

**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, 3, and 4 to assemble in the designated polling places in the H. Olive Day School, 232 Main Street, Norfolk, Massachusetts, on **Tuesday, May 3, 2005 at 7:00 a.m.**, for the election of town officers under **ARTICLE 1**, of the Annual Town Meeting; and thence to meet on **Tuesday, May 10, 2005, at 7:30 p.m. at the King Philip Junior High School North, 18 King Street, Norfolk, Massachusetts 02056**, for the adjourned business session of the Annual Town Meeting, then and there to act on the following articles commencing with Article 2, viz:

**ARTICLE 1**

**Submitted by the Town Clerk**

To choose by ballot the following officers: One Moderator for a one year term; one Town Clerk for a three year term; one Selectman for a three year term; one Assessor for a three year term; one Board of Health member for a three year term; one Library Trustee for a three year term; two Planning Board members for three year terms; one Housing Authority member to fill an unexpired three year term; one Housing Authority member for a five year term; two Recreation Commission members for three year terms; two Norfolk School Committee members for three year terms; one King Philip School Committee member for a three year term; two Constables for three year terms.

**ARTICLE 2**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section X. COMPENSATION PLAN, Subsection A. COMPENSATION SCHEDULE by applying a general increase of 2.6% to all Steps on the COMPENSATION SCHEDULE effective July 1, 2005; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. This increase is commensurate with surrounding communities as well as internal labor settlements.

**ARTICLE 3**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section IX. ADMINISTRATION OF THE SALARY CLASSIFICATION PLAN, Subsection C. GRADE SCHEDULE by reclassifying the following position:

Building Commission from Grade 11 to Grade 12;

Building Assistant from Grade 5 to Grade 6 and changing the title to Building and Facilities Assistant;

Children's Services Librarian from Grade 7 to Grade 8 and changing the title to Senior Librarian: Children – Young Adult Services;

Clerk - Town Administrator from Grade 3 to Grade 4.

Highway Executive Assistant to Department of Public Works Executive Assistant from Grade 7 to Grade 8.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. This is based upon the Personnel Board's analysis of the job descriptions and responsibilities. These changes are warranted.

**ARTICLE 4**

**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, 2005; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 5**

**Submitted by the Board of Selectmen**

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided for by Massachusetts General Laws, Chapter 41, Section 108; and to authorize any board or committee to employ its members for additional salary or compensation, and to fix the salary or compensation thereof; and further to see what sum of money the Town will raise and appropriate, transfer from any available source of funds, borrow or bond, to defray the departmental and incidental expenses of the Town not otherwise provided for, for the fiscal year commencing on July 1, 2005; or take any other action relative thereto. (Operating Budget)

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 6**

**Submitted by the Board of Public Works**

To see what sum of money the Town will vote to transfer from Water Department revenue to fund the Water Division maintenance and operating expenses; or take any other action relative thereto. (Operating Budget)

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 7**

**Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate a sum of money to the Stabilization Fund for vehicle replacement established under Article 13 of the Special Town Meeting of October 26, 2004; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 8**

**Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate a sum of money to the Stabilization Fund for sidewalks established under Article 15 of the Special Town Meeting of October 26, 2004; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 9**

**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 to fund capital and other expense items; or take any other action relative thereto. (Capital Budget)

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 10**

**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.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will be sending out a separate Financial Recommendation.

**ARTICLE 11**

**Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$30,000.00 from the annual revenues in the Community Preservation Fund for the purpose of creating an Administrative and Operating Budget for the Community Preservation Committee.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. These are standard annual requests.

**ARTICLE 12**

**Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44B, to reserve a sum of money equal to the state-mandated minimum amount of 10% from FY2005 Community Preservation Fund revenues for the creation, acquisition and preservation of Open Space for future appropriation.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. These are standard annual requests.

**ARTICLE 13**

**Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44B, to reserve a sum of money equal to the state-mandated minimum amount of 10% from FY2005 Community Preservation Fund revenues for the creation, preservation and support of Affordable Housing for future appropriation.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. These are standard annual requests.



Section 5, to appropriate an amount not to exceed \$47,000.00 from the Community Preservation Fund from the funds allocated for Open Space and Recreation use for the purpose of constructing walkways on Town Hill.

