

Norfolk Select Board's Open Session Meeting Minutes November 5, 2019

Members Present: Kevin Kalkut; Christopher Wider, Cici Van Tine. Members Not Present: None. Also Present: Blythe Robinson, Town Administrator; Judith Lizardi, Executive Assistant.

The meeting was held in Room 124, Town Hall. Mr. Kalkut called the meeting to order at 7:05 p.m. Mr. Kalkut announced this meeting is being both video and audio taped. All present recited the Pledge of Allegiance.

Ms. Robinson reviewed the agenda.

Public Comment

Mr. David Rosenberg, 123 North Street, stated he spoke with Ms. Robinson regarding the retrieval of cans and bottles for deposit redemption and is happy to learn that progress has been made on this item. He stated Ms. Robinson said the expectation is that the DPW will provide a convenient drop-off location at the Transfer Station for cans and bottles. The DPW will bring the cans and bottles to the King Philip donation area. He noted he spoke at the last Select Board meeting about remote participation for committee and board members; he would like to discuss this item at a future meeting. As well, he stated he would like citizen engagement in town to proceed as a discussion item.

ACTION ITEMS

Public meeting on the laying out of the following streets for acceptance at Fall Town Meeting: Tailwind Circle; Silver Fox Road; Saddle Ridge Way; Liberty Lane; Meetinghouse Road

Ms. Robinson stated Rich McCarthy, Town Planner, is present at tonight's meeting to answer any questions. She noted that all abutters of the five streets received notification regarding the street acceptances. This is part of the process of requesting to formally accept these five streets as public ways at Town Meeting on November 19, 2019.

Mr. McCarthy reviewed the street acceptance process. He suggested discussing each street acceptance separately, and he would comment on specific questions.

Tailwind Circle: No questions or comments were provided.

Silver Fox Road: Mr. Joseph Sinkevich, 2 Silver Fox Road, stated he has young children. He lives at the bottom of the hill in this development. He asked as the road gets accepted, could a speed bump or signage be installed to slow vehicles travelling down the hill. Mr. Michael Marino, 4 Silver Fox Road, stated he thinks people from Franklin use this road to get to other parts of town. There should be a speed limit or caution children sign installed. Mr. McCarthy stated this concern has been referred to Police Chief Stone. If the road becomes a public way, options can be considered to provide guidance to motorists. He

noted one aspect to be considered is that posting speed limit signs comes with many requirements. Sometimes the speeds posted are higher than the speeds motorists are actually travelling on the road. However, there are other ways to make motorists aware of their speed and to drive slowly in neighborhoods.

Saddle Ridge Way: Mr. William Walker, 1 Saddle Ridge Way, stated the town has done a wonderful job with laying this out; the plantings are greater than expected. Mr. McCarthy stated the town took over this road in order to complete it. He noted the Town may not be able to get the deed executed for the road as well as the open space within the time limit. The Town has 120 days after Town Meeting to acquire the interest in the road and the open space. If the road does not make it through the process, it would then have to be brought forth during the Spring Town Meeting. He noted the Town is obtaining the deed for the land from the owner; it is a transfer of the interest of the road. If necessary, the Town would consider the taking process, but without consideration of any money or compensation. Mr. Walker asked if the process would have any effect on plowing or cleaning the road. Mr. McCarthy said no; fortunately, for the residents, the Town already addresses this. The goal is to get the road accepted and then it can be added to the Chapter 90 inventory.

Liberty Lane: No questions or comments were provided.

Meetinghouse Road: Mr. Alfred Laberge, 68 Meetinghouse Road, stated he moved into this development one year ago. He spoke to Mr. Bob McGhee about there not being a street sign at the bottom of the road at the junction of Liberty Lane which makes it difficult when family and friends visit. He stated Mr. McGhee was understanding about the concern. Mr. Laberge stated the sign at the top of the hill when heading to Castle Road looks temporary and unsightly. He asked if something can be done about these concerns. Mr. McCarthy stated these two items are on Mr. McGhee's punch list. He stated that Meetinghouse is one word and the tax maps will be updated to reflect this. Ms. Van Tine confirmed people park under the no parking signs and commented on why this occurs. Mr. McCarthy said that hopefully, after the Town Meeting on November 19, the Town will be able to ticket those vehicles. Ms. Robinson stated there is no legal right to issue a ticket if the Town has not accepted the road. She noted the no parking signs were removed a few weeks ago; after the road is accepted, the signs can be re-installed and no parking can be enforced. Mr. Laberge discussed MBTA commuters parking on the street. Ms. Julia Leaf, 54 Meetinghouse Road, said there is not a lot of parking in the back; it is pretty tight. She confirmed that by making it a municipal road, the no parking areas can be enforced. She stated it devalues the condominium when an owner has a front door but cannot park in front of the unit. Mr. McCarthy stated the roadway is not wide enough for on-street parking. The original design had inlets along the way for on-street parking; however, throughout the process of modifying the design, the decision was made to remove those areas, thus there is currently no on-street parking. The solution is that the road becomes accepted on November 19th, and the Town can post and enforce no parking. Ms. Robinson asked if the deed must be acquired and recorded before re-installing the no parking signs. Mr. McCarthy suggested Town Counsel be consulted about this process. Ms. Van Tine

asked where people can park if there is not enough parking in the back. Mr. McCarthy stated there have been some discussions with the associations to provide additional parking on the property. He stated the original permit for the development goes back to 2004, and there were 12 modifications to the permit. Mr. Wider explained the inlet parking was removed when the Town took over the completion of the road, per Mr. McGhee's recommendation, as at the time it was supposed to be a commercial development. Mr. Raymond Cisneros, 33 Meetinghouse Road, discussed when the curbing caved in and was not able to be repaired, Mr. McGhee suggested to make the road straight. He stated that Mr. McGhee indicated, that if needed, residents could park on Meetinghouse Road excluding the months of November through April. Mr. Peter Bartelloni, 47 Meetinghouse Road, said both convenience and aesthetics are part of a property. He stated that fire alarms seem to be set off every few weeks. When the fire trucks and emergency vehicles are there, it is impossible to get through if vehicles are also parked on the street. This creates a safety issue. Mr. Kalkut affirmed these are legitimate concerns and asked if these concerns have been presented to Mr. McGhee. Mr. McCarthy stated the streets should be accepted as municipal roads and then the parking can be managed. He suggested creative solutions will have to be considered regarding the parking. Mr. Cisneros suggested communication about this with the condominium associations.

A motion was made by Mr. Kalkut to vote to lay out Tailwind Circle substantially in the location of the private way known as Tailwind Circle. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Kalkut to vote to lay out Silver Fox Road substantially in the location of the private way known as Silver Fox Road. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Kalkut to vote to lay out Saddle Ridge Way substantially in the location of the private way known as Saddle Ridge Way. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Kalkut to vote to lay out Liberty Lane substantially in the location of the private way known as Liberty Lane. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Kalkut to vote to lay out Meetinghouse Road substantially in the location of the private way known as Meetinghouse Road. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of Norfolk Carols Sing-a-Long on December 14, 2019

Ms. Robinson stated with the holidays upcoming, it is time to plan for the annual Sing-a-Long on December 14, 2019. She stated the group also requested to erect a banner advertising the event. She recommended approval.

A motion was made by Mr. Kalkut to approve use of Town Hill for the Norfolk Carols Sing-a-Long on December 14, 2019, and the erection of a banner on December 1, 2019. It was seconded by Ms. Van Tine. Discussion: Mr. Wider asked if the \$100 deposit fee was requested. Ms. Robinson stated the fee was explained to the group. The motion was so voted. All were in favor.

Please consider discussing various articles on the Special Town Meeting Warrant and Voting the Board's recommendation(s)

Ms. Robinson stated this item is on the agenda so the Board may discuss any articles on the warrant, and if it decides to, may take any votes it deems necessary to indicate the Board's position on those articles. Mr. Wider confirmed the Moderator's Meeting is scheduled for November 6, 2019 at 10:30 AM. He noted he had one concern with the Advisory Board's recommendations. He stated the process in section F.11 of the zoning bylaws should be changed from the Building Commissioner and Town Planner to the Planning Board. Mr. McCarthy said the Planning Board has a meeting scheduled for November 12, 2019 where this may be discussed. He explained the Moderator would have to determine that a potential change could be made to the motion. He discussed the present language as written and stated new language would need to be clear. He suggested it be fashioned as a designee from the Planning Board; if it is not clear, it could be deemed as the entire Planning Board. He would not want the entire Planning Board to have to do the work as a collective body such as walking the property.

Ms. Van Tine reviewed the F.11 article and said she is not supporting the article as written. Mr. Kalkut discussed the language proposed in the article is better than the way it is currently being done. Ms. Van Tine agreed but stated it does not achieve what she thinks it should. Mr. Wider confirmed Mr. McCarthy talked to Town Counsel and that the language could be changed on Town Meeting floor. Mr. Kalkut asked if the Select Board wanted to take a vote to support or not support this article as written. Ms. Van Tine said she thinks this would be confusing; there should be a motion from the floor at Town Meeting. Mr. Kalkut and Mr. Wider agreed.

Ms. Van Tine stated there is a lot she is not comfortable with regarding the B-1 Articles 1-6; she is not in support of them. Mr. McCarthy stated he attended the Advisory Board meeting last Wednesday. He stated it is clear that this is complicated. He discussed that some of the changes need to be better articulated and noted there is a lot of merit to what is being proposed. After the Advisory Board meeting, he stated he tried to get a meeting scheduled with both the B-1 Zoning District Working Committee and the Planning Board to discuss holding off with the articles for the November Town Meeting and take some of the points raised and look at them more closely. Discussion relative to the articles is on the Planning Board's November 12th meeting agenda. He noted the Advisory Board's member dropped off the B-1 Committee; therefore, a representative was not at all the B-1 Committee meetings. Originally, the plan was to have a representative from the Advisory Board, ZBA, and other boards/committees on the B-1 Committee and to have the representative member report back to their respective boards. That did not happen as much as was hoped. Going forward, the board/committee representative should attend

the B-1 Committee meetings and then their comments can be reported back to their representative body. That would help clarify things and reduce confusion.

Mr. Kalkut stated that as the Select Board's representative on the B-1 Committee, he thinks there is a fantastic basis to address the concerns of a lot of the townspeople. He stated that while some of the initiatives may seem scary in nature and uncomfortable, it helps us to get to a point where we can deliver on items in the guidance documents such as the Master Plan and Open Space Plan and identify what our vision is as a community. The main goal is to get this in front of the Town so they can identify if this is the way they want to proceed or if they want to go in a different direction. He stated he supports Mr. McCarthy's recommendation to hold off with this item until the Spring Town Meeting. It would be beneficial to hear other voices to enhance these items a little more and provide the community with a viable and strong alternative to the way things have been done up to this point.

Mr. Wider and Ms. Van Tine stated they had no concerns or issues with the other articles.

Please consider approval of the following warrants:

A motion was made by Mr. Kalkut to approve the following warrants:

- 10/25/2019 08P20 and 08PS20 \$823,970.88
- 10/29/2019 18V20 \$727,649.73
- 10/29/2019 18VS20 \$90,761.46

It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of regular session minutes

A motion was made by Ms. Van Tine to approve the September 3, 2019 meeting minutes. It was seconded by Mr. Wider, and so voted. All were in favor.

Mr. Rosenberg stated the Motion to approve the Norfolk Carols Sing-a-Long on December 14, 2019 did not include the requested rain/snow date of December 15, 2019.

A Friendly Amendment to add the rain/snow date of December 15, 2019 to the Motion to approve the Norfolk Carols Sing-a-Long on December 14, 2019 was made and agreed to by the Select Board members.

Executive Session

Mr. Kalkut stated that an open meeting may have a detrimental effect on the litigation position of the public body. He read the executive session motion:

MOVE that the Board vote to enter into executive session under Massachusetts G.L. c.30A, §21(a)(3) to obtain advice of counsel and discuss strategy with respect to potential litigation regarding the construction of the Police Station insofar as an open meeting may have a detrimental effect on the litigation position of the public body, and further to invite Town Counsel Peter Mello, Town Administrator Blythe Robinson, and Executive Assistant Judith Lizardi. The Board will reconvene into open session for the purpose of adjourning the meeting.

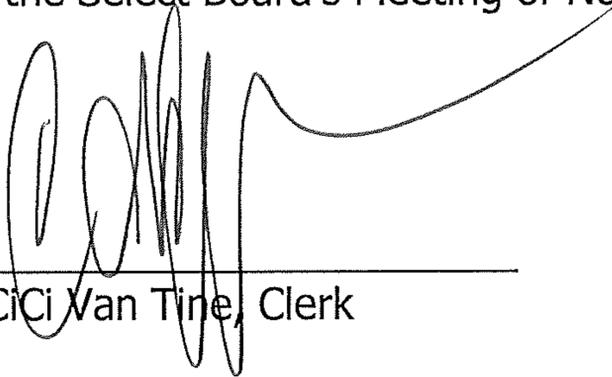
At 7:55 p.m. A motion was made by Mr. Kalkut to enter into the Executive Session and return to the open session to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider - aye; Ms. Van Tine – aye; Mr. Kalkut – aye. All were in favor.

At 9:35 p.m. A motion was made by Mr. Kalkut to close the Executive Session and enter into open session to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider - aye; Ms. Van Tine – aye; Mr. Kalkut – aye. All were in favor.

At 9:35 p.m. A motion was made by Mr. Kalkut to adjourn the meeting. It was seconded by Ms. Van Tine, and so voted. All were in favor.

The next meeting of the Select Board will be held in Room 124, Town Hall, on Tuesday, November 21, 2019 at 4:00 p.m.

This is a true and accurate report of the Select Board's Meeting of November 5, 2019.



Cici Van Tine, Clerk