

BOARD OF SELECTMEN MEETINGS

2002 MINUTES

SPECIAL MEETING	JANUARY 7, 2002	5
PUBLIC HEARING – FORE KICKS LIQUOR LICENSE.....		5
OTHER BUSINESS		5
PUBLIC HEARING (CONTINUATION).....		6
REGULAR MEETING	JANUARY 14, 2002	8
RECREATION COMMISSION.....		8
OLD/NEW BUSINESS.....		9
COMMUNITY PRESERVATION COMMITTEE INTERVIEWS.....		9
JOHN O'BRIEN, CPA – AUDIT EXIT CONFERENCE		10
ATTORNEY ROBERT SHELMEARDINE – CHRISTINA ESTATES		10
OLD/NEW BUSINESS.....		11
COMMUNITY PRESERVATION COMMITTEE INTERVIEW		11
DOG ISSUE – FRANK GAYNOR AND CHARLES JONES		12
TOWN ADMINISTRATOR REPORT		13
OLD/NEW BUSINESS.....		14
REGULAR MEETING	JANUARY 28, 2002	15
OLD/NEW BUSINESS.....		15
HORSE N' CARRIAGE LIQUOR LICENSE VIOLATION		16
COMMUNITY PRESERVATION COMMITTEE INTERVIEW		18
ACCEPTANCE OF MINUTES		18
COMMUNITY PRESERVATION COMMITTEE APPOINTMENTS		18
TOWN ADMINISTRATOR REPORT		20
REGULAR MEETING	FEBRUARY 11, 2002	21
R. WILLIAM PERRON, CLERK		23
REGULAR MEETING	FEBRUARY 25, 2002	24
ACTION ITEMS.....		24
TOWN CENTER PROJECT		24
COGLEY, UNITED CHAMBER OF COMMERCE GARY		27
HIGHWAY SUPERINTENDENT UPDATES		27
BUDGET OVERVIEW		28
ACCEPTANCE OF MINUTES		28
TOWN ADMINISTRATOR REPORT		28
REGULAR MEETING	MARCH 11, 2002	29
OLD POPULATIC ROAD ISSUE.....		29
BOARD OF HEALTH – NON-BINDING REFERENDUM QUESTION.....		30
ACTION ITEMS.....		31
COUNCIL ON AGING.....		31
ACTION ITEMS (CONTINUED).....		31
BOSTON EDISON/VERIZON JOINT POLE HEARING.....		32
TOWN ADMINISTRATOR REPORT		32
REGULAR MEETING	MARCH 25, 2002	33
REPRESENTATIVE SCOTT BROWN		33
GEORGE HALL, TOWN COUNSEL		34
ADVISORY BOARD ARTICLE DISCUSSION		34
PERSONNEL BOARD ARTICLE DISCUSSION.....		36

TOWN MEETING ARTICLES	37
ACTION ITEMS.....	37
ACCEPTANCE OF MINUTES	37
TOWN ADMINISTRATOR REPORT	37
REGULAR MEETING	APRIL 8, 2002.....38
RECREATION COMMISSION – SKATEBOARD PARK	38
VERIZON/NSTAR POLE HEARING.....	39
JANE LEPARDO, TREASURER/COLLECTOR & TAX TITLE CUSTODIAN	39
ACTION ITEMS.....	41
TOWN ADMINISTRATOR REPORT	41
OLD/NEW BUSINESS.....	42
BUDGET DISCUSSION.....	43
REGULAR MEETING	APRIL 22, 2002.....44
SUSAN GAGNER – HEALTH INSURANCE	44
NORFOLK WINE & BEER LIQUOR LICENSE TRANSFER HEARING	45
REMO R. VITO – MISCELLANEOUS HIGHWAY ITEMS.....	46
PUBLIC HEARING – BERKSHIRE & HAMPTON ROAD	47
ACCEPTANCE OF MINUTES	49
ACTION ITEMS.....	49
TOWN ADMINISTRATOR REPORT	50
OLD/NEW BUSINESS.....	51
SPECIAL MEETING	APRIL 29, 200251
REGULAR MEETING	MAY 6, 2002.....52
TREASURER – BORROWINGS	52
EMPLOYEE RECOGNITION AWARDS.....	52
ACCEPTANCE OF MINUTES	53
OLD/NEW BUSINESS.....	53
ACTION ITEMS.....	53
MOCK TOWN MEETING	53
ONE-DAY LIQUOR LICENSE.....	54
ACTION ITEMS (CONT).....	54
OLD/NEW BUSINESS (CONT).....	54
BOARD REORGANIZATION.....	55
SPECIAL MEETING	MAY 14, 2002.....56
REGULAR MEETING	MAY 20, 2002.....56
PAUL BORRELLI, CANTERBURY ESTATES	56
PAUL BORRELLI – PHASE II, NORFOLK COMMONS	57
ACTION ITEMS.....	58
OLD/NEW BUSINESS.....	59
TOWN ADMINISTRATOR REPORT	59
EXECUTIVE SESSION	MAY 28, 200260
REGULAR MEETING	JUNE 3, 2002.....67
REMO VITO.....	67
ACCEPTANCE OF MINUTES	70
NEW BUSINESS.....	70
OLD BUSINESS.....	70
TOWN ADMINISTRATOR REPORT	70
ADJOURNED SESSION	JUNE 3, 2002.....71
REGULAR MEETING	JUNE 17, 2002.....72

POSTMASTER PRESENTATION	72
TOWN ADMINISTRATOR REPORT	72
VERIZON POLE HEARING – OLD MILL ROAD	72
OLD POPULATIC WATER MAIN EXTENSION.....	73
PLANNING BOARD APPOINTMENT	74
POST OFFICE PARKING LOT ISSUE.....	74
TOWN ADMINISTRATOR REPORT	75
ANNUAL APPOINTMENTS	77
SPECIAL MEETING	JUNE 24, 2002.....79
220, 201 MAIN STREET	79
CONSERVATION COMMISSION MEMBER INTERVIEW	80
ZONING BOARD OF APPEALS MEMBER INTERVIEWS.....	80
FENCE ISSUE - HIGHWAY SUPERINTENDENT	82
REGULAR MEETING	JULY 1, 2002.....83
PAUL DICHARA, CONSERVATION COMMISSION INTERVIEW	83
JASON TALERMAN, CHAPTER 40B DISCUSSION	84
MARY LOU NAVIN – CONSERVATION COMMISSION INTERVIEW	84
POLE HEARING – OLD MILL ROAD.....	85
OLD/NEW BUSINESS.....	87
ACTION ITEMS.....	88
APPOINTMENTS	88
REGULAR MEETING	JULY 15, 2002.....89
EARLY RETIREMENT DISCUSSION	89
BRUCE JOHNSTON, CLASS II LICENSE.....	92
CALL & WAIT – CLASS III LICENSE HEARING	93
COUNCIL ON AGING.....	96
9/11 COMMITTEE.....	97
ACCEPTANCE OF MINUTES	98
TOWN ADMINISTRATOR REPORT	98
OLD/NEW BUSINESS.....	99
REGULAR MEETING	JULY 29, 2002..... 100
REGULAR MEETING	AUGUST 12, 2002..... 100
CAPITAL OUTLAY COMMITTEE INTERVIEW	100
RECREATION COMMISSION FIELDS UPDATE.....	100
PERMANENT BUILDING COMMITTEE APPOINTMENT.....	101
JONATHAN SMITH – TOWN MEETING ISSUES	101
ACCEPTANCE OF MINUTES	102
ACTION ITEMS.....	102
REGULAR MEETING	AUGUST 26, 2002..... 104
EDWARD DONAHUE, JR., INSURANCE ADVISORY COMMITTEE	105
SMART GROWTH ALLIANCE.....	105
EMT/PARAMEDIC DEMONSTRATION.....	105
ACCEPTANCE OF MINUTES	106
ACTION ITEMS.....	106
TOWN ADMINISTRATOR REPORT	106
OLD/NEW BUSINESS.....	107
REORGANIZATION OF BOARD OF SELECTMEN	108
REGULAR MEETING	SEPTEMBER 9, 2002..... 108
MARIE CHIOFOLO - BOARD OF SELECTMEN VACANCY.....	108
NORFOLK SCHOOL COMMITTEE SPENDING PRACTICES	110
REVIEW OF FALL TOWN MEETING WARRANT ARTICLES	111

