

Minutes from the Fall Special Town Meeting December 1, 2015

NORFOLK, ss.

To either Constable in the Town of Norfolk, in said County:

GREETINGS:

You are required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, and 3, to meet on Tuesday, the 1st day of December, 2015, at 7:00 p.m. at the King Philip Middle School, 18 King Street, Norfolk, MA 02056, for a Special Town Meeting, then and there to act on the following articles, viz:

Town Meeting was called to order at 7:04 PM by Moderator Jason Talerman. Moderator Talerman declared the warrant posted and waived the reading.

The Pledge of Allegiance was said and the following introductions were made: Town Clerk; Carol Greene, Town Administrator; Jack Hathaway, Selectmen; Scott Bugbee, Jim Lehan, and Jeff Palumbo, Town Counsel; David Deluca from Murphy, Hesse, Toomey and Lehan LLP, Advisory Committee members; Dave Benton, Arthur Frontczak, Steve McDonough, Lisa Keating, Pat Snead, Arlie Sterling, and Administrative Assistant; Sue Jacobson.

Moderator Talerman explained rules of Town Meeting

Selectman Lehan presented a new initiative by the Selectmen to honor past/present volunteers that have given many hours of service to various boards and/or committees in town. There will be a plaque with the names of those recognized on display in the Town Hall next to the Clerk's Office. The first recognition and appreciation acknowledgement is being presented to Jack McFeeley, Frank Gross, and Helen Cleary.

An update was given by State Representative Shawn Dooley on his continuing efforts for our community.

ARTICLE 1 - passed - unanimous **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be added to departmental budgets and appropriations for the fiscal year ending on June 30, 2016; or take any other action relative thereto.

Motion and supporting statement by Dave Benton

FROM	Free Cash	\$427,124.39
	Retained Earnings Water	\$10,500.00
011701	Land Use Salaries	\$32,000.00
		\$469,624.39

TO	14232	Snow & Ice Budget	\$239,876.39
	011322	Reserve Fund	\$25,000.00
	012201	Fire Department Salaries	\$32,000.00
	13032	Norfolk Agricultural School	\$3,748.00
	019122	Health Insurance	\$130,000.00
	0201	Fire Department Stretcher	\$7,000.00
	0201	Trash Compactor (DPW)	\$11,000.00
	0201	Compressor (DPW)	\$10,500.00
	60003	Compressor (Water)	\$10,500.00
			\$469,624.39

ARTICLE 2 - IP - unanimous **Submitted by the Board of Selectmen**
 To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

After the close of any fiscal year, no bills incurred in that year can be paid without the approval of Town Meeting. We have been advised that there are no such bills to be considered at this Town Meeting, although our recommendation may change if any such bills are received between the time our recommendation was made and Town Meeting.

ARTICLE 3 – no action required **Submitted by the Board of Selectmen**
 To see if the Town will vote to appoint any committee, or hear or act on the report of any committee or town officer, or instruct any committee or town officer; or take any other action relative thereto.

No Advisory Committee recommendation is needed for this article.

ARTICLE 4 – passed - majority **Submitted by the Moderator**
 To see if the Town will amend its General Bylaws by deleting Section 5 of Article III, entitled “Bylaw Committee”, in its entirety and to insert in its place the word “Deleted”; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The Bylaw Committee has not been active over the past several years. Town personnel review bylaws in relation to current and long-term objectives for the Town and can recommend changes as needed to the Board of Selectmen. In addition, an ad hoc committee can be formed if a need arises for a specific review of an existing or proposed by-law change.

David Lutes was appointed to moderate Article 5. Article 5 passed with a declared majority, Shawn Dooley called for a count, call was supported by 5 residents to total the 6 required. Article 5 passed with a counted 51 yes to 22 no.

Dan Fallon and George Cronin were sworn in as Tellers.

ARTICLE 5 – passed 51 yes to 22 no

Submitted by the Moderator

To see if the Town will amend its General Bylaws by inserting a new Section 4 in Article I, as follows:

SECTION 4: MODERATOR. The term of the Town Moderator shall be three years.

or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This article extends the term of Town Moderator from one year to three years; a change the Advisory Committee unanimously endorses. Today our Town Moderator is the only elected official with a one-year term. Running an election campaign every year, however, represents a burden with few practical benefits. This change will also allow for continuity to minimize Annual Town Meeting coordination if the Moderator position was to reach a situation where the holder of the position was constantly changing. This article brings the position in line with other Norfolk elected officials and follows a statewide trend for Town Moderator positions to have terms greater than one year.

