

NORFOLK, ss.

SPECIAL TOWN MEETING MINUTES – NOVEMBER 27, 2018

On Tuesday, the 27th day of November 2018, at 7:02 p.m. Moderator Jason Talerman called Fall Special Town Meeting to order. This meeting was held at the King Philip Middle School, 18 King Street, Norfolk, MA 02056.

Mr. Moderator declared the warrant duly posted and waived the reading of the warrant.

Introductions were made; Town Clerk – Carol Greene, Assistant Town Clerk – Anthony Turi, Town Administrator – Jack Hathaway, Finance Director – Todd Lindmark, Board of Selectmen – James Lehan, Jeffrey Palumbo, and Kevin Kalkut, Town Counsel – David DeLuca from Murphy Hesse Toomey and Lehane LLP, and Advisory Committee chairman Stephen McDonough. Also in attendance were Advisory Board members: Joyce Terrio, David Lutes, Jonathan Hurwitz, Arthur Frontczak, Susan Klein and Brian Beachkofski.

Selectman James Lehan gave a few words and presented a plaque to Town Administrator Jack Hathaway for his 15 years of service to the town and wished him well on his move to Maine.

Moderator Talerman gave instructions to the citizens in attendance on the rules of Town Meeting.

There were 110 registered voters and 19 visitors in attendance.

The warrant, with comments, Advisory Board motions and final votes are as follows:

ARTICLE 1 – passed unanimous Submitted by the Finance Director

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Town Administrator Comments

Article 1 is requesting authority to transfer any premium (money) received by the Town during a bond issuance to the related project. This will allow us to reduce the actual amount borrowed by the Town.

Motion made by Stephen McDonough.

Mr. MODERATOR, I move to approve Article 1 as printed in the Warrant.

Advisory Committee recommendation:

- Article 1, submitted by the Finance Director, requests authority to transfer any funds acquired by the Town through the issuance of a bond related to a specific capital project. Capital projects include things like constructing a building or purchasing a piece of equipment.
- The premium received by the Town upon the sale of the bond or notes, could then be applied to pay project costs, thus reducing the amount borrowed for the specific capital item.
- This language comports with Chapter 44, Sect. 20 of the Mass. General Laws, which was last amended in November of 2016.

ARTICLE 2 - 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, 2019; or take any other action relative thereto.

Town Administrator's Comments

Article 2 is the Transfer article and asks for authorization to adjust budgets for the current fiscal year. The anticipated transfer list is at the end of this booklet.

Motion made by Stephen McDonough

Mr. MODERATOR, I move to approve the Transfers as displayed on the screen and provided in the handout

Advisory Committee Recommendation:

- The AB recommends approval of this Article, which is our standard transfer article requesting authorization to adjust departmental budgets for the current fiscal year, FY 2019.
- Only Town Meeting has the authority to transfer funds between budget appropriations and to add funds to existing budget appropriations.
- The transfer list is set forth in a handout and shown on the screen.

ARTICLE 3 - 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 pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

Town Administrator's Comments

Article 3 is the request to authorize paying bills from a prior fiscal year, of which we have two bills this year.

Motion made by Stephen McDonough

Mr. MODERATOR, I move to approve Article 3 in the amount of \$501.63

Advisory Committee Recommendation:

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 2 unpaid bills.

ARTICLE 4 - both 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, borrow or bond pursuant to any applicable statute a sum of money to fund capital and other expense items; or take any other action relative thereto.

Town Administrator's Comments

Article 4 is intended to request authorization to purchase capital items for the General Fund.

Article 4 was split into two separate recommendations and votes as follows:

Motion made by Stephen McDonough

Mr. MODERATOR, I move to approve Article 4 as displayed on the screen and provided in the handout.

Advisory Committee Recommendation:

Article 4 provides funds from free cash in the amount of \$531,716 to fund capital items as set forth in the handout and displayed on the screen, including:

Article 4 B

MOTION/VOTE/ORDER

The Advisory Committee recommends approval of Article 4B as displayed on the screen.

I move that the Town of Norfolk appropriate the amount of two hundred and fifty thousand dollars (\$250,000) for the purpose of paying costs of Massachusetts School Building Authority required Designer Services, and Owner Project Management fees, at the H. Olive Day Elementary School, located at 232 Main Street, Norfolk, MA 02056, the engineering and design of the roof replacement at the school building, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town of Norfolk may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Norfolk School Committee. Said amount is in addition to fifty thousand dollars (\$50,000) received from the Norfolk Advisory Committee reserve fund transfer on July 26th, 2018 for this aforementioned project.

To meet this appropriation the treasurer with the approval of the Town of Norfolk Board of Selectmen is authorized to transfer said amount from Freeman School Construction (Fund account number 3133) received pursuant to Special Town Meeting Article 4, November 10, 2009, totaling \$946,605. The Town of Norfolk acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the 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 Town of Norfolk may receive from the MSBA for the Project shall not exceed the lesser of fifty one and 63/100 percent (51.63%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum Grant amount determined by the MSBA.

ARTICLE 5 - 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, borrow or bond pursuant to any applicable statute a sum of money to fund capital and other expense items for the Water Enterprise Fund; or take any other action relative thereto.

Town Administrator's Comments

Article 5 is intended to allow the authorization of capital items for the Water enterprise fund.

Motion made by David Lutes

Mr. Moderator, I move to approve Article 5 as displayed on the screen and provided in the handout.

Advisory Committee Recommendation:

- The revenues and expenses associated with providing water to the Town’s residents are independent of the Town’s general operating expenses. Revenues from water users are segregated into the Water Enterprise Fund, and all expenses associated with providing Town water are paid from that fund.
- However, Town Meeting approval is still required for the payment of these expenses.

The expenses covered by this article are of two types:

- 1) routine operating expenses, mostly paid to third party service providers; and
- 2) reallocation of small amounts remaining from completed funds to the Holbrook Street Well project.

ARTICLE 6 - 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, borrow or bond pursuant to any applicable statute a sum of money to fund capital and other expense items for the Waste Water Enterprise Fund; or take any other action relative thereto.

Town Administrator’s Comments

Article 6 is intended to allow the authorization of capital items for the Waste Water enterprise fund.

Motion made by David Lutes

Mr. Moderator, I move to approve Article 6 as displayed on the screen and provided in the handout.

Advisory Committee Recommendation:

- This is a request to spend \$2,700 for expenses in connection with the Town’s Waste Water Enterprise Fund.
- This Fund is similar in concept to the Water Enterprise Fund except on a much smaller scale. All expenses are funded by Town residents who utilize the services provided by the waste water treatment, but the payment of any expenses from this fund requires Town Meeting approval.

ARTICLE 7 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.

Town Administrator’s Comments

Article 7 provides the opportunity for Town Officials to provide status updates and for residents to ask questions.

No recommendation from the Advisory Board is necessary for this article. Two committees gave reports. George Cronin updated Town Meeting for the Public Safety Building Committee, and Jonathan Smith updated Town Meeting on the Town Government Study Committee

ARTICLE 8 – passed majority Submitted by Community Preservation Committee

To see if the Town will vote to allocate from the Community Preservation Fund, \$60,800 from the Affordable Housing Reserve and \$250,000 from the Undesignated Reserve to be transferred to the Norfolk Affordable Housing Trust Fund, to be used to create affordable housing in the Town of Norfolk: subject to a grant agreement between the Norfolk Board of Selectmen and the Norfolk Affordable Housing Trust and approved by the Community Preservation Committee, specifying how the funds will be used, time frame, and reporting and accountability of the funds, or take any other action relative thereto.

Town Administrator's Comments

Article 8 is a request to transfer funds from the Community Preservation Fund to the Norfolk Affordable Housing Trust Fund.

Motion made by Susan Klein.

Mr. MODERATOR, **I move to approve Article 8 as printed in the Warrant.**

Advisory Committee Recommendation:

- The article was submitted by The Community Preservation Committee with the approval and advice of the Board of Selectmen.
- The article allows for the allocation of Community Preservation Funds, including \$60,800 from the *Affordable Housing Reserve Fund* and \$250,000 from the *Undesignated Reserve Fund* to the *Norfolk Affordable Housing Trust Fund* so they may purchase existing homes and designate them as affordable housing units.

