

**Norfolk Board of Selectmen's Open Session Meeting Minutes
July 24, 2018**

Present: Jim Lehan; Kevin Kalkut; Jeff Palumbo; Jack Hathaway, Town Administrator;
Susan Jacobson, Executive Assistant

The meeting was held in Room 124, Town Hall. Jim Lehan called the meeting to order at 7:00 p.m. Jim announced this meeting is being both video and audio taped. All present recited the Pledge of Allegiance.

Jack read the agenda

Dog Hearing – 7:00 p.m.

Jack swore in Hillary Cohen, Animal Control Officer and Anthony and Robin Biscaia (dog owners). Hillary passed out a copy of MGL Chapter 140, Section 157 for the Board to determine if the dogs met the criteria for them to be considered nuisance dogs. Animal Control has had interaction with the Biscaia dogs for over 25 years. There are many incidents with regard to the dogs such as biting a child, killing livestock, biting another dog and being hit by a car. Hillary has cited them routinely over the years and there was no proposed resolution to the problem until this hearing was scheduled. Hillary does have documentation on all of the incidences. In most recent complaints, the common theme has been loose dogs, trespassing, destruction of property and showing aggressive behavior towards other dogs.

Hillary stated that a by tying up a dog that has aggressive behavior, can escalate the aggressive behavior. The owner has proposed an electric fence which Hillary is in favor of with certain other conditions.

Hillary reviewed each and every report from 1994 through present. There were reported dog bites, dog hit by car, dogs running loose, dogs showing aggressive behavior, attacking other dogs. They have paid all citations in a timely manner.

Hillary said she has a great working relationship with the Biscaias but she cannot get them to keep their dogs safe on their property. They believe that their dogs should be able to run free and there has not been a good resolution to this.

Hillary wanted the Board to ask if the Biscaia's electric fence is being professionally installed because a professional company will usually train the dogs to the fence. If it is being installed by the homeowner, she wants the owners to have someone come in and train the dogs to the fence.

Hillary said the dogs know where to go when they get loose they go to the same place. The complainant has provided video of the dogs in his yard and he is concerned about his own dog.

Anthony Biscaia said it sounds like a lot of incidents but they have a lot of dogs. The dogs they have now are six and three years old. When they moved here there were no leash laws and you were able to just let the dogs out. He said the dogs they currently have are not aggressive - they are playful and like to explore and that's why they run off. The Biscaia's say they have been very responsive whenever the dogs run off. He disagrees with Hillary believes an electric fence would cause additional problems (i.e., if a dog gets out it cannot get back in). He is in the process of putting up a physical fence. Due to the weather, they have not been able to cement the sonar tubes. They hope to have a fence this weekend. They now have a double gate system and there is also a buffer area before the door.

If the dogs wish to run them and play, they will have physical containment. They do not believe in shocking a dog is cruel and not an effective way to deal with a dog. They would like to try the fence before they begin shocking the dogs.

Hillary said the physical fence is fine and the fence they bought is for physical containment. It is four feet high and he would like to have Hillary come by and approve the fence. The fence is only going to go around the back of the house. Hillary said the dog has escaped from the side door so she has some concerns about that.

Kevin and Jeff stated they would like to see if they can put a time table as to when the fence is finished with a specific date. Jeff said he would like a site visit to take place after the fence is finished. Hillary said the Board needs to decide if the dog is a nuisance dog or not. He would like two weeks to finish the fence and then they will contact Hillary. If she has any suggestions, they will implement them. They do not want problems with their neighbors and they do not want to lose their dogs.

Jack wanted a description of the fence. It was stated that it is a stockade fence. Anthony said it's a green wire mesh with three inch squares. They are securing it so the dogs cannot crawl under it. Jim wanted to know if they are putting it into the ground because he wants to make sure that they cannot dig under the fence. Jim asked about the male that is not neutered bringing up that males that are not neutered wander and roam. Jim asked if they were breeding the dog. Anthony said they like them way the dog was made. He will not change their sex organs. They do spay the female because they do not want puppies. Hillary asked how long of a span in between the posts and if they were T posts. She is concerned that the fence will not be rigid enough. They are going to have the metal posts every five feet. The posts are about 50 feet apart from the four corners.

Jim asked Hillary for a recommendation and she said she would recommend a month for the fence installation. Hillary said if there are escape attempts, they need to find ways to contain these dogs.

Jeff would like updates to Hillary from the dog owners. Hillary will report back.

Jack said that we are coming to a resolution on the dog matter, but reading the law he feels that we should still deem these dogs nuisance dogs. Hillary agreed with Jack. She said there are no ramifications deeming the dogs as a nuisance.