**ADVISORY BOARD RECOMMENDATION:**

We concur. This is proper use of Community Preservation Funds.

**ARTICLE 19** **Submitted by the Community Preservation Committee**

To see if the Town will vote to allocate from the Community Preservation Fund an amount not to exceed \$100,000.00 to fund an affordable housing down payment assistance program for Norfolk residents and others with Norfolk ties including municipal employees.

**ADVISORY BOARD RECOMMENDATION:**

We concur. This is proper use of Community Preservation Funds. This is the third year this program has been funded.

**ARTICLE 20** **Submitted by the Board of Selectmen**

To see if the Town will vote to petition the General Court to enact special legislation as set forth below. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT TO AMEND CHAPTER 101 OF THE ACTS OF 2004, AUTHORIZING THE TOWN OF NORFOLK TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:*

Section 1. Section 5 of Chapter 101 of the Acts of 2004 is hereby amended by inserting at the end of that section the following sentence: "In the event of a vacancy on the interim board of public works caused by the death or resignation of one of the 2 senior water commissioners, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election."

Section 2. This act shall take effect upon its passage.

**ADVISORY BOARD RECOMMENDATION:**

This is corrective language for our petition to establish a Department of Public Works. We recommend approval.

**ARTICLE 21**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the General Bylaws of the Town of Norfolk, SECTION 3. Capital Outlay Committee, paragraph A. by deleting the words “none of whom may be an appointed or elected member of a Town board or committee” so that paragraph A. shall read as follows:

“A. A committee to be known as the Capital Outlay Committee shall be established, composed of two (2) members of the Town Advisory Committee appointed by and from it, and five (5) additional members to be appointed by the Selectmen.”

or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We agree with this language that provides more flexibility in filling Capital Outlay Committee vacancies.

**ARTICLE 22**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws replacing Appendix B Performance Appraisal with a new Performance Appraisal form or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. Forms that are an administrative procedure should not be part of the Bylaw.

**ARTICLE 23**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section IX. Administration of the Salary Classification Plan, Subsection C. Grade Schedule, by adding a new position Grade 6, Assistant Director for Council of Aging, or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. This position is not being recommended in the budget and therefore does not need to be established.

**ARTICLE 24**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section XIII. Performance Appraisal Program, 6.0 Evaluators by adding the Position of Assistant Director for Council of Aging and Evaluator Director of Council of Aging and Secondary Evaluator Council of Aging

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. This position is not being recommended in the budget and therefore does not need to be established.

**ARTICLE 25**

**Submitted by the Personnel Board**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section XIII.PERFORMANCE APPRAISAL PROGRAM, Subsection 6.0 EVALUATORS by

<u>POSITION</u>	<u>EVALUATOR</u>	<u>SECONDARY EVALUATOR</u>
DPW Executive Assistant	Director of Public Works	Town Administrator

or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval.

**ARTICLE 26**

**Submitted by the Personnel Study Committee**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section IX Administration of the Salary Classification Plan, Subsection C Grade Schedule, by adding a new position Human Resources Manager to Grade 10, or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. This position is not being recommended in the budget and therefore does not need to be established.

**ARTICLE 27**

**Submitted by the Personnel Study Committee**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section XIII Performance Appraisal Program, 6.0 Evaluators by adding the Position of Human Resources Manager and Evaluator Personnel Board and Secondary Evaluator Town Administrator, or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. This position is not being recommended in the budget and therefore does not need to be established.

**ARTICLE 28**

**Submitted by the Personnel Study Committee**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section IX, Administration of the Salary Classification Plan, Subsection D FLSA Exempt Positions, by adding the new position of Grade 10 Human Resources Manager, or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

We recommend Indefinite Postponement. This position is not being recommended in the budget and therefore does not need to be established.

**ARTICLE 29**

**Submitted by the Personnel Study Committee**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section XIV Fringe Benefits, #2 Vacation Leave, by adding item L as follows, or take any other action relative thereto.

Managers may start new hires with paid vacation benefits based on years of service from other job related experience with other Industries and/or Municipalities as if the new hire had Norfolk Years of Service, with written approval from the Town Administrator or his/her designee.