ARTICLE 9 – passed declared 2/3

Submitted by the Planning Board

To see if the Town will vote to amend Section D.4.d.2 of the Norfolk Zoning bylaws by making the following revisions, with underline type indicating additions and strikethrough type indicating deletions, or take any other action relative thereto:

D.4.d.2. The boundaries of the Water Supply Protection District are delineated on the Zoning Map dated November 27, 2018 which is depicted a map available on the Mass GIS Oliver Maps, Aquifer and Zone IIs for aquifer and water supply zone IIs.”~~and~~ and is hereby made a part of this Bylaw. These boundaries reflect the best hydrologic information available as of the date of the map(s). In the event of a discrepancy between the map and the criteria that follow, the criteria shall govern.

Town Administrator Comments

Article 9 is a request to modify the Zoning Bylaws. The Planning Board’s recommendation will be distributed at Town meeting and is available on the Town’s website.

Motion made by Brian Beachkofski

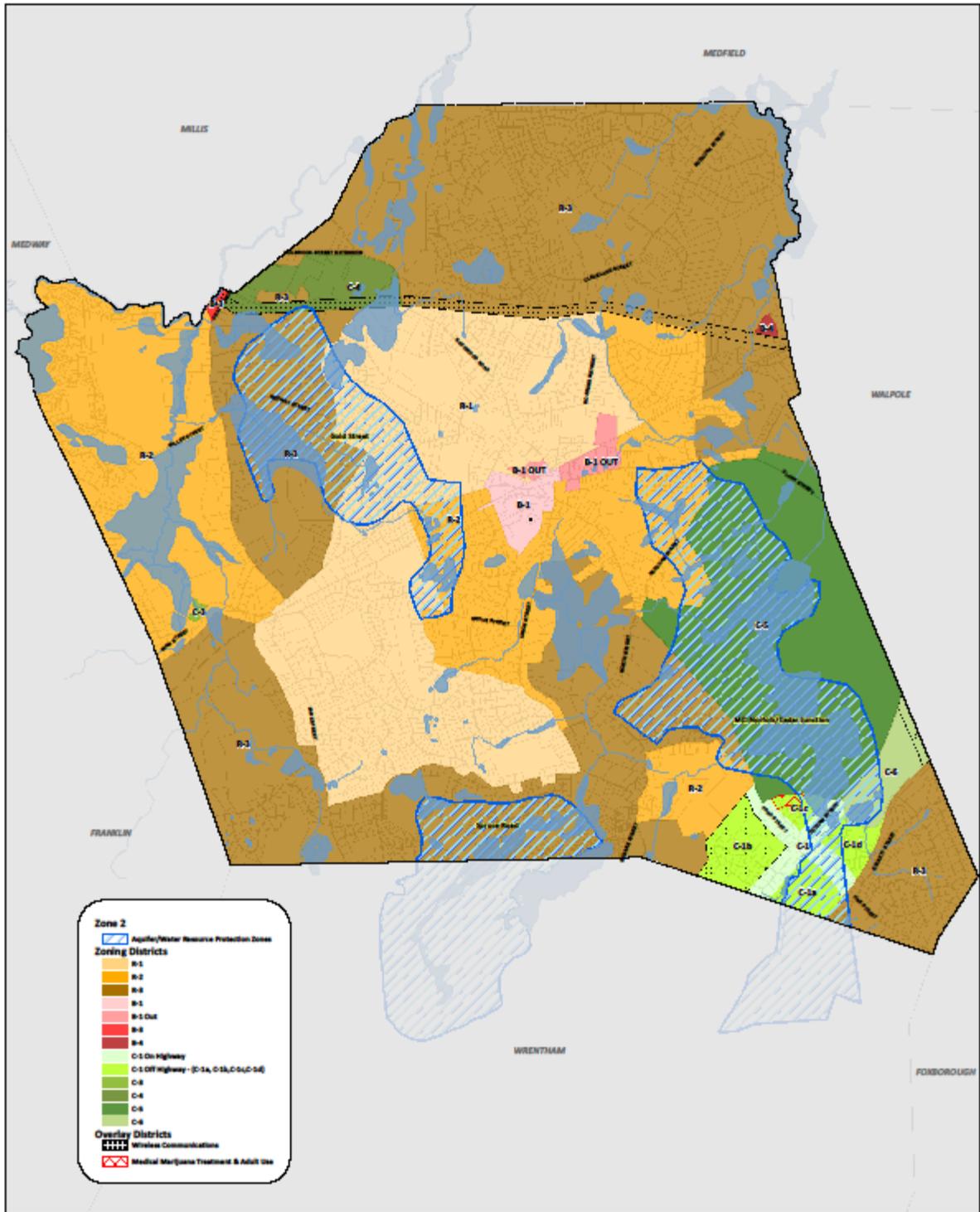
Mr. MODERATOR,

I move to approve Article 9 as printed in the Warrant with correction shown in red on the screen.

Advisory Recommendation:

- The Planning Board's intent in this Article is to provide greater access to the Water Supply Protection District. Today, it is only available on the GIS system. The Planning Board feels that does not make it readily available to the public. Once the bylaws are changed, the map will be displayed where the bylaws are available (e.g. Town Hall, Library), as well as on the website.
- A consideration is that by incorporating a map of a specific date in the bylaws, any change to the map will require a modification of the bylaws to update. However, in the event of a discrepancy the bylaws have criteria that govern the boundaries.

Substitute motion was submitted by resident Sandra Myatt of 8 Eric Road to IP – substitute motion failed by majority vote



Town of Norfolk: Zoning and Aquifer/Water Resource Protection Zones

Date: 11/27/2018



ARTICLE 10 - IP - unanimous

Submitted by Planning Board

To see if the Town of Norfolk will vote to amend Section F.11 Site Plan Approval of the Norfolk Zoning Bylaws by removing any reference to “Building Commission/Zoning Enforcement Officer” and replace with “Planning Board”; or take any other action relative thereto.

Town Administrator’s Comments

Article 10 would transfer the authority of the Zoning Bylaw F.11 from the Building Commission to the Planning Board. The Planning Board has recommended Indefinite Postponement of this article.

Motion made by Joyce Terrio

MOTION: MR. MODERATOR, I move to Indefinitely Postpone Article 10.

The Advisory Board recommends indefinite postponement of Article 10.

Advisory Committee Recommendation:

The Planning Board also supports an Indefinite Postponement on this article at this time. Upon further discussion, the Planning Board feels that further research and editing of the subject matter is needed.

ARTICLE 11 - passed unanimous

Submitted by Planning Board

To see if the Town of Norfolk will vote to amend Section F.11.b. Procedure for Approval of the Norfolk Zoning Bylaws by making the following revisions to the first paragraph, with underline type indicating additions and strike through type indicating deletions; or take any action relative thereto:

Any person desiring approval of a site plan under this Section shall submit ~~fifteen (15)~~ copies of said plan with application for approval and appropriate fee in accordance with the Site Plan Approval Rules and Regulations as most recently amended ~~thereof~~ directly to the Planning Board. The Board shall, within fifteen (15) days after the receipt thereof, transmit one (1) copy of such plan to the following: Building Inspector, Board of Health, Conservation Commission, Water Commissioners, Police Chief, Fire Chief, Highway Superintendent.

Town Administrator’s Comments

Article 11 would direct applicants to submit plans according to the then current Site Plan Approval Rules and Regulations.

Motion made by Joyce Terrio

Mr. MODERATOR, I move to approve Article 11 as printed in the Warrant.

Advisory Committee Recommendation:

The revisions made to this Section of the Norfolk Zoning Bylaws reduces the number of paper copies of the proposed site plan to be submitted with application and allows 15 days for the Planning Board to transmit/forward a digital copy of said plan to the appropriate departments, as noted in the Warrant.

ARTICLE 12 - passed unanimous

Submitted by Energy Committee

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, borrow or bond pursuant to any applicable statute a sum of money not to exceed \$15,000 (fifteen thousand dollars) for the completion of Modified ASHRAE Level 1 Energy Audits of Norfolk Town Facilities; or take any other action relative thereto.