A motion was made by Jeff Palumbo that both Aussie and Duece owned by Anthony and Robin Biscaia be deemed nuisance dogs per MGL Chapter 140, Section 157. It was seconded by Kevin Kalkut and so voted. A friendly amendment was made by Jim that Hillary report back to the BOS. Jeff modified his motion that on or before the 13th of August there will be a discussion and review by Hillary. All were in favor.

Report of Warrants

The following warrants have been signed:

-7/10/2018 01V19 \$2,220,090.91**7/10/2018 02VSA19 \$150.00

-7/10/2018 02V19 \$726,994.15

-7/17/2018 03V19 \$87,972.43

A motion was made by Jim Lehan to approve the warrants through July 10, 2018. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to accept the 7/17/2018 warrant. It was seconded by Jeff Palumbo, and so voted. All were in favor.

Action Items

Please Consider Street Names for Lakeland Farms Project

Jack stated that the Police Chief had some problems with the names because they were similar to other street names. Jack read the street name bylaw. Jack will go back to the requester and ask them to follow the policy and work with the Historical Committee and come back with some additional suggestions. This item was tabled.

Please consider appointing Alexandra M. Fraher to the Conservation Commission.

Jack said we have a letter of interest from Alexandra M. Fraher. She would like an appointment to the Conservation Commission, she is a practicing attorney who grew up in this town and is moving back. Jim said they are grateful for all who volunteer.

A motion was made by Kevin Kalkut to appoint Alexandra Fraher to the Conservation Commission. It was seconded by Jeff Palumbo, and so voted. All were in favor.

Please consider the DPW Union Contract

Scott Bragdon discussed the changes within the DPW Contract. This contract has been approved by the DPW Union. The prior version brought forward was not approved by the Union.

Scott reviewed the specific changes within the contract for the Board of Selectmen.

A motion was made by Jeff Palumbo to approve the DPW Union Contract from July 1, 2018 through June 30, 2018. It was seconded by Kevin Kalkut, and so voted.

Jim thanked the union for their time on behalf of the Board.

Please consider the Clerical Union Contract

Scott said the Clerical Union Contract is close to completion and he expects to bring before the Board at their next meeting.

Old Town Hall

Scott said that he is responsible for the liability insurance in the Town. He is here because the Town recently voted not to sell the Old Town Hall property, however, the building is now empty and falling down. Because it is an empty building, our regular insurance company has dropped the property insurance on it; however, they do continue to cover liability. Scott said he has gone through a private company for the property portion of insurance and this will cost approximately \$2600 per year. The insurance requirements are that the building be maintained. There is no budget to keep the building to be sound. Scott said it is a monetary risk for the Town. Scott discussed many aspects of the building that are in disrepair as well as safety risks.

Scott said the Town needs to decide what to do with the building. He discussed some options with the Board. Matt Haffner, Facilities Director and Rich McCarthy were present and also offered options.

Scott would like the Board to take some action to move forward and help put together a plan. Jim said they have wrestled with this for five years. They have brought three different recommendations and three times they have been turned down. Jim asked Chris Wider, Chairman of the ZBA, if he would like to opine on this.

Chris stated that the public spoke very clearly that they were not ready to demolish or sell the building. He believes that if we rehab the building, we would not have to meet extended laws. He would like to present proposals to the public at Town Meeting or develop a study committee to get ideas. He feels it would be a mistake to lose that asset and that it would not be difficult to continue to maintain with minimal work.

The Board and Jack discussed the feedback that was received at the Town Meeting. Jim stated the vote clearly was that the residents did not want to sell the building.

All present agreed that something needs to be done and to make a goal to bring something forward to the next Fall Town Meeting.

Please consider appointing Jack Hathaway, Jonathan Smith, Anthony Turi and Rob Garrity to the Town Government Study Committee

Jack stated that at the Spring Town Meeting, the residents voted to create a Town Government Study Committee which we now need to create.

The names of volunteers to serve on the committee are listed on the agenda.

Jack asked if the Board wanted to create a charter for the committee or do they want the Committee to create it. He stated he would be happy to serve as an ex-officio member.

Jim stated that in the past, the charter committee brought forward recommendations to the Board of Selectmen. They, in turn, brought forward the recommendations to Town Meeting.

The Board and Jack examined the process of the past and determined that if they were to change the process, it would have to go through to the State level as well (BOS to Town Meeting to the State House).

Kevin felt that we should appoint the whole board at one time. Jim and Jeff were in agreement with that. The Board stated they would hold on to the names of the individuals who have volunteered and asked for any additional individuals interested to please step forward.

The appointment of naming members for the Town Study Government Committee was tabled.

