

Norfolk Board of Selectmen's Open Session Meeting Minutes October 2, 2018

Present: James Lehan; Jeff Palumbo; Kevin Kalkut; Bob McGhee, DPW Director; Seth Barnett, Esquire, Scott Bragdon, HR Director; Jack Hathaway, Town Administrator; Susan Jacobson, Executive Assistant

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

Jack read the Agenda:

At 7:03 p.m., a motion was made by Jeff Palumbo to go into Executive Session under M.G.L. Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body. It was seconded by Kevin Kalkut, as so voted. Roll call: Jeff Palumbo – aye; Kevin Kalkut – aye; Jim Lehan – aye.

At 7:23 p.m., the Board returned to Open Session.

Action Items

Lake Street Discussion

Jim stated there has been an agreement to end the litigation.

Bob McGhee was present and discussed the agreement. He said legally we are on good ground to move forward. The street they are going to build will be kept to its existing layout. Bob will discuss posting speed signs with the Police to try to keep the speed as low as possible. He talked about the footage, grading, drainage, and erosion control. He stated that once the trees that need to come down are identified, they will get a tree company to come in and take them down. At that time, DPW can get started.

Jack discussed the timeline further. They will need to go to the DEP and Conservation Commission to get the drainage finalized and prior to completing the paving.

Richard Saccone of 30 Lake Street asked if it would be paved before the winter. Bob stated yes, however not the final coat.

Pete Agricola asked if there was any way to install speed bumps. He has teenagers and wants to slow people down. Jim said if it is appropriate, he would like it to be discussed with the Police and they can determine if it is something that would work. Bob would recommend giving the 15 miles per hour a chance and then reconsider the speed humps. Pete would not like empty stumps in his front yard and would like to know if he will be compensated if his fence is damaged.

Bob stated they will only move those trees that impact the road and that they would also be trimming several branches. He wants to preserve the character of the street.

The Board answered questions from other residents regarding trees.

A motion was made by Kevin Kalkut to authorize Jack Hathaway to sign the Lake Street Settlement Agreement. It was seconded by Jeff Palumbo, and so voted. All were in favor.

MAS Building and Bridge Contract

Jack said they have the MAS Building and Bridge contract for the Lawrence Street Bridge, which has been signed off by Town Counsel, Mr. DeLuca. Jack said he suspected the group here wanted to discuss timing. They are ready to close the road next Tuesday, and Public Safety folks recommended they begin as soon as possible. They are recommending that the road be closed as they are concerned about the lack of barriers on either side of the road. If residents are ok with this, they will call people via reverse 911, put it on the Facebook page and put out large signs. We are one month behind schedule. There is concern that they may not get the binder down before winter due to weather; in that case it will go down in the spring. Jim discussed the importance of starting the project right away due to public safety concerns.

Anne Middleton of 6 Bretts Farm Road asked if the company will be penalized for removing too much brush. Jack stated that DEP is reviewing the work that the company had done. The delay was discussed.

Stephanie Markham, 22 Lawrence Street, asked if it will be closed over the winter. Jim said if the binder is not down the bridge will remain closed.

Peg Bedard asked about the removal of materials from the south side of the bridge. Jack informed her that DEP has reviewed this, and we are putting together a plan to replace vegetation. DEP has been there and continues to work with the engineers. Jack feels that the DEP should be answering further questions related to this. Jack said they are doing the best they can for public safety; they are taking a very poor road and trying to improve it; they are putting poles underground. Peg is concerned about the project not making the original estimated 90-day window. She stated that it is an inconvenience to residents. Jim stated if the weather is in our favor, we could meet the 90-day deadline. Jim said they understand the inconvenience.

Mr. Wilson questioned the possibility of putting up guardrail instead of Jersey Barriers. Jim said he believes it was determined that the road was too narrow for the emergency crews and pilings cannot be driven down, therefore, Jersey Barriers are the only option. They also discussed penalties to the contractor if the project isn't completed in a timely manner.

Betty Ann Wakely, Bretts Farm Road was present. She stated that she is disappointed in the way the project has been handled. Betty Ann asked about an email she received from DEP regarding work conducted in the project that was not approved and that DEP is waiting for a new plan from the town. Jack stated that is the mitigation plan he spoke about. She expressed concerns about snow removal and wanted to know what the plans are to make sure Lawrence Street gets treated. Jim said Bob McGhee has a plan in place. All parties involved have prepared a plan (i.e., Police, Fire, DPW and schools).