ARTICLE 6 – passed - unanimous Submitted by the King Philip School Committee

To see if the Town will vote to amend pursuant to the provisions of Chapter 1025 of the acts of 1973, the agreement entered into between the towns of Norfolk, Plainville, and Wrentham, Massachusetts, under which the King Philip Regional School District was established and now operates, be hereby further amended as follows;

- (1) To amend Section IV (F), delete Section VI (D), Amendment #4, Amendment #1(3), Amendment #5(1) and Amendment #6(1). Further, delete the current language in Section IV (F) and substitute in its place a new Section IV (F) that reads as follows:

(F) The Committee shall determine the amounts necessary to be raised to maintain and operate the regional district school during the ensuing calendar year and the amount required for the payment of capital costs, including debt incurred by the District and interest thereon and it shall formally adopt an annual maintenance and operating budget on or before *the second Monday in March* for the ensuing calendar year, and said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Paragraphs (D) and (E) of this Section IV. Within *twenty (20)* calendar days after the adoption of such budget, the treasurer shall certify to the treasurer of each member town the amounts of such budget apportioned to that town.

or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

We recommend approval of the motion to extend the submission date to the three towns of the tentative budget for KP from early February to mid-March. This article was approved at the Annual Town Meeting in May 2015, but some additional language changes in the agreement require us to vote again on this proposal.

The filing extension would allow the KP School Committee to gather more information and prepare a more-informed budget, particularly in areas such as special education where costs can be extremely fluid. The Advisory Committee unanimously felt that the gains in terms of more time for budget deliberations were significant. The Advisory Committee did weigh the impact to the Town's budget process as the Town has its Town Meeting approximately one month ahead of the other two towns, but thought the process would remain manageable.

**ARTICLE 7 – article passed – declared 2/3
Building Committee**

Submitted by the Public Safety

**Town Administrator Jack Hathaway gave a presentation of the proposed new facilities;
Selectman Jim Lehan gave a presentation of the financials.
George Cronin, Chairman of the Public Safety Building Committee spoke in favor of the
project.**

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Public Safety Building Committee for the construction of the Norfolk Police Station to be located at 14 Sharon Avenue and the renovation of and addition to the building located at 117 Main Street to be the Norfolk Fire Station, currently the Public Safety Building, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2 1/2 debt exclusion referendum under General Laws Chapter 59, Section 21C (k); or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The Town currently houses the Police, Dispatch, and Fire department in the 50 year old Public Safety Building. The building no longer meets the needs of the departments and, in partial response, is being supplemented by "temporary" trailer housing behind the building. There is nevertheless no way to meet current public safety standards for the Town in that building.

As part of a long-term plan to modernize and streamline the town's public safety capabilities, the Town acquired a property at 14 Sharon Avenue and negotiated a long-term lease with the new entity established to consolidate the dispatch requirements of Norfolk and the neighboring towns of Wrentham, Plainville and Franklin into a single facility. The process of renovating that building to accept the new dispatch facility will begin shortly.

Under this article the Town would take advantage of excess space available at the Sharon Ave site to house the Police Department. It is an ideal time to take advantage of planned renovations to provide necessary facilities at a very reasonable cost.

The move of the Police Station to the Sharon Ave facility will allow the existing public safety building to be completely renovated to serve the needs of the fire department. The renovations include additional parking and bunk facilities so that the long equipment can be stored under better conditions and the trailers eliminated altogether.

The Public Safety Building Committee expects the cost of the project to total \$14 million (including the \$1.1 million already approved by Town Meeting and spent to purchase the Sharon Ave facility). The Public Safety Building Committee estimates that the Town will save \$3 to \$4 million over the life of the project by taking advantage of this opportunity now to re-allocate the activities of the Police and Fire Departments into separate quarters and by renovating rather than replacing the existing public safety building. The savings come from completing a combined project, renovation versus new construction, and current low interest rates.

The Town will also have many tangible and intangible benefits, including among others, improved garaging of fire and police equipment for which the Town has invested significant sums and improved safety via regulation holding cells in the police station and regulation sally port for transferring individuals under arrest.