Energy Committee Comments

Article 12 is intended to request authorization for the procurement of energy audits of all of the Town’s facilities for the purpose of identifying all opportunities for energy conservation measures. This article will support the Town’s goal of meeting the requirements for all five Criteria for designation as a Green Community by the Massachusetts Department of Energy Resources in 2019. The energy conservation measures identified in the energy audits will enable the Town to develop a strong Energy Reduction Plan for the purposes of satisfying Criterion 3. Upon designation, the Town will qualify for a designation grant of approximately \$140,000 under the Green Communities Program and subsequent rounds of annual competitive grant funding.

Motion made by Dave Lutes

Mr. MODERATOR, I Move to approve Article 12 as printed in the Warrant.

Advisory Committee Recommendation:

- These funds will allow the Energy Committee to hire a firm to conduct deep Energy Assessments on a number of municipal buildings, which will result in a series of recommendations for energy conservation and reduction projects.
- The Energy Committee can then use these projects to complete the town’s application to the state Green Communities Program. Once accepted into the Green Communities program, the town will have access to at least \$140,000.00 in grants, which can be used to complete the recommended projects.

ARTICLE 13 - passed unanimous

Submitted by the Board of Selectmen

That the Town authorize the Board of Selectmen to acquire, by gift, purchase, grant or otherwise, a portion of a parcel of land from Commonwealth of Massachusetts, which parcel is shown on Assessors Map 19, Block 72, Parcel 3 and contains approximately 5 acres, being a portion of those lands of the Commonwealth shown on “Plan of Land in Walpole, MA” dated January 14, 2015, prepared by Northeast Survey Consultants. The exact boundaries of the parcel, containing approximately 5 acres, shall be determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of correction by a survey which shall be reviewed and approved by the secretary of energy and environmental affairs and the town of Norfolk; for active and passive recreation open space, forest and water supply protection, management and conservation, environmental education and research and public access purposes, and to enter into such agreements with the Commonwealth by and through the Division of Capital Asset Management and/or other appropriate agency of the Commonwealth in accordance with the provisions of Chapter 168 of the Acts of 2013 as are necessary for such acquisition, to convey said land to the Town, and if so required to approve such disposition under Article 97 of the Amendments of the Massachusetts Constitution; and further to transfer from Free Cash a sum of ~~\$5,000.00~~ \$4,000.00 for the foregoing acquisition and costs related thereto; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; or take any other action relative thereto.

Town Administrator's Comments

Article 13 gives the Selectmen the authority to acquire land offered by the Commonwealth to expand the Pond Street Recreation field.

Motion made by Jonathan Hurwitz

Mr. MODERATOR, I move to approve Article 13 as printed in the Warrant with change shown on the screen in red.

Advisory Committee Recommendation:

The opportunity has arisen to acquire 5 acres of land from the Department of Corrections, adjacent to the Pond Street recreational facilities. This purchase will allow the town the opportunity for future expansion of the recreational and field facilities at an extremely advantageous purchase price of **\$5,000.00** ** See change on screen – price was cut to **\$4,000.00****

ARTICLE 14 - passed unanimous

Submitted by the Board of Selectmen

To see if the Town will vote to amend the General Bylaws, Article III, Section 4 – Council on Aging, by deleting the following from Paragraph A; “Members appointed or reappointed may serve more than two (2) consecutive terms, beyond June 2003, only if each pair of consecutive terms is followed by at least one year of non-membership.”; or take any other action relative thereto.

Town Administrator Comments

Deleting this line allows the Selectmen and Council on Aging to retain members on the Council for more than two terms.

The Advisory Committee recommends approval of this Article.

Motion made by Arthur Frontczak

Mr. MODERATOR, I move to approve Article 14 as printed in the Warrant.

Advisory Committee Recommendation:

Presently, the Council on Aging limits the service of its members to no more than two consecutive terms. This restriction is faced by no other board in Norfolk and has caused ongoing staffing problems. This article removes this unique rule and brings the Council in line with the prevailing practice in Norfolk.

Motion made by Stephen McDonough and seconded by David Lutes to dissolve Town Meeting. Moderator Talerman declared STM dissolved at 8:19 PM

Submitted respectfully,

Carol Greene – Town Clerk