David Mastro also expressed concerns about snow treatment on the roads in Franklin that Norfolk residents will be using. He stated that Norfolk does a good job on the roads, but Franklin does not. Would it be possible to remind Franklin that they will have a lot more traffic on those roads? Jim said that he will remind them and request they re-enforce it. They will also talk to Bob McGhee about treating those roads.

Halloween Party Parade

A motion was made by Jeff Palumbo to approve a request to close Eric Road from the Park Street entrance up to Erin Road from 4:00 p.m. to 6:30 p.m. on Saturday, October 27, 2018 for a Halloween parade and party. It was seconded by Kevin Kalkut, and so voted. All were in favor.

Warrant

Jack stated that we have 14 articles: transfers; unpaid bills; capitol requests; Water Enterprise; Sewer Capital; report of the committees; request from the Finance Director involving the Municipal Modernization Act; a request from the CPC; a zoning article - Zone 2 well protection; a request from the Planning Board to change zoning bylaws to move the F11 site approval process away from Building Commission to the Planning Board; an article reducing the amount of paperwork with the F11 process; an Energy Committee request for \$15,000 for an audit; an article regarding land purchase for a new field; and article eliminating the term limits on the Council on Aging.

A motion was made by Kevin Kalkut to open the November 27, 2018 Town Meeting warrant. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made by Kevin Kalkut to add an article to the November 27, 2018 Town Meeting warrant from Representative Dooley regarding the Town acquiring 5 acres of land adjacent to the Pond Street recreational facilities. It was seconded by Jeff Palumbo, and so voted. All were in favor.

A motion was made to close the November 27, 2018 Town Meeting warrant by Kevin Kalkut. It was seconded by Jeff Palumbo, and so voted. All were in favor.

Town Administrator Contract/Search Committee

Jack and the Board discussed the timing of his departure, as well as separation agreements. Jack would like to leave sometime in December with a 3-month severance. This would get the town through the Fall Town Meeting. They discussed other contracts in the area and that they found a wide range of things included in them. Jack's contract allows for him to give 30 days' notice. Kevin stated a 30-day notice with a 3 month severance falls within the parameters of other contracts they have looked at. Jack stated that giving them a target date gives the town the opportunity to be able to start the search process. This helps both parties.

Ann Middleton then stated that the concrete on the Park Street bridge is starting to show signs of wear and tear from traffic coming from a development in Wrentham. Jack will pass that on to Bob McGhee.

A motion was made by Jeff Palumbo to pursue a premature termination agreement without cause for Jack Hathaway effective December 1, 2018 with a 3-month severance and with the understanding that Jack would be available for consult. It was seconded by Kevin Kalkut, and so voted.

Jack said that for the record he will consult but would like language in the agreement. All were in favor.

The Board then discussed how to construct the review committee for resumes of the Town Administrator position. They discussed hiring a consultant to bring in candidates. They discussed the process of screening and selecting candidates to interview. Jim said the screening committee's role is to review all the candidates.

The Board agreed to use a consultant and they will set up a screening committee with 7 members on the committee. They also agreed that they would like the screening committee members to be composed of a representative from the School Committee (Chair, Tom Doyle), Fire Department (Peter Petruchick), Police Department (Tim Heinz), one or two board members from other committees (to be determined), a citizen (to be determined), Human Resources (Scott Bragdon) as well as a former Selectmen (Scott Bugbee).

The Board and Jack agreed that they should have the consultant come in and have the screening committee together at the October 30, 2018 meeting. They will appoint the members on October 17, 2018.

Jack will bring his agreement to the October 17th meeting for approval.

Jim stated the Board received a communication this week from the Attorney General regarding an Open Meeting Law complaint filed by Peter Chipman. Jim read the decision and it is available on file. The Attorney General found that the Board did not violate the Open Meeting Law and the complaint is now resolved. Jim wanted this information in the public record.

Update on Projects

Jack reiterated that it is the Town's intention and hope that the Lawrence Street Bridge Project stays on track and can be completed on time; however, he is trying to be transparent with the residents and alert them of issues that could interfere with that. Jim affirmed that the Town is looking at varying factors that affect the project's timeline and they are working in the best interest of the Town and its residents.

Jeff asked if Bob McGhee is checking daily on the project. Jack stated that Bob McGhee, his assistant, and/or the Town's engineer are there monitoring the project closely. Jeff asked Jack to notify the Board if things go of course. Jack agreed.

At 9:07 p.m., a motion to adjourn was made by Jeff Palumbo. It was seconded by Kevin Kalkut, and so voted. All were in favor.

This is a true and accurate report of the Board of Selectmen's Meeting of October 2, 2018.



Kevin Kalkut, Clerk