The cost of the project to taxpayers is estimated to be approximately \$26/year for the every \$100,000 of assessed value by 2018 (first year of expected repayment schedule), but a portion of this additional exclude debt will be offset by declining payments as our excluded debt for past projects (portions of schools, library, etc.) is being paid off.

This unique opportunity reflects the careful long-term planning of the Selectmen, Public Safety Building Committee, as well as the town administration. The Advisory Committee applauds their efforts that will provide substantial cost savings for the town as we undertake these necessary renovations that will ensure continued high quality police, fire, and dispatch services for the Town of Norfolk.

ARTICLE 8 – passed – declared 2/3

Submitted by the Planning Board

To see if the Town will vote to amend the Zoning Bylaws, Section I.4.a.6 by revising specific paragraphs; or take any other action relative thereto.

**I. B-1 District (Town Center)
I.4 Lot and Yard Requirements and Standards
I.4.a General B-1 District Requirements**

I.4.a.6. Building Height and Facade. Streetscape.

~~Unless~~ Within the B-1 District BUILDING HEIGHT shall not be more than forty (40) feet in height to the peak of the roof unless otherwise provided for by the Planning Board through a site plan approval process. In such cases, BUILDING HEIGHT may be extended up to forty-six (46) feet to the peak of the roof ~~within the BUSINESS CORE, BUILDINGS shall be not more than forty feet in height. At least 60% of the vertical wall area of the FRONTAGE SIDE facade of BUILDINGS, excepting Municipal Buildings, (excluding porches) shall be parallel with and aligned to the BUILD TO LINE, and a minimum 60% portion of the FRONTAGE SIDE facade shall also be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a height of twenty feet. Bay windows and balconies above STREET level may project toward the STREET beyond the BUILD TO LINE. Outside the~~

~~BUSINESS CORE, BUILDINGS shall not be more than forty feet in height. BUILDING HEIGHT may be extended up to 46 feet for the purpose of accommodating pitched roof lines as approved as part of site plan review by the Planning Board, but in no case shall the height exceed three (3) stories as measured from the street facing finish grade of the building or structure, including the third story within the pitched roof. All buildings shall have a pitched roof, or the look of a pitched roof (with a minimum of a 5:12 pitch) and consistent with architecture prevalent within Town Center. In the event that a flat roof is desired, the building shall have the look of a pitched roof, from the front, sides, and the rear, depending upon what may be visible from the street.~~

BUILDING HEIGHT shall not include any steeples, flagpoles, weather vanes, or cupolas. The highest point of any such steeples, flagpoles, weather vanes, or cupolas shall not exceed eighty (80') feet.

At least 60% of the vertical wall area of the FRONTAGE SIDE facade of a ~~Municipal~~ BUILDING shall be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a minimum height of 40 20feet';

I.4.a.6.a. Notwithstanding the provisions of I.4.a.6.above, a TOWN HALL shall have at least ten percent (10%) of the vertical wall area of its FRONTAGE SIDE facade (excluding porches) parallel with and aligned to the BUILD-TO LINE, and at least sixty percent (60%) of its FRONTAGE SIDE facade shall be made up of vertical building wall, dormers, or a parapet or false facade to a height of at least twenty (20) feet but not more than thirty (30) feet.

The Advisory Committee recommends approval of this article.

The purpose of this article is to require any new buildings constructed in the B-1 business district to have a pitched roof or the appearance of a pitched roof from any view of the building seen from the street. The purpose of this requirement is to have all buildings in the B-1 district be consistent in appearance with already existing buildings and to maintain an overall image of Norfolk as the small New England town that it is.

In addition, the article adds some siting and appearance requirements for Town Hall. Town Hall currently meets these requirements, so they would only apply in the case of future changes or reconstruction.

While the Advisory Committee supported this article, there was one opposing vote, and several of the supporters of the article expressed some concerns that these requirements might create an obstacle to the creation of new businesses in the Town. However, we tended to believe that the benefits outweigh this concern, since all current buildings in B-1 substantially meet this requirement, an indication that it probably would also not be much of an obstacle for new construction.

**Motion was made to adjourn and seconded
Fall Special Town Meeting was adjourned at 8:38 PM**