ACTION ITEMS.....	111
REGULAR MEETING	SEPTEMBER 16, 2002..... 112
SCHOOL COMMITTEE – WARRANT ARTICLE	112
ERIC DUPONT – INSURANCE ADVISORY COMMITTEE.....	114
REMO R. VITO, HIGHWAY SUPERINTENDENT	114
ACTION ITEMS.....	115
TOWN ADMINISTRATOR REPORT	115
OLD/NEW BUSINESS.....	116
REGULAR MEETING	SEPTEMBER 30, 2002..... 116
SELECTMAN AWARD.....	116
CALL & WAIT AUTO – CLASS 3 LICENSE HEARING.....	116
KING PHILIP BUILDING PERMITS.....	118
STORMWATER DISCHARGE – WYLLIE ROAD.....	119
ACTION ITEMS.....	119
CALL & WAIT CLASS 3 HEARING - CONTINUATION	120
REGULAR MEETING	OCTOBER 7, 2002..... 121
ACTION ITEMS.....	121
POLE HEARING – NORTH STREET	121
ACTION ITEMS (CONT).....	121
ACCEPTANCE OF MINUTES	122
TOWN ADMINISTRATOR REPORT	122
OLD/NEW BUSINESS.....	123
SEALER OF WEIGHTS & MEASURES	124
REGULAR MEETING	OCTOBER 28, 2002..... 124
ACTION ITEMS.....	125
OLD BUSINESS.....	125
TOWN ADMINISTRATOR REPORT	126
REGULAR MEETING	NOVEMBER 4, 2002..... 128
UNITED CHAMBER OF COMMERCE	128
TOWN OFFICIAL’S DEATH.....	129
OLD/NEW BUSINESS.....	129
CHAPTER 40B DISCUSSION	130
BOARD OF WATER COMMISSIONERS	138
ACTION ITEMS.....	139
TOWN ADMINISTRATOR REPORT	140
REGULAR MEETING	NOVEMBER 18, 2002..... 140
ACTION ITEMS.....	141
COUNCIL ON AGING.....	141
TAX CLASSIFICATION HEARING – BOARD OF ASSESSORS.....	141
TOWN ADMINISTRATOR REPORT	141
OLD/NEW BUSINESS.....	142
BOARD OF WATER COMMISSIONERS	143
KP PROJECT	144

REGULAR MEETING	DECEMBER 16, 2002	146
NORFOLK AUTO – CLASS 3 LICENSE.....		146
NORFOLK FOOD MART – CHANGE OF MANAGER.....		147
ACTION ITEMS.....		147
NORFOLK AUTO – CLASS 3 LICENSE.....		148
LICENSES FOR 2003.....		148
PROVO LIQUOR LICENSE TRANSFER.....		149
CALL & WAIT – CLASS 3 HEARING.....		150

SPECIAL MEETING **January 7, 2002**

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:20 p.m. He announced that this is a Special Meeting held only to hear the liquor license application for Fore Kicks, 10 Pine Street, Norfolk. This hearing will commence at 7:30 p.m.

Bob Markel told the Board that he would provide them with a budget summary of where they have progressed to date, at the January 28th meeting.

PUBLIC HEARING – FORE KICKS LIQUOR LICENSE

At 7:30 p.m., Jack McFeeley moved to open the public hearing for the application of a liquor license by Fore Kicks. Joyce Terrio seconded, and it was **so voted**.

As none of the applicants were present, Jack McFeeley moved to adjourn this hearing until 7:45 p.m. Joyce Terrio seconded, and it was **so voted**.

OTHER BUSINESS

Bob Markel told the Board that storage is a big issue with departments in Town Hall. He told the Board that this is a topic of interest at every departmental meeting. Jack McFeeley asked Bob Markel to give them a recommendation of what he feels is necessary for storage.

Bob Markel also said that on January 2, the Council on Aging moved from the Town Hall to their new Senior Center. The Recreation Department will be relocating to the Council on Aging quarters. The Recreation Commission will have conditions set by the Board of Selectmen that they will have to abide by. The front side entrance will be where mothers are limited to use. The Board of Selectmen requests a yearly schedule for the Multi-Purpose Room.

Jack McFeeley moved to declare January 14 – 18, 2002 as Free Enterprise Week for King Philip High School DECA. A proclamation will be issued. Joyce Terrio seconded, and it was **so voted**.

PUBLIC HEARING (Continuation)

At 7:45 p.m., Jack McFeeley opened the public hearing for an On-Premise Wine and Malt Liquor License application from Fore Kicks LP, 10 Pine Street, Norfolk, MA.

Present was Thomas Teager, President and Owner of Fore Kicks, LP.

Mr. Teager told the Board that he operates Fore Kicks, which is an indoor sports complex at 10 Pine Street. He is applying for a beer and wine liquor license for the upstairs lounge for the winter months, with hours from 7 to 10 p.m. Tom Teager told the Board that he considers winter months to be October through April. The upstairs lounge would be restricted to adults only. Mr. Teager told the Board that he would be serving hot dogs, pizza, and similar prepared foods.

Tom Teager told the Board that in the summer, he would close off the upstairs lounge, and it would not be used unless for a function. He would then serve alcohol downstairs in what is known as the Tenth Hole. This would be the room where they come in and out of to play golf. Summer hours are 7 a.m. to 10 p.m., 7 days per week. He would ask for hours to serve liquor be from 12 noon to 10 p.m. Summer months would be April through October.

Bill Perron questioned the food being served. He indicated he was uncomfortable with only prepared foods, as opposed to a meal. He wondered why there was no restaurant on premise to prepare food. Bill Perron said his concern was people drinking, and not eating. He suggested more food, or perhaps sandwiches for the people in the lounge.

Tom Teager said that most people will come in and have one or two drinks, and that's it. They will leave and go home. It is not the type of place where they will sit and drink all night.

Joyce Terrio asked Mr. Teager if this was his first time with alcohol? Mr. Teager said yes. Joyce Terrio asked if he has looked into any guidelines that the ABCC may have regarding being a good license holder? She also mentioned a TIP program for bartenders and employees. This is a course you take, and become certified.

Jack McFeeley asked if there would be adults only upstairs? Tom Teager said yes. Jack McFeeley asked if there would be adults only downstairs? Tom Teager said no, that isn't possible. He said that the room where the alcohol will be is where you go in and out to play golf. Children 13 or 14 years old may be there to play golf. Jack McFeeley asked him how they would monitor people who may leave with a can of beer? Tom Teager said they have 14 cameras that will be monitoring people.

Nancy Connors, 30 Everett Street, is concerned with the liquor being served so close to the youth. She is also concerned with the fact that that area of town has 3 restaurants that you can be served alcohol, and 2 places to buy liquor at Rt. 1A and 115. Why do we need another liquor establishment in this area?

Tom Teager felt that with the type of facility they are operating, a liquor license is needed. He feels it is necessary that people can come inside and have a few drinks and unwind. It is no different than any other facility of this type. People would not be allowed to leave that room with an open container.

Nancy Connors said she doubted they could police beer being taken out onto the golf course. Tom Teager said they could, because they will have cameras, and personnel, and the wide-open golf course where you can see each hole, and people monitoring the course.

Nancy Connors questioned alcohol served downstairs in the summertime. Tom Teager said that is where people will come inside to get a bite to eat. People like to have a drink with lunch. Nancy Connors questioned areas for adults only, away from kids. This would keep the alcohol away from the youth. Mrs. Connors stressed the fact that 21 year olds could possibly provide alcohol for younger children. She asked the Board of Selectmen to put conditions on the license as safeguards.

Bob Markel mentioned that the Norfolk Police Department does a routine compliance check several times a year. Norfolk is a staunch complier of no alcohol to minors. We enforce zero tolerance.

Jack McFeeley wanted to clarify an earlier statement. He said that Mr. Teager said that no one would be leaving with an open container. He hoped he meant no one would be leaving with a closed container as well. Mr. Teager stated yes – no container will leave the facility – open or closed.

Jack McFeeley asked Tom Teager if youth are required to be accompanied by an adult? Tom Teager said no, it is not required because there will be youth there to play golf who may be 13, 14, 15 years of age. Some adults drop off the child, as they may be old enough to be there alone. There is adequate staff there that can watch the children, if it seems necessary. If it can't be controlled, they will discontinue it.

Joyce Terrio moved to allow the issuance of an on-premise beer and wine license to Fore Kicks LP, 10 Pine Street, Norfolk for the following times: Summer – April 15 through October 15 – Noon to 10 p.m., downstairs. Winter – October 15 through April 15 – 7 p.m. to 10 p.m., upstairs lounge only, adults only. The following conditions will apply to the license: There will be personnel and cameras on-site for monitoring purposes only; no removing alcohol from the premises, either open or closed containers; no alcohol on the golf course at any time; anyone in the position of serving alcohol must be certified through the TIP course. Bill Perron seconded, and it was **so voted**.

Tom Teager presented Bob Markel with the abutters certified mail notices and receipts; a check for the ABCC; and payment of the advertisement in ***The Sun Chronicle***, as required.

At 8:19 p.m., Joyce Terrio moved to close the hearing. Bill Perron seconded, and it was **so voted**.

At 8:20 p.m., Joyce Terrio moved to adjourn the meeting. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of the Board of Selectmen on January 7, 2002.

R. William Perron, Clerk

Regular Meeting **January 14, 2002**

Present was John J. McFeeley, R. William Perron, and Robert T. Markel. Joyce E. Terrio was absent.

Jack McFeeley called the meeting to order at 7:02 p.m. Bob Markel read the agenda.

RECREATION COMMISSION

Ann Proto, Recreation Director, was present.

Bob Markel told Ann Proto that the Board of Selectmen has discussed at length the Recreation Department moving its offices into the vacant Council on Aging space. Bob Markel said that they have discussed having the mothers use the side entrance to the building right next to the Multi-Purpose Room. This would alleviate the traffic of mothers and children coming through the building. It was discussed about possibly putting a walkway along the side of the building that would go directly into the Multi-Purpose Room for mothers with strollers. This walkway would come right off of the parking lot.

There was discussion on the parents and children using the bathroom facilities within the Recreation space, and not the public restrooms in the building. There was discussion regarding closet space. Ann Proto indicated she would like to occupy some of the closet space that the COA had used, as she is now using a coat closet. A system of locking the doors, and making sure the outside door is secure was discussed.

Jack McFeeley told Ann Proto that he would like them to keep a monthly calendar of the use of the Multi-Purpose Room and have it available for the Selectmen's staff, as the Board of Selectmen are still in charge of the rooms. Ann Proto agreed to keep a schedule available.

Ann Proto thanked the Board for the use of the former Council on Aging space, and said that the Recreation Commissioners also thank them very much.

OLD/NEW BUSINESS

Bob Markel informed the Board that the Firefighter's Union approval was received. Bob Markel showed the Board the new Building Inspection Procedure Form that was designed by Bob Bullock. The Board approved, and asked that it be designed to fit onto the website for use.

Bob Markel reviewed the Annual Town Meeting schedule with the Board. The discussed the opening of the warrant, right down to the actual town meeting on May 14th. Jack McFeeley stressed that these dates do not mean that a Board such as the Planning Board can reserve "x" amount of spaces. We need the actual article and worded by Town Counsel or the Town Administrator.

Bob Markel stated that he plans to give the articles to the Board as they come in, and not wait and give them all of them at once. This will ensure a prompt, steady flow to the Advisory Board, also. This schedule will allow more time for the Advisory Board to work on articles.

Both Jack McFeeley and Bob Markel asked that articles be emailed to the office, to assist in working with the warrant.

Bill Perron moved to open the warrant for the May 14th annual town meeting tonight. Jack McFeeley seconded, and it was **so voted**.

COMMUNITY PRESERVATION COMMITTEE INTERVIEWS

MaryAnn Magner, 22 Pondview Road. MaryAnn Magner said she is in Precinct 1. She said that she would like to be a member of the committee from a single sense of duty, and a desire to be useful. She is experienced, and thought she could be of help. Her education was in biology, with a second in forestry and wetlands. She is employed with an environmental engineering firm. She has spent 10 years on the Conservation Commission. On a personal level, she has always been interested in the community. She feels that the Committee has a serious job to do.

Kevin Hughes, 170 Seekonk Street. Mr. Hughes is in Precinct 1. Kevin Hughes said that this is an important committee, and wants to see the town develop.

Mr. Hughes is involved in the lending/development side of real estate, and his family has had a real estate office in the area for years, of which he is employed. Mr. Hughes said that his expertise would be helpful in looking at the alternatives, and making decisions as to how to spend the funds. Kevin Hughes said that with the four options, he feels the affordable housing would be the best for him to work with.

Walter Branson, 13 Robin Road. Mr. Branson is in Precinct 3. Walter Branson told the Board that he was instrumental in getting the Community Preservation Act passed in Norfolk. He was at the landfill, and organized most of the campaigning to see that the Act passed.

Mr. Branson told the Board that his background is strictly financial. He enjoys environmentalism as a hobby, but told the Board that will not hinder him in any way. Walter Branson told the Board that he realizes there are four options to consider for the use of the money, and he will look at all aspects. He would not be favorable in any way, but would balance everything to make his decision. Mr. Branson said he would focus his attention on what the voters want.

Patricia St.Aubin, a member of the Open Space Committee, was present and wanted to discuss her interest in this Committee with the Board. Jack McFeeley told her that we are out of time because of the agenda, but he could fit her in at 9:15, when the appointments are finished.

JOHN O'BRIEN, CPA – AUDIT EXIT CONFERENCE

Present was John O'Brien, CPA, Meg O'Brien, who did most of the audit for the Town, and Susan Gagner, Director of Finance.

John O'Brien reviewed the Financial Statement and the Management Letter with the Board in detail. Mr. O'Brien told the Board that we appear to be in very good shape, and did not note anything unremarkable.

It was mentioned that the GASBE 34 would help take care of a lot of things. The government is telling us how to do our bookkeeping.

ATTORNEY ROBERT SHELMEARDINE – CHRISTINA ESTATES

Present was Robert Shelmerdine, attorney for Intoccia Contracting, developers of Christina Estates.

Jack McFeeley told Attorney Shelmerdine that we have asked him here for two reasons. One, Attorney Shelmerdine told the Board at a prior meeting to invite him in, and we'd talk. So we have invited you. Also, we want to discuss ice control in Christina Estates, and want to be sure the residents are taken care of.

Attorney Shelmerdine said that last year, Intoccia funded an account and the Town plowed. They were given that option this year, but they chose not to do it. After a discussion with the Planning Board, it was decided to plow the development themselves.

Attorney Shelmerdine said that they are within the guidelines of the ice and snow control procedures designated by Remo Vito, Highway Superintendent. He has written a letter of compliance, which Mr. Vito is in receipt of.

The Conservation Commission advised them there are guidelines for stormwater pollution plan. He said they would abide by these as well.

Attorney Shelmerdine said it is not unusual for them to plow their own subdivision. Intoccia has plowed their subdivisions in other towns. They were given the option by Norfolk to either plow the roads, or pay to have the Town do it. They opted to do it

themselves. They have an individual, W.D. Cohen of Sharon, who puts down a salt/sand mix, when needed. Intoccia themselves do the actual plowing.

Attorney Shelmerdine told the Board that he is responsive, and has given his cell phone number to Butch Vito. He is available 24 hours. He said that he would go a step further, and give Mr. Vito his home telephone number.

The Board noted that two storms have occurred so far, and our office has received no complaints.

Attorney Shelmerdine stated that they have worked very hard over the past five months to clean up the development. Bill Perron said he has received compliments since the Board of Selectmen became involved.

Jack McFeeley questioned the gate and asked if it has been opened? Attorney Shelmerdine said the swinging gate has been gone for about 3-4 weeks. There is free and easy access. The boulder and posts will be removed shortly.

Jack McFeeley reminded Attorney Shelmerdine of the new bylaw passed on December 6th regarding truck traffic. He wanted to be sure they were aware of this.

OLD/NEW BUSINESS

Jack McFeeley announced that he is a candidate for member of the Board of Selectmen at the election in May.

COMMUNITY PRESERVATION COMMITTEE INTERVIEW

Patricia St. Aubin, 6 Shady Way. Patricia St. Aubin is a member of the Open Space Committee. She told the Board that she delivered a letter to them on Friday afternoon indicating her interest. Her background is in accounting – sales and marketing, and she is currently pursuing an entrepreneur in the jewelry business.

Ms. St. Aubin has been on the Open Space Committee for 4 ½ years. She said she feels there should be a liaison to the Community Preservation Committee from the Open Space Committee. When she contacted the State about this, they said there are many towns that do not have an Open Space Committee.

Patricia St. Aubin said that she has attended many community preservation programs and meetings within the area. Ms. St. Aubin said that she was active in campaigning with Walter Branson in making the Community Preservation Act happen in Norfolk. She again elaborated on how the Board should focus on a Community Preservation Committee member at-large from the Open Space Committee.

Jack McFeeley stated that they face the dilemma of two individuals from the same precinct who have a strong interest in this position. He asked Patricia St. Aubin whom she would pick, if she had to choose. Obviously, Ms. St. Aubin would choose herself as the best candidate.

Jack McFeeley and Bill Perron agreed to wait until Joyce Terrio was available to vote on members of this Committee.

DOG ISSUE – FRANK GAYNOR AND CHARLES JONES

Present was Charles Jones of 43 Campbell Street, and Frank Gaynor, 34 Campbell Street.

Jack McFeeley acknowledged that the issue with the Gaynor's dog has been ongoing for quite a while.

Charles Jones is an abutter. Mr. Jones frequently corresponds to the Board of Selectmen about problems with the Gaynor's dog being on his property. He has also contacted the Animal Control Officer, Hilary Penlington.

Charles Jones said that his main concern is that Norfolk has a Leash Law. He does not want the Gaynor's dog on his property.

Bill Perron stated that we should update the audience at home. This is a dispute between Mr. Jones and Mr. Gaynor that has gone on for quite some time. The Board has received much correspondence from Charles Jones about Frank Gaynor's dog loose on his property. As much as we have made attempts to resolve the issue, it apparently hasn't worked.

Frank Gaynor stated that he has 3 dogs. Only one runs loose in the neighborhood, and it is a husky shepherd mix that is 2 years old. The other two dogs are a golden retriever, who is 12 years old, and an Old English Sheepdog, who is 7 years old.

Frank Gaynor said his dogs are usually not unattended, unless the kids let the dogs out. Or sometimes they slip by him when they open the door. Usually there is a family member with the dogs. Frank Gaynor told the Board that when he was on the Board of Selectmen years ago, he thought the leash law meant that you would control your animal. He doesn't agree with Charles Jones. The dogs are well behaved. Mr. Gaynor said he has had many conversations with Hilary Penlington, and it appears that the issue is that the dogs aren't leashed. He views that differently.

Frank Gaynor said that he has installed an electric fence. However, the dog has to be trained to the fence. The young dog is a puppy, and she loves to run around. His wife and he have tried to be sensitive to Mr. Jones' concerns. Mr. Gaynor said he has had a trainer try to train the Husky. This is Norfolk. He doesn't see a problem.

Charles Jones said that the leash law is that – a law. It is not meant to be broken, and Mr. Gaynor should abide by the law to keep his dogs leashed. It is that simple.

Frank Gaynor stated that he does admit that the dogs run loose, but they don't scare people, or cause harm to property. The worst the dog has done is get into a neighbor's

trash. The guy called him, and he went over and picked up the trash and rebagged it. End of story.

Frank Gaynor said that Charles Jones did threaten to shoot his dogs. Mr. Gaynor called the police. Charles Jones said it was only a threat. He would never shoot the dogs.

Bill Perron told Mr. Gaynor that if Charles Jones doesn't want dogs on his property, he doesn't have to put up with them. The leash law is the means to protect Mr. Jones from your dogs. He does not have to have your dogs running on his property if he doesn't want them there, just because you feel it is okay.

Jack McFeeley agreed with Bill Perron. The Board of Selectmen has to go by what the law says, whether we agree with you, or disagree with you.

Frank Gaynor said that the reason his family settled in Norfolk was because it was just that – Norfolk. It was a small town, with a small community atmosphere, and you could let your dogs run loose, and no one cared. He said we have to remember that we are not one of these larger communities where people are opposed to everything you do. Although the Board members agreed, the community did vote at a town meeting to enforce a leash law, and unfortunately, we have to abide by it.

Jack McFeeley suggested that if Frank Gaynor felt that the leash law was too rigid or strict, perhaps it is time to revise the leash law to say what people really want it to.

Frank Gaynor said he just might think about doing that.

Bill Perron said that Mr. Jones keeps saying that the dogs on his property don't bother him, but is this all the issue is, or is it the leash law? Bill Perron said he hates to have it be a big deal if Mr. Jones really doesn't care. Charles Jones said it is the issue with the leash law not being enforced.

Frank Gaynor said that discretion should be used with the leash law. A police officer doesn't just stop every car. They use discretion.

Jack McFeeley mentioned the citation that was issued two weeks ago to the Gaynor's when Animal Control was called out because of their dog. Frank Gaynor said he wasn't aware a citation had been issued.

Bill Perron told Frank Gaynor that his rights end where Charles Jones' property begins.

TOWN ADMINISTRATOR REPORT

Bob Markel told the Board that we have received a lawsuit placed on the Town of Norfolk by Call & Wait Auto, 7 Lincoln Road. Bill Perron said that he wasn't available the day the tour was conducted at Call & Wait with the Building Inspector and Conservation Commission. He asked that another tour be scheduled so he can be present.

OLD/NEW BUSINESS

Bill Perron again brought up the fact that reception in Norfolk is lousy, and wanted to know if anything has been done to pursue cell towers in Norfolk. He would like to solicit a company to come do the high-tension wires. Mr. Perron would like to see this move forward.

Bill Perron questioned if the Lakes Grant is still available. Bob Markel replied yes. Bill Perron would like to activate the Lakes Committee, because a committee needs to apply for this grant. The Board of Selectmen cannot apply for it.

Bill Perron said that he was approached by Peter Hildebrandt who would like to see some action taken on Kingsbury Pond.

Bill Perron said that the budget was passed for THE RIDE. The language to get it passed was in there. He suggested we contact Cheryl Jacques to get an application for THE RIDE.

Bill Perron would like to schedule in the Businessmen's Association. Bob Markel said that in February, the new director of the United Chamber of Commerce will be talking about the business community, and will be doing Norfolk first. This may be a good time to schedule in the Businessmen and have them present.

Bill Perron moved to appoint Richard Connors of 30 Everett Street to the Community Preservation Committee, representing Precinct 4. Jack McFeeley seconded, and it was **so voted**.

Bill Perron moved to appoint Marie Chiofolo of 4 Briarwood Lane to the Community Preservation Committee, representing Precinct 2. Jack McFeeley seconded, and it was **so voted**.

At 10:00 p.m., being no further business, Bill Perron moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of January 14, 2002.

R. William Perron, Clerk

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:09 p.m. Robert Markel read the agenda items.

OLD/NEW BUSINESS

Bill Perron told the Board that with respect to his inquiries to install cell towers, he has spoken with Lois Boucher of Planning Board who informed him that there are two cell towers in the works. One is at 180 Dean Street, and one in the center of town. Bill Perron said he would follow up on this further.

Jack McFeeley read a notice of a dinner-dance for Valentine's Day held by the Norfolk Community League. Discussed was a prize of a ride in a police cruiser, and tour of the Police Station facility.

Bill Perron mentioned THE RIDE, and asked if Bob Markel had contacted Senator Jacques? Bob Markel stated he met with Harriet Fisher and Richard Connors to discuss THE RIDE. He also spoke with a representative of Senator Jacques office last week, and informed her it is of high priority. The assessment cost was also discussed.

Jack McFeeley asked that a copy of the Mass. Department of Revenue Senior Circuit Breaker Tax Credit be given to the Council on Aging.

Jack McFeeley read the letter from Charles Jones of 43 Campbell Street written to himself and Bill Perron with respect to the meeting the previous week, trying to resolve the Gaynor dog issue.

Jack McFeeley briefly discussed the summary of budgets for schools for FY'03. He said that from the viewpoint of the municipal side, funds are tight.

Bob Markel stated that the property tax revenues, fees, local receipts and State Aid all result in an additional \$44,000 from State Aid. The school budget alone is an increase of \$800,000, and we are already \$400,000 short. We are \$1,025,000 from state and local sources. The gap from requests and money available is \$425,000. We will have some very hard choices to make this year. Mr. Markel said that Jack McFeeley and Bill Perron and himself met with the Advisory Board. There are still some unknowns. They are not sure of some State Aid other than the Chapter 70 for the schools. This will be a year of austerity for Norfolk, as well as town across the State. The revenues are down everywhere.

Jack McFeeley summarized what Bob Markel just said. There is a \$400,000 gap in municipal. There is an \$800,000 gap for schools. This is only the elementary schools. We have had nothing from the high schools as yet.

HORSE N' CARRIAGE LIQUOR LICENSE VIOLATION

Present was Chief Charles H. Stone, Jr., Detective Leo Ethier, and Kevin O'Boy, owner of the Horse N' Carriage Restaurant. Also present was an abutter, Nancy Connors, 30 Everett Street.

Jack McFeeley opened the hearing, and asked Chief Stone if he had any comments.

Chief Stone told the Board that on December 28, 2001, the Norfolk Police Department conducted an alcohol compliance check, as they routinely do. Unfortunately, a violation occurred at the Horse N' Carriage. This was the only establishment that was in violation. Chief Stone said that witnesses are present in the other room, if needed.

Detective Ethier then read the report he submitted to the Board of Selectmen. He asked the Board members if they had any questions.

Joyce Terrio wanted to clarify that the underage operative was not carded, but her escort was carded. Is this correct? Detective Ethier said yes, the underage operative did not have an ID on her.

Kevin O'Boy, owner of the Horse N' Carriage, told the Board that he has held a liquor license for over 18 years. Mr. O'Boy told the Board that he was not present that evening. He said reports differed from the police report and what his staff told him. His waitress said she asked the underage operative for an ID and she said she left it in the car. The waitress did ask for an ID, but when the girl said it was in the car, his waitress did not follow through. Mr. O'Boy said the waitress should have made the girl go get the ID.

Mr. O'Boy said that he trains his staff to check. However, he said their clientele isn't usually minors. If the young kids want to drink, they are not going to go to a restaurant to do it. They'll go to a bar. Kevin O'Boy said that they focus more on identifying if an older patron has had too much to drink. They train their staff to notice slurred speech, glassy eyes, rudeness, etc. Kevin O'Boy said he is not making excuses, and will emphasize more on checking ID's and watching for minors.

Kevin O'Boy said that this waitress was brand new, and had only been on the job maybe 6 weeks. He said she's about 21 years old, and a hard worker.

Mr. O'Boy said he feels he's had a good track record. He apologized to the Board, and said he hopes they look at their track record. He said the economy makes hiring of employees difficult, and he's had a big turnover, but has done well. Staff constantly changes in a business like this.

Joyce Terrio questioned what he requires in training his employees to serve alcohol? Kevin O'Boy said they don't have any kind of formal training. Most of his bar servers are all older – mostly over 45 years of age – and have been doing this most of their lives. They don't need training. He said they are told to be conscious of the behavior of whom you are serving.

Joyce Terrio asked if the girl is still employed? Kevin O'Boy said absolutely. She is very conscientious, and a hard worker. She made an honest mistake, and he takes responsibility for that.

Bill Perron told Mr. O'Boy that there is a formal training available in the TIPS program. Mr. O'Boy said he is very familiar with the TIPS program, but feels with the high turnover of personnel, it really isn't worth it. Mr. O'Boy stated the course is given by the Massachusetts Restaurant Association. Bill Perron asked if this incident occurred in the dining room, or lounge? Mr. O'Boy said the dining room.

Kevin O'Boy told the Board that he hoped that his reputation should speak for itself. He has had the restaurant for 18 years with no prior violation.

Jack McFeeley asked Chief Stone if the Horse N' Carriage has had any police incidents in the past five years. Chief Stone replied none. Jack McFeeley asked Mr. O'Boy how he planned to prevent this from happening again. Kevin O'Boy replied that he would keep an eye open for younger patrons. The person representing him has to make the decision.

Nancy Connors, 30 Everett Street, an abutter stated that she came tonight because she is concerned, especially with so many liquor licenses in her area. She said that after listening to the discussion tonight, she feels that this was an isolated case. Mrs. Connors said that the reputation for all three restaurants in the area is excellent. Nancy Connors said that she appreciates the zero tolerance policy, and hopes the Board considers this a unique situation.

Jack McFeeley, after asking if anyone else wished to speak, closed the matter. He told Mr. O'Boy that the Board of Selectmen is very understanding on a first offense. They are not so understanding when it happens a second time. Remember that! Mr. McFeeley then read the penalties that were given to the other establishments for a first time offense, as well as a second offense.

Joyce Terrio said she feels unfortunate, although the Board of Selectmen stresses a zero tolerance. She would not like to see a loss of license. She would like to have a day's receipts from the dining area donated to charity. The Board would choose the day. Mrs. Terrio felt that the leniency would be due to their superb reputation.

Bill Perron wants to recommend a two-day loss of license until employees have taken a TIP program to prevent this from happening again.

Jack McFeeley said that having the entire wait staff attend a TIP program wouldn't help. It would be prohibitive and expensive. Mr. McFeeley felt that a restaurant is different than a liquor store. He did not want to see a loss of license, either. Jack McFeeley proposed a \$500 donation to charity as a sufficient penalty.

Joyce Terrio moved to issue a penalty of a donation of \$500 to the charity of his choosing, and show proof of payment to the Board's Administrative Assistant before considering the penalty satisfied. Bill Perron seconded, and it was **so voted**.

COMMUNITY PRESERVATION COMMITTEE INTERVIEW

Andrea Langhauser, 49 Noon Hill Avenue, Precinct 1 was present. Andrea Langhauser indicated her interest in serving on this committee. Mrs. Langhauser is the mother of two elementary school children. She is employed by the Executive Office of Environmental Affairs. Andrea Langhauser told the Board that she is very interested, since we are one of the first towns to vote for the Community Preservation Act. She said she is interested in seeing it carried out, and how to do it.

Andrea Langhauser told the Board that she is a team leader for a watershed district. She was on the Planning Board for six years, and a prior chairman of the Open Space Committee for three years. She wrote an Open Space plan where she works. She could be helpful to a 9 member Board. Andrea Langhauser also helped the State write the Community Preservation Act, so she is very familiar with it.

Joyce Terrio said that she worked with Andrea Langhauser on the Open Space/Recreation for three years, from 1993-1996. The best way to get this committee moving is to set up bylaws and guidelines. They need to determine expectations and charge. It has the ability to pay for itself, and we should set the committee up to run well. The committee needs to consider the types of projects or uses. Joyce Terrio thinks they should prioritize Chapter 61A land. 120 days is not much time to react to a Purchase & Sale Agreement.

Bill Perron agreed that a Chapter 61A should be a priority.

Bob Markel read the list of members who will represent the various committees, who are part of the Community Preservation Act. He also announced a Community Preservation Institute at UMass campuses for new Community Preservation members.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of December 3, 2001, and December 18, 2001, with minor corrections. Bill Perron seconded, and it was **so voted**. The Board announced that their weekly minutes are now available on our website.

COMMUNITY PRESERVATION COMMITTEE APPOINTMENTS

The Board considered all candidates for appointment.

Bill Perron said that he was impressed with Andrea Langhauser, and felt Kevin Hughes was a good candidate, as well.

Joyce Terrio read the minutes of last week, as she wasn't present at the meeting for the other interviews. Joyce Terrio felt that Andrea Langhauser's expertise goes a long way. She felt remiss in passing over her for this committee. Andrea Langhauser is specific in her ground rules and working mechanism, which is important. Ms. Terrio felt Andrea Langhauser has the background and expertise to get this committee off the ground.

Jack McFeeley agreed that the ground rules are important, and a goal of the Board of Selectmen was getting this Community Preservation Act passed. He thanked Walter Branson, Patricia Saint Aubin, Lori Hurley and Andrea Langhauser for their efforts toward Community Preservation. Jack McFeeley would like to appoint Walter Branson to the Precinct 3 position. He feels Mr. Branson has the expertise and interest.

Jack McFeeley would like to appoint Kevin Hughes for Precinct 1. Jack McFeeley said that Kevin Hughes has a whole area of expertise that we don't have yet on this committee. Jack McFeeley feels that Mr. Hughes has the talent of affordable housing, financial background and real estate. Mr. McFeeley feels that this committee needs a balance, and we won't get that with representatives of committees, either.

Bill Perron said he liked the organizational skills of Andrea Langhauser. Bill Perron said he does agree with Jack McFeeley that Kevin Hughes' expertise would be an asset to the committee.

Joyce Terrio still felt that Andrea Langhauser was the best choice. She can bring the organizational skills to the committee, and get them set up and running in the right direction. Andrea Langhauser understands the mechanism for doing this, and is knowledgeable in the Community Preservation Act. Joyce Terrio felt that even though we have three strong talents in these individuals, she clearly feels that Andrea Langhauser is the right person for Precinct 1. Joyce Terrio said she is at a disadvantage, and she wasn't present for Kevin Hughes' interview.

Jack McFeeley then asked Kevin Hughes, who was in the audience; to come forward and answer any questions Mrs. Terrio may have for him.

Andrea Langhauser told the Board that she does this for a living, and is happy to volunteer in the Town she lives in.

Bill Perron moved to appoint Kevin Hughes to the Community Preservation Committee, for Precinct 1. Jack McFeeley seconded, and it was **so voted** by Jack McFeeley and Bill Perron. Joyce Terrio was opposed.

In reviewing the two individuals for Precinct 3, Walter Branson and Patricia Saint Aubin, Joyce Terrio stated that she has met both individuals previously. In reviewing the minutes, she preferred Walter Branson. Mr. Branson was involved in getting the

Community Preservation Act pushed through town meeting, and approved. He did not have a specific agenda, and was open to all decisions. He was the leader in organizing the Community Preservation Act in Norfolk, and where his entitlement lies. Joyce Terrio would recommend Walter Branson to this committee. She feels he will be an asset, in addition to the other individuals already appointed.

Bill Perron said he thinks that both candidates for Precinct 3 both expressed a sense of entitlement to this position. Walter Branson did act extremely hard for the promotion of the Community Preservation Act when it was passed at town meeting, and that's where his sense of entitlement lies. Patricia Saint Aubin expressed that being on the Open Space Committee and invested years into this particular aspect for the community, that she felt she should be on this Committee. Bill Perron said that he thinks he is going to go against Jack McFeeley and Joyce Terrio, and recommend Patricia Saint Aubin for Precinct 3. He feels she has devoted many years specifically into the Open Space Committee in Norfolk, and she has set a track record for herself. Walter Branson was very instrumental in getting the Act passed, however, she has been working in this position in the Town for a long time and that deserves recognition.

Jack McFeeley said he has already stated his position. He feels they are both very active and good candidates, but most of the contact with the Community Preservation Committee has been with Walter Branson. Mr. Branson has been very pro-active, and very instrumental in seeing the Community Preservation Act passed in Norfolk. Although Patricia Saint Aubin was active in this regard as well, he feels that Walter Branson was more so, and he would recommend Walter Branson for Precinct 3.

Joyce Terrio moved to appoint Walter Branson to the Community Preservation Committee for Precinct 3. Jack McFeeley seconded. Bill Perron also seconded, so Jack McFeeley withdrew his second. It was **so voted**.

The Board then discussed the terms for these positions. We needed 2-year terms, and 3-year terms.

Joyce Terrio moved to appoint Kevin Hughes and Walter Branson to a term of three (3) years, and appoint Marie Chiofolo and Richard Connors to a term of two (2) years. Bill Perron seconded, and it was **so voted**.

The Board then delegated Marie Chiofolo to be Acting Chairman and call the first meeting, whereby the Committee can choose a Chairman.

TOWN ADMINISTRATOR REPORT

Bob Markel told the Board that he would like to consider burning CD's for the budgets in the future, as opposed to having all the large budget books photocopied. It will also save on the cost of all the printing.

Bob Markel did a brief budget summary with the Board. Mr. Markel told the Board that they need to come up with a way to fill the gap of \$422,000. Four options would be: 1

– Level fund all departments; 2 – Reduction in staff hours; 3 – Layoffs (save 2/3 of salary); and 4 – Use funds earmarked for items other than operating (prison mitigation, workman’s comp., stabilization, etc.).

The Personnel Board study is completed. They are finishing the numbers of what it will cost vs. the current plan. Mr. Markel said they are working on the budgets daily, and hope to wrap up our side tomorrow. Bob Markel told the Board that we have no idea what the warrant articles would consist of. Bob Markel also told the Board that Jack McFeeley has been providing guidance to both himself and the Director of Finance on behalf of the Town.

The State has cut our funding, and we don’t have the ability to make up the difference.

Bob Markel discussed building security. He said he is trying to get bids to identify the need. He has meet with ADT to provide camera based, I-Loop based security. There would be cameras in all hallways facing doorways, and in doorways facing halls. Cameras would scan the parking lots for people coming in and going out. There would be a monitor at the Police Station that would have a sound alert indicating when there is activity. There are funds from the original construction of this building that the Permanent Building Committee has agreed to release to us. This would cost approximately \$18,000.

At 9:23 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen’s Meeting of January 28, 2002.

R. William Perron, Clerk

Regular Meeting **February 11, 2002**

Present was John J. McFeeley, Joyce E. Terrio, and Robert T. Markel, Town Administrator. R. William Perron was absent.

William Edwards of ADT was present to discuss the security proposal for the Town Hall.

The Board discussed the Town Center. It was agreed to meet with the Highway Superintendent and Planning Board. The Board questioned whether to have a joint meeting separately, or to have it within a Board of Selectmen meeting.

The Board discussed deficit spending in relation to the Snow and Ice budget. The Board questioned Bob Markel about the budget, which he answered.

Joyce Terrio moved to allow the Highway Superintendent to deficit spend the Snow and Ice budget as proposed. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley read the list of employees who have landmark anniversary dates. The Board agreed certificates signed by the Board should go out. The Board discussed dates for the presentations and recognition of employees.

The Board discussed a proclamation of the month of March as Red Cross month. It was questioned whether we still have a Red Cross flag to fly?

The Board reappointed Joseph Simmons to the Conservation Commission, to expire June 30, 2004.

Bob Markel was going to look into Barnstable Road – changed signs for street names.

The Board discussed a 3-mile race proposed by Craig Koch and the Men's Softball League. We are holding on it for more information. The Board questioned the cost of the cooler vs. the cost of police details.

The Board discussed a proposal from the Norfolk Firefighters regarding their contract. Negotiations will start soon with Bob Markel and Bill Perron, possibly? The Board will review the proposal and get back to Bob Markel with comments.

The Board discussed the money budget issues and funding.

Board needs to discuss the dance studio and the Board of Health regarding possible litigation.

Bob Markel discussed his involvement with the budget. Revenues are down, lower earnings and estimates, and any revisions at this time are almost nil. We need to focus on fixed costs and refining those figures.

The health insurance meeting has been set. The Board needs to discuss the effect on employees, as it is a possible 20% increase. The health insurance contract will be on a fiscal year basis, not a calendar year.

The Town Administrator hoped to submit a budget with critical decisions by the Board's meeting on the 25th.

King Philip is requesting a 9.3% increase in budget. Distribution is unknown as of today. Jack McFeeley read from the MA chapter of the MMA budget recommendations – 3.22% in elementary school budgets. 3.11% in regional budgets. Norfolk would be a 1.41% increase change, and King Philip would be a 6.45% increase change.

Economic Development Committee – Bob Markel and the Planning Board met to discuss goals for this committee. At our meeting on the 25th, Gary Cogley from the United

Chamber of Commerce will be present to discuss economic development in our town and the surrounding area. Jack McFeeley asked if business owners or leaders had any nominees for this committee. Bob Markel would like to get some movement on these appointments.

The Board noted that the Library, Board of Selectmen, and Permanent Building Committee are all working together for the budget and town meeting.

A presentation will be held on February 14th for the Council on Aging grant receipt for the \$313,000 to complete the bottom floor of the new Senior Center. The Board of Selectmen and Town Administrator are invited.

Discussion centered on the Library getting their grant. There is no change. Capital Outlay Committee has phased in the bonding for the Library project, refinancing the offset.

Bob Markel said he needs to see Capital Budget requests. Prioritized a five-year Capital Plan. Needs will be discussed in an orderly fashion. Jack McFeeley said it will be a tight year financially, and asked for any ideas.

There was discussion regarding the Town Center project. Discussed roundabouts – less queuing shown with the traffic software; lights vs. roundabouts; and that the traffic study will give mixed reviews and results. There will be a meeting to discuss the study on Wednesday at 7:30 p.m.

Bob Markel announced a breakfast meeting with the United Chamber of Commerce and Norfolk County. This is an organization to facilitate businesses. They supply visionary services, and it is commerce minded.

The Notice of Intent on Old Populatic is going out the week of March 11.

At 10:30 p.m., Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 11, 2002.

R. William Perron, Clerk

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:08 p.m. Robert Markel read the agenda contents.

ACTION ITEMS

Joyce Terrio moved to allow the Garden Club permission to conduct two events on Town Hill, one on Saturday, May 11, 2002 from 8 a.m. to 2 p.m. for their Annual Plant Sale, and Saturday, June 22, 2002 from 8 a.m. to 2 p.m. for their Annual House and Garden Tour, using the gazebo for their herb garden, and to waive the security deposit for these events. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve the request of the Tom Daley Foundation to conduct a benefit road race on Sunday, April 21, 2002, beginning at 11 a.m. and following the route noted in their letter of February 6, 2002. Proceeds will be used to purchase a handicap accessible water cooler for the new Senior Center.

Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve a street opening permit for the Water Department to drill observation wells to design the proposed water main expansion project on Pond Street from Needham Street to Marshall Street and Sharon's Avenue. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve mileage reimbursement for town employees from 27 cents per mile, to 30 cents per mile, effective immediately. Bill Perron seconded, and it was **so voted**.

Bob Markel mentioned that the Board has been given copies of the bylaw changes from the Council on Aging. The Board has requested that Town Counsel check these changes for legal reasons. Jack McFeeley requested a copy of the current bylaws so he can see what changes are being proposed.

TOWN CENTER PROJECT

Present was Remo Vito, Highway Superintendent; Planning Board members Tony Fitzpatrick, Arthur Spruch, and Steven McClain; and Joseph Sebastiano, Road Safety Committee.

Butch Vito told the Board that he wanted to discuss the town center road reimprovement project. Butch Vito said that the design alternate they had picked they

had looked to send to the roundabout design. He had a meeting with the Board, which the Planning Board attended, and had some traffic studies and data done between that and single lane and the left lane.

Mr. Vito said what he wants to make the Boards aware of is that a couple weeks ago, the consulting engineers called and said they had upgrades to the traffic software package. It was an issue where the package actually shows that the lights with the single lane was now operating at a level of service that was acceptable. After we looked into it some more, and talked with the State, to try to find out why a traffic package is now telling us that a design we tried years ago is now adequate. We started to look at the study, and what we found evident was that although they both operate at a level of service that's acceptable, what you have to look at with the roundabout is the cueing.

The study seems to show that the roundabout has less cueing. The cueing is backing up the traffic. One of the issues Mr. Vito is concerned about with the light system is if the traffic backs up past Independence and Main, it is going to trigger another lighting system in the future. That seems to be the problem.

Butch Vito said he has already forwarded the design to the State for the roundabout, with the 10 year and 20 year information of the study, as the software has shown it. We have also given the same package to Bruce Campbell for the Planning Board to look at.

Mr. Vito said why he wants to talk about it is, during review, you are going to hear that the lights will work at a Level B, or Level C, which is adequate for the town center. But you probably won't hear that the cueing and the backup that the lights are going to cause, will cause problems at the grade crossing on Rockwood Road, and the intersection of Independence and Main Street. He just wanted to point that out to us so when the Board sees reviews, they will get mixed comments on how this package is working out.

Bill Perron asked that the cueing problem will come with the lights, and not the roundabout, correct? Butch Vito said correct. Bill Perron asked even with the three lanes? Butch Vito said no, the three lanes works all the way around. Butch Vito said that with the three lanes, as we talked about it, it comes into more takings, wider roads, aesthetics, etc. We are trying to keep the town center with a rural look, and not an urban look.

Butch Vito said the issue with the light, as opposed to the roundabout is that we had three options, one was a light with no left turn, two single lanes with no left turn. This was the smallest cross-section he could get with traffic configuration. Mr. Vito was told that they are having a problem with the new software package, and it may tell you things it didn't tell you before. Butch Vito reviewed information with the Boards on a handout he passed around to members.

Butch Vito said he is worried about Independence northbound, and Rockwood Road grade crossing southbound. Traffic will back up in these areas. These are the two critical areas. It will stack 11 cars during weekday morning peak, and the roundabout will stack 23 cars. If you look at the level of services, you will see that none of these levels failed. Butch Vito said he never got these kinds of results with the old software. With the single lane approach, they got failure. B & C are acceptable.

Jack McFeeley questioned if we are comparing apples with apples. He asked why if looking at the roundabout vs. signalized, why is the traffic flow different in both cases? Jack McFeeley questioned the capacity – level and service. Do both of these assume the same number of vehicles going through the intersection at the same flow rate and time? Butch Vito said yes. Jack McFeeley questioned movement.

Jack McFeeley still questioned the figures being contradictory. Steve McClain agreed with Jack McFeeley. He said if you look at the next set of numbers – signalized – that is the three lane approach. It has a movement capacity that is lower than the single lane approach. It doesn't make sense that it would have a lower movement capacity when it is a two lane roadway, than with a one lane.

Art Spruch said we are only getting half the information, and usually what comes along with this is the number of vehicles that are designed to flow through this intersection in a particular direction. That information isn't provided here. This is just identifying a flow rate and a movement capacity for that leg, based on that design, and is not related to the amount of actual vehicles going through that leg at that particular time.

In reviewing all this information and going through questions, Butch Vito said that the software is looking at two different things. The problem could be signalized software vs. roundabout software. The softwares are telling you levels, capacities and services. What they are trying to key in on is the whole design was brought forward when we started looking at levels of service with the signalized software of what we had before the upgrades came to it, it was showing failures. Now with the upgrade, it is not showing failures. Butch Vito said that cueing is going to be the problem, in looking at two different designs. On those two legs, it is critical. Jack McFeeley said that with one exception, the roundabout seems to be better on the cueing. Butch Vito said they are two different programs, and they really need to be brought together in order to compare them.

Butch Vito said that why he is bringing this to our attention is that this is the same study that will be reviewed through Bruce Campbell. When he brought this to the Board previously, they talked about levels of services from the old software. Now that there is new software, you will find the levels of service being adequate. He just wanted the Board to be aware of the difference. Cueing is very important, because it is going to trigger a light of independence. He doesn't want traffic backing up at the grade crossing across Rockwood Road, as we have a short stretch there. Cueing in this design has to be taken into consideration. Art Spruch said that even the roundabout has cueing problems on Union Street northbound. That is the worst case than if it were

signalized, so we are going to be trading off things as we go from one design to another. There is no perfect fit. We need to decide what we can tolerate and live with.

Steve McClain questioned the number of cars that could get into the roundabout at a time. The length of cue seemed awfully long. Tony Fitzpatrick questioned the takings necessary for the roundabout. Butch Vito said there are no takings. The Church was the only taking we needed to worry about.

COGLEY, UNITED CHAMBER OF COMMERCE GARY

Gary Cogley, President of the Tri-Center Region of the United Chamber of Commerce was present. He told the Board of Selectmen that he is currently visiting with each Board of Selectmen in the nine towns in the Regional United Chamber of Commerce. Mr. Cogley discussed economic development, and how it would impact the towns. He wants to know how our goals will affect the United Chamber of Commerce. He would like to offer their services to help us with any projects we are working on.

Gary Cogley invited the Board of Selectmen to attend a Town Administrator's breakfast meeting at Tri-County, and said that they would like Selectmen to benefit as well. Selectmen are invited quarterly, and Town Administrators attend monthly. The topic of this meeting will be budgets. He presented the Board with a handout on the Town of Franklin, and explained several similarities to the two towns. He gave the Board an innovation booklet as well.

Gary Cogley told the Board that the United Chamber of Commerce (UCC) is comprised mostly of smaller businesses. Larger businesses such as EMC, Putnam, etc., are only about 20%.

Mr. Cogley gave an overview of what the UCC offers, and what they represent. He said many of their infrastructure concerns are environment, transportation, energy, etc.

Bill Perron asked what his relationship with the Selectmen would be, and would they be involved with the businessmen? Mr. Cogley said yes, if they were members of the UCC.

Jack McFeeley told him we had an Economic Development Committee that did not work out. Now no one is eager to volunteer. How would you help us resurrect this committee? Mr. Cogley said we would need to create the vision, and work toward renewal.

Jack McFeeley thanked Mr. Cogley for coming this evening, and told him to keep us in mind, as we are always struggling to reach out to the businessmen in this community.

HIGHWAY SUPERINTENDENT UPDATES

Present was Remo Vito, Highway Superintendent. Mr. Vito gave the Board a status update on Old Populatic Road, and the sewer connection to the Town of Franklin.

In October/November, Norfolk was doing engineering, design, takings, notice of intent, etc. Franklin has sort of dropped the ball. Mr. Vito has kept constant tabs on the project through Mr. Fitzgerald, DPW Director in the Town of Franklin.

On March 11, they should be ready to submit to the Conservation Commission for a Notice of Intent.

He has been working with the DPW Director regarding costs. Butch Vito will put another article on the town meeting this Spring. Residents have all been notified that the cost of this could go up.

Butch Vito will discuss water with Jim Martin, Norfolk Water Superintendent. They are looking at a water grant. Franklin got their grant. We may pursue one.

It was noted that Janet McLaren, of Old Populatic Road, was afraid we're missing the boat. Mr. Vito said he was nervous too, but after talking with Franklin, the engineer assured him we aren't past the timeline.

BUDGET OVERVIEW

Jonathan Smith, Chairman of the Advisory Board, was present.

Jack McFeeley noted a problem with the Fire Department budget. Bill Perron will check this out with Chief Kelley.

Jack McFeeley stated that we are in a recession and the state revenues are low. The local receipts seem okay. Jack McFeeley would like some short term fixes. He does not want to see long term like layoffs.

Jack McFeeley said they should take \$180,000 for prison mitigation funds to offset. Perhaps use \$300,000 for capital from the Stabilization Fund. He questioned tax title monies. Free Cash could be a source of revenue.

Jonathan Smith agreed, and said that they are looking at all sources of revenue, as they feel that this is a revenue problem.

ACCEPTANCE OF MINUTES

Bill Perron moved to accept the minutes of December 3, 2001, and December 18, 2001, as modified. Joyce Terrio seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel reported that two members of the Capital Outlay Committee have resigned, due to time constraints on a personal level. The two members are Bill Sharkey and Kim Williams.

Bill Perron moved to purchase the security camera system from ADT as an outright purchase in the amount of \$18,738.00. Joyce Terrio seconded, and it was **so voted**.

At 10:31 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 25, 2002.

R. William Perron, Clerk

Regular Meeting

March 11, 2002

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:03 p.m. Bob Markel read the agenda contents.

OLD POPULATIC ROAD ISSUE

Present was Remo R. Vito, Highway Superintendent, as well as interested residents of Old Populatic Road.

Jack McFeeley said that residents were present tonight to hear an update on the sewer project with the Town of Franklin. He asked Mr. Vito to come forward.

Butch Vito discussed with the Board where the project is to date.

Janet McLaren told the Board that she was told by Mr. Nutting, Franklin Town Administrator, that the contractor will be out by April. Mr. Vito said he was not told that.

Jack McFeeley said that he had already spoken with Mr. Vito. Jack McFeeley told the residents that just because Franklin said the contractors will be gone, doesn't mean we won't fulfill the agreement by bringing in our own people and complete the job.

Ann Fletcher offered the residents assistance for anything they need to get done. She said they will go to Franklin and try to work with the officials there to get a contract. Butch Vito thanked them, but said he would prefer that the residents deal with him, and stay away from Franklin. Mr. Vito told them that he could use help in determining which residents are involved, and which aren't. Ann Fletcher said they could do that, and would be more than happy to help him.

Butch Vito said he will talk to the contractor, Pacella, and will try to get a date from them. He would assume June.

Janet McLaren questioned the assessment for Norfolk being higher than Franklin. Jack McFeeley agreed saying that with the grant, he questioned the assessment figure as well. That will be looked into as well.

BOARD OF HEALTH – NON-BINDING REFERENDUM QUESTION

Present were Board of Health members Thomas Gilbert, John Lavin, and Peter Chipman. Also present was their Administrative Assistant Betsy Fijol.

The Board of Health members were present tonight to discuss a non-binding referendum question which they wanted to put on the ballot for election to give the residents the opportunity to decide whether they wanted no smoking in all restaurants. The Board of Selectmen had decided not to allow the question on the ballot.

Tom Gilbert told the Board that this has been ongoing. It is a joint effort with surrounding towns. Peter Chipman said that it is a health risk that they are addressing. John Lavin said that they have already had all the restaurateurs in town in, so they have been kept abreast of the Board's decisions from the beginning. Mr. Lavin said that their (the restaurateurs) only request seems to be that they don't want Norfolk to go alone. If that happens, they will lose business.

Jack McFeeley asked what year were the restaurants required to renovate to a no smoking section? Tom Gilbert said it was around 1991 or 1992.

Board of Health members said that most restaurants are becoming no smoking completely. They also argued that the carcinogens in the smoke are harmful to the staff and bartenders, as well. The members pointed out reasons they felt restaurants should be completely smoke free, and said that most towns are heading that way.

Tom Gilbert said that they wanted this question on the ballot to sort of get an idea of how the residents felt about this question. Jack McFeeley said that he feels that we're talking about Norfolk. We know the answer already. We are a smoke free group.

Bill Perron said he is in agreement it should be passed. His only argument is that it be done with other towns, so no one loses. Bill Perron doesn't want to put these businesses out of business. Wrentham and Foxboro would have to go at the same time that we did. The Board of Health has an obligation to pass this.

Joyce Terrio said that they are charged with the health and well-being of the residents in town. However, she does not agree with this one. She said that most questions on the ballot affect the taxpayers directly. This one doesn't. They now have a choice of going to a restaurant where people smoke, or where they don't. She is not in favor of this. She feels the townspeople already have a choice, and won't support the question.

Jack McFeeley told the Board of Health that he is with them on this one. His mother and brother both died of cancer, and he is 100% against smoking. He agrees completely, but said that he is not the one the Board of Health needs to convince. They need to convince the other two members.

Bill Perron moved to see if the Board of Selectmen will approve putting on the ballot, a non-binding referendum question as follows: "do you want all indoor public places (i.e. stores, restaurants, sporting arenas, municipal buildings, schools) in the Town of Norfolk to be tobacco smoke-free?" Joyce Terrio seconded for further discussion. Bill Perron wanted to know how soon the warrant needed to go to Town Counsel? Bob Markel told him the warrant is closed, and George Hall already has the warrant articles. Peter Chipman asked if the warrant can be re-opened? The Board was not in favor of this. The vote was: Jack McFeeley, **aye**; Bill Perron and Joyce Terrio, **no**. It was not a vote.

ACTION ITEMS

Joyce Terrio moved to approve the summer concerts for Recreation Commission per their letter of February 21, 2002. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to approve the request of Norfolk Baseball Association for a Common Victualler permit for their two concession stands located at 70 Boardman Street from April 20, 2002 through August 17, 2002. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to grant a parade permit to the Norfolk Baseball Association for their annual Little League parade to be held on Saturday, April 20, 2002, beginning at 12 noon, with a rain date of April 21, 2002. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to allow the Norfolk Federated Church permission to hold their annual Easter Sunrise Service on Town Hill on March 31, 2002 from 6:00 a.m. to 6:45 a.m. Bill Perron seconded, and it was **so voted**.

COUNCIL ON AGