CPC with a plan may get them to support rehabbing this building. Jim said Recreation could approach them.

Needham Investment owes us \$25,000.00 and Stop and Shop may be behind on wastewater. Jim asked if he had preliminary budgets Todd said they are due the end of the month. He has not heard anything from the Norfolk Schools or King Philip. Jack said they are meeting February 13th.

Todd said we have updated our information with S&P we have a double A plus rating.

Complete Streets Program:

Rich McCarthy said the state has a program for towns to participate in. You evaluate your roads and sidewalks and you put together a plan for improvements. There is \$400,000 available for roads and sidewalks. You try to create safety and road design. The goal is to create parity. We would need to complete a policy for to participate in this program. If approved you go through a process for technical assistance funding. You look at different items/areas in town. Evaluations could be done to get help evaluating those dangerous traffic/street areas. Once you go through the plan the funding would open up in 2018. Rich said that it helps if you do other projects as well.

Scott asked if there was a downside to any of this. Rich said if you were not interested in sharing the road if you don't want to make your streets better for walker and cyclists then you would not want to consider this. Scott is not opposed to this but he does not want to see us get into a situation where we would only get the money for a short term resolution. Rich said that we could pool the funding with DPW road/sidewalk work.

Jack said Bob McGhee is coming to the February meeting to discuss the major intersections in town. He is presenting some short term solutions but this program may help long term.

Jack said that Rich and he met with three folks from the MBTA they discussed a second line or double track from where Walpole stops being a second line all the way to the east side of Rockwood Road. It will not go to our station at this point but sometime in 2021 or 2022 they would like to bring it all the way to Franklin. There is some ledge work that they would have remove to give them some clearance. They are going to file with Conservation in February. They do not need our permission but they would like to work with us. Jack said he does not see any negatives to this. Scott asked if they would consider moving our stop so traffic is not blocked.

Jack said they want to do this for short term gain is that they can go around a broken down train. Some of the added benefits are that it will allow more flexibility in scheduling. More express trains would be available. Jack said they did bring up that our station is one of the simplest stations in Mass. They said when they add the second line they will have to update the station and add platforms to both sides and will provide a walkover. They may move the station west bound for us. They will look at that. They cannot move it too far because of the bridge that goes over the tracks. Jack said when the trains are coming eastbound and they stop at the station the entire time the road is blocked. He asked what they could do to prevent that from happening. The MBTA said it is something they can look at and try to resolve. Jack said he will work with Shawn Dooley on this.

Action Items:

- Please consider opening the Town Warrant and approving the meeting schedule.

Jim Lehan moved to open the Warrant. Jeff Palumbo seconded, and it was **so voted**.

- Please consider the request to name new street (new sub-division 33 Medway Street).

Jack would like to hold off on this and get feedback from Chief Stone.

- Please consider the request to purchase four (4) Image Cast Optical Scan Voting Machines from LHS Associates, Incorporated and vote to approve the discontinuance of The current four (4) Accuvote machines the Town is currently using.

Jim Lehan moved to approve the request to purchase the four (4) Image Cast Optical Scan Voting Machines from LHS Associates, Incorporated and to vote to approve the discontinuance of the current four (4) Accuvote machines the Town is currently using. Jeff Palumbo seconded, and it was **so voted**.

- Please consider approving and signing Re- Bid Results for Joint Salt Bid for 2017-2018

Jeff Palumbo moved to approve and sign the Re Bid Joint Salt Bid for 2017-218. Jim Lehan seconded, and it was **so voted**.

- Please consider signing Purchase & Sale 66 Priscilla Avenue, Norfolk, MA

Jim Lehan moved to sign the Purchase & Sale Agreement for 66 Priscilla Ave, Norfolk, MA, in the amount of \$50,000. Jeff Palumbo seconded, and it was **so voted**.

- Please consider approving and signing the Southeastern Regional Services Group DPW Services Award

Jim Lehan moved to approve and sign the Southeastern Regional Services Group DPW Services Award. Jeff Palumbo seconded, and it was **so voted**.

- Please consider signing the Sample Ballot for Norfolk Annual Town Election

Jeff Palumbo moved to sign the Sample Ballot for Norfolk Annual Town Election. Jim Lehan seconded, and it was **so voted**.

Jack said he had a resident approach him and is looking to have set term limits for all elected positions in town. Jack said he would not personally support this but does the Board want him to use town funds to help facilitate this article for the resident.

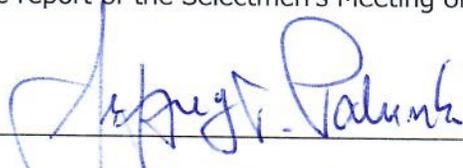
Scott believes it will be very difficult to offer legal services for drafting a warrant article. Jim said we have not offered legal services to help a resident draft a petition in the past.

Acceptance of Minutes:

- 4/10/2017
- 11/14/2017
- 10/30/2017
- 12/6/2017

At 10:20 p.m., Jeff Palumbo 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 January 23, 2108.



Jeffrey T. Palumbo, Clerk