**ADVISORY BOARD RECOMMENDATION:**

We recommend approval. This Bylaw formalizes a vacation benefits policy with a written approval requirement.

**ARTICLE 30**

**Submitted by the Personnel Study Committee**

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Section VI New Personnel, Subsection B Hiring New Employees as follows, or take any other action relative thereto:

All new employees are to be hired at Step 1 in accordance with their experience and qualifications, at the discretion of the hiring supervisor. If the applicant is found to possess an education level and/or experience level or other qualifications that warrant a higher compensation level, the hiring supervisor may hire at Step 2 or Step 3 based on the following: Education of 2 years or more than the minimum for the job, one additional step and/or one additional step for every 2 years of related experience beyond the required maximum years of experience in the job description. Any increase beyond Step 3 has to have the approval of the Personnel Board. If a new employee is hired at a step level above Step 1, step increases will only occur on an annual basis. The probationary period requirements, as outlined in the "Probationary Section" of this bylaw apply.

**ADVISORY BOARD RECOMMENDATION:**

This amendment codifies the provision where a new employee can be hired above Step 1 and requires Personnel Board approval beyond Step 3. We recommend approval.

**ARTICLE 31**

**Submitted by the Board of Selectmen**

To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, Section 53E 1/2, to reauthorize the following revolving funds for Fiscal Year 2006 at the limits set forth below:

(1) The revolving fund for the purpose of paying expenses related to the collection of parking ticket violations; said fund to be credited with parking ticket receipts and expended under the direction of the Board of Selectmen (limit \$1,000); or take any other

action relative thereto.

(2) A revolving fund for the purpose of paying the expenses of snow removal, including maintenance and replacement of equipment, from private property to include the King Philip Regional School and subdivision roads as required by the Planning Board rules and regulations; said fund to be credited with receipt of fees charged for this service and expended under the authority and direction of the Board of Selectmen (limit: \$20,000); or take any other action relative thereto.

(3) A revolving fund for the purpose of paying the expenses of Recreational Field Maintenance, including materials, replacement and rental of equipment and contract labor; said fund to be credited with receipt of fees charged for this service and expended under the authority and direction of the Recreation Commission (limit: \$50,000.); or take any other action relative thereto.

(4) A Conservation Management Revolving Fund to be credited with monies from timber harvesting on Conservation Land and expended under the direction of the Conservation Commission to develop and oversee management activities and projects on Town-owned conservation land (limit: \$5000); or take any other action relative thereto.

(5) A revolving fund to receive wetland hearing application fees to be expended under the direction of the Conservation Commission for payment of legal advertisements for such hearings (limit: \$5000); or take any other action relative thereto.

(6) A Planning Board Revolving Fund to receive subdivision performance inspection fees, as established by the Planning Board, to be expended under the direction of the Planning Board for services related to the inspection and approval of subdivisions (limit: \$5,000); or take any other action relative thereto.

(7) A Planning Board Revolving Fund to receive mitigation funds required by the Planning Board under the Shade Tree Act and Scenic Roads Act, to be expended under the direction of the Planning Board for the purchase and planting of replacement trees (limit: \$10,000), or take any other action relative thereto.

(8) A Planning Board Revolving Fund to receive mitigation funds required by the Planning Board relative to off-site improvements due to the approval of subdivisions and site plans to be expended under the direction of the Planning Board for such off-site improvements (limit: \$91,000); or take any other action relative thereto.

(9) A Planning Board Revolving Fund to receive funds required by the Planning Board relative to the cleaning and maintenance of unaccepted subdivision roadways and drainage structures as may be required by the Planning Board for subdivision approvals, to be expended under the direction of the Planning Board for such cleaning and maintenance (limit: \$30,000); or take any other action relative thereto.

(10) A revolving fund for the Town Clerk to receive funds required by the Town Clerk

for the processing of passports, to be expended under the direction of the Town Clerk for postage expenses associated with the processing of passports (limit: \$1,000); or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is required to annually re-authorize these Revolving Accounts. We recommend approval.