Friends of the Norfolk Public Library Annual Book and Bake Sale

A motion was made by Jeff Palumbo to approve the Annual Book and Bake Sale to be held on Saturday, April 20, 2019. It was seconded by Kevin Kalkut, and so voted. All were in favor.

Funding for Legal Support for the Zoning Board of Appeals

Jim stated that the Chair of the ZBA is looking for a vote of confidence and support from the Board. They are involved in multiple issues and we have authorized resources for Dan Hill. If they need more resources, the BOS would support that. Jim recommended that the Board vote to support the ZBA. He stated that it's an unknown number and unknown issue and is not to any action item that is on the table at this time. Jim stated that should it exceed the funding available, it may require us to go to Town Meeting for additional spending.

Jeff commented that everyone in Town is aware of the activity that the ZBA has had to contend with. He stated that the ZBA has worked very hard to work through many 40B projects. If moving forward with this motion, he would like reassurance to the community that the funds are being well spent. Jeff asked Chris Wider to comment on this.

Chris stated that Dan Hill has done a great job and has brought great experience to the table. They are also pleased with Town Counsel's decisions and his assistance to the ZBA. He said they have done a great job for the ZBA. Chris clarified that the funding would be specific to 40Bs, but it not specific to a particular project.

A motion was made by Kevin Kalkut to support future funding should the ZBA need it for 40B projects. It was seconded by Jeff Palumbo, and so voted. All were in favor.

Discussion Items

Liaison Reports

Kevin has been doing his meet and greets circuit and all has gone well.

Goals by the Selectmen will be finished by the 14th of August.

Lawrence Street Bridge

Jim stated this was on the agenda because bids will be coming in on Thursday.

A formal hearing process will be on the 14th.

An LSP has been hired by the ZBA.

A detailed letter was sent by Rich McCarthy, Town Planner, to one of the Lawrence Street Group members answering many questions. Jim said there is no option but to fix the bridge due to safety issues. Margaret Kahaly, Cranberry Meadow Road, was present and expressed concerns about arsenic in the soil and tearing up the road at this time. Jim stated the report she's referring to is unrelated to the bridge work. No bids will be approved tomorrow. Once the bids are in, they will be a parameter as to what will be feasible with the finances available.

Peggy Bedard asked for clarification on what was stated in a past meeting regarding the bridge being on hold. Jack clarified that two months ago, the Conservation Commission

and the Board of Selectmen had a lot of concerns with the report that came out. The concerns have since been somewhat alleviated because the Town has hired an LSP to review the work by the Abbyville project's LSP. They now are comfortable that the independently hired LSP will make sure whatever remediation Abbyville needs will get done.

Jim stated that they are not going to do something that puts people at risk. The only work that has been done so far has been only for testing.

They will have more information at the meeting of August 14th and this can be discussed in more detail then.

David Mastro, 26 Lawrence St., questioned if there are there two grants: one for the bridge and one for the causeway. Jim clarified there are two and Jack explained the grant process.

The Board thanked the residents for coming to the meeting.

Town Administrator Report

Lake Street

Jack informed the Board that the DPW brought a grader to get rid of the sink holes and level off the road a bit. Bob McGhee, Jack and the insurance attorney will meet with Mr. McCormick tomorrow to discuss options for maintaining the stability of the road.

H. Olive Day School Roof Repair

The Advisory Board is meeting tomorrow night and has a request from Matt Haffner, Facilities Manager, on behalf of the school for \$50,000 to move forward with a rapid repair of the roof at H. Olive Day School which needs replacing.

Energy Committee

The Energy Committee sought bids for an energy consultant to do an audit. Jack discussed funding options with the Board.

Other Items

Jack also informed Board of the following: New growth came in substantially higher than expected; the Assessors had to abate more taxes than expected; all residential home assessments went well and open space property evaluations were brought up for undeveloped property; a new Water Superintendent was hired in DPW; and permitting on wells is still not finalized by the DEP.

Jim handed the Board an update from Scott Bragdon on outstanding issues regarding union contracts and litigations. Scott will further update when changes are made.

EXECUTIVE SESSION:

At 9:35 p.m. Jim Lehan called for a roll call vote to exit Open Session and enter Executive Session under MGL Chapter 30A, Section 21 concerning litigation with Run & Gun Ranch. Roll call vote: Jeff Palumbo – aye; Kevin Kalkut – aye; Jim Lehan – aye.

The Board will not return to Open Session.

The next meeting is scheduled for August 14, 2018 at 7:00 p.m., room 124, Town Hall.

Meeting adjourned at 9:35 p.m.

This is a true and accurate report of the Board of Selectmen's Meeting of July 24, 2018.



James Lehan, Chair