

**Norfolk Records
Special Town Meeting
November 10, 2009**

Pursuant to a warrant dated October 13, 2009, signed by James Lehan, Robert Garrity and James Tomaszewski, Selectmen of Norfolk, the inhabitants of Norfolk qualified to vote in elections and town affairs met in the King Philip Middle School, 18 King Street, Norfolk, MA on Tuesday, November 10, 2009, at 7:00 PM in the evening, there and then to act on the following articles. The meeting was called to order at 7:10PM by Moderator Daniel Winslow. The Norfolk Boy Scouts presented the colors and led the Pledge of Allegiance. The King Philip Marching Band was recognized for their achievement at the recent competition in Annapolis, Maryland. The Band was the Division 4 National Champion. Upon a motion by the Moderator, it was APPROVED BY VOICE VOTE to extend heartfelt thanks to the Seniors in the band. The Moderator then introduced the Town Clerk, Assistant Town Clerk, Town Administrator, Town Counsel, members of the Board of Selectmen and the Finance Advisory Committee Chairman, who then introduced the members of the Committee. There were 537 registered voters in attendance. Jonathan Smith was sworn in as the Deputy Moderator. Sworn counters were Janice Cronin, Greg Mirliss, Cynthia Andrade, Mark Andrade, Barbara Snead and David Lutes.

APPROVED BY VOICE VOTE to waive the reading of the Warrant and the return of the Warrant.

ARTICLE 1

APPROVED BY UNANIMOUS VOTE to transfer:

From		
<u>Account #</u>	<u>Description</u>	<u>Amount</u>
014221.511000	Grounds Maint.-Municipal & Shade Tree-Salaries	\$16,122.80
014911.511000	Grounds Maint.-Cemetery Budget-Salaries	<u>9,853.00</u>
	TOTAL	\$25,975.80

To		
<u>Account #</u>	<u>Description</u>	<u>Amount</u>
014222.519001	Grounds Maint.-Municipal & Shade Tree Budget	\$25,975.80

ARTICLE 2

APPROVED BY UNANIMOUS VOTE to Indefinitely Postpone Article 2

(Unpaid bills)

ARTICLE 3

APPROVED BY UNANIMOUS VOTE to accept the provisions of Chapter 41, Section 110A of the General Laws allowing any public office in the Town to remain closed on Saturdays.

ARTICLE 4

APPROVED BY A COUNTED VOTE, Yes-432 / No-24, to appropriate the sum of \$19,116,000 Dollars in order to replace, furnish and equip the elementary school located at 70 Boardman Street, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the Norfolk School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Norfolk acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs Town of Norfolk incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Norfolk; provided further that any grant that the Town of Norfolk may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty Three point one six percent (53.16 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of Norfolk to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½)]; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Norfolk and the MSBA.

Motion was made and seconded to reconsider Article 4. The motion failed.

ARTICLE 5

APPROVED BY A COUNTED VOTE, Yes-360 / No-1, to appropriate the sum of \$9,900,000, to pay costs of renovating, replacing or a combination of renovating and adding to the Norfolk Public Safety Building, located at 117 Main Street, said sum to be expended at the direction of the Public Safety Building Committee, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7, Clauses 7(3) and 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of Norfolk to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½).

ARTICLE 6

APPROVED BY A COUNTED VOTE, Yes-111 / No-16, to appropriate the sum of \$200,000, subject to a Proposition 2 ½ operating override, for purposes of funding the Town of Norfolk Road Maintenance Stabilization Fund.

Note: A motion to insert the word 'initial' before the word purposes, and to also delete the words 'Stabilization Fund' was ruled out of order by the Moderator as it was determined to be beyond the scope of the article.

ARTICLE 7

A report was given by Rita Advani for the Energy Committee.
The Moderator announced the creation of an adhoc Committee on Technology.

ARTICLE 8

APPROVED BY UNANIMOUS VOTE that the sum of \$44,061 is hereby appropriated to pay costs of acquiring a Police Cruiser and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the sum of \$37,231.49 is transferred from amounts borrowed under Article 6.3 of the Warrant at the 2006 Annual Town Meeting, which amounts were borrowed to pay costs of acquiring various items of capital equipment and are no longer needed to complete the projects for which they were borrowed, and the sum of \$ 6,829.51 is transferred from unexpended amounts appropriated under Article 9 of the Warrant at the Annual Town Meeting held on May 8, 2007, which amount no longer needed to complete the project for which it was initially appropriated.

ARTICLE 9

APPROVED BY UNANIMOUS VOTE to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 § 5, Clause 41A from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2009.

ARTICLE 10

The Advisory Committee moved, and it was seconded, to amend the General Bylaw, Article IX SIGN REGULATIONS, Section 4. Signs that are allowed, by deleting subsection A. Temporary political signs in its' entirety and replacing it with a new subsection A as follows.

A. Temporary political signs concerning candidates for public office and ballot issues, unlimited in number and not exceeding eight (8) square feet in area per sign. Such signs shall be removed no later than two (2) days after the election or referendum;

A substitute motion was made and seconded to add the words "limited to one sign per candidate, per office or ballot issue" in place of the words "concerning candidates for public office and ballot issues". The substitute motion failed

The original motion was approved by a majority voice vote.

ARTICLE 11

APPROVED BY A 2/3 VOTE called by the moderator that the sum of \$450,000 is hereby appropriated to pay costs of pump testing and well construction at the Spruce Road Well site for the development of a replacement well, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$354,000 under and pursuant to Chapter 44, Section 8(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and the sum of \$96,000 is transferred from amounts borrowed under Article 20 of the Warrant at the 2007 Special Town Meeting, which amounts were borrowed to pay costs of extending the water system and are no longer needed to complete the projects for which they were borrowed.

All articles on the Warrant having been acted upon, it was moved, seconded and voted to dissolve this Annual Town Meeting at 10:25PM.

Respectfully Submitted,

Gail E. Bernardo, Town Clerk