**ARTICLE 32**

**Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to accept any monies received through grants applied for by various Town Departments or Boards; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is annually required to re-authorize these practices. We recommend approval.

**ARTICLE 33**

**Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or otherwise, such easement as may be necessary for drainage purposes and the laying out of public ways, and to raise and appropriate or transfer from any available source of funds, a sum of money for said purposes; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is annually required to re-authorize these practices. We recommend approval.

**ARTICLE 34**

**Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to advertise in a local newspaper and sell at public sale from time to time, as it may deem in the best interests of the Town, any and all lands or portions thereof which the Town has acquired or may acquire as Tax Title land, so called, such sales to be made on behalf of the inhabitants of the Town of Norfolk, and to authorize the Selectmen to expend from the proceeds of such sale the necessary costs of recording fees, documentary stamps and auctioneer's fees, if required; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is annually required to re-authorize these practices. We recommend approval.

**ARTICLE 35**

**Submitted by the Board of Selectmen**

To see if the Town will vote to grant the Board of Selectmen permission to sell surplus property of the Town, exclusive of buildings and land, no longer needed by the Town, or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is annually required to re-authorize these practices. We recommend approval.

**ARTICLE 36**

**Submitted by the Board of Public Works**

To see if the Town will vote to accept all State and Federal Grants and reimbursements for the Water Division which do not require matching funds from the Town or any representative agency thereof, and will not obligate any resident of the Town of Norfolk without a town meeting; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

Town Meeting is annually required to re-authorize these practices. We recommend approval.

**ARTICLE 37**

**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.

**ADVISORY BOARD RECOMMENDATION:**

No recommendation is required.

**ARTICLE 38**

**Submitted by the Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Erin Road, a distance of 209.04 +/- feet, from Berkshire Street to Erin Road, as approved by the Board of Selectmen as shown on the acceptance plan dated January 22, 2004, drawn by Landmark Engineering of New England, Inc. of Norfolk, Massachusetts and as further described in documents entitled, "Legal Description Erin Road (Station 4+60.69 to Station 6+69.73) in Norfolk, Massachusetts" and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will make a recommendation at Town Meeting after reviewing the Planning Board's recommendations.

**ARTICLE 39**

**Submitted by the Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Chatham Road (from 0+00 to 9+45.42), from Medway Street to Barnstable Road, as approved by the Board of Selectmen as shown on the acceptance plan dated August 9, 2004, drawn by GLM Engineering Consultants, Inc. of Holliston, Massachusetts and as further described in documents entitled, "Legal Description "Chatham Road" in Norfolk, Massachusetts" and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages,

fees, and expenses; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will make a recommendation at Town Meeting after reviewing the Planning Board's recommendations.

**ARTICLE 40**

**Submitted by the Planning Board**

To see if the Town will vote to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Barnstable Road (station 0 + 00 to Station 15 + 31.28 End), as approved by the Board of Selectmen as shown on the acceptance plan dated August 9, 2004, drawn by GLM Engineering Consultants, Inc. of Holliston, Massachusetts and as further described in documents entitled, "Legal Description "Barnstable Road" in Norfolk, Massachusetts" and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board will make a recommendation at Town Meeting after reviewing the Planning Board's recommendations.

**ARTICLE 41**

**Submitted by the Board of Public Works**

To see if the Town will vote to authorize the Board of Selectmen to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the Massachusetts General Laws and further to accept as a public way, a 677 +/- square feet portion of land in the R-1 Zoning District, reference Norfolk Assessors Map 15, Block 48, Lot#2, containing 26.9 acres to redesign the intersection of Boardman Street and Medway Branch, as shown of the plan entitles "General Plan 3, Dated March 1, 2005, Medway Branch Sidewalk Construction Project" drawn by Coler & Colantonio Engineers and Scientists of Norwell, Massachusetts; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board's recommendation will be made at Town Meeting.

**ARTICLE 42**

**Submitted by the Advisory Committee**

To see if the Town will vote to raise and appropriate, transfer from any source of available funds, or otherwise provide for the Stabilization Fund pursuant to Massachusetts General Laws, Chapter 40, Section 5(b); or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

The Advisory Board's recommendation will be made at Town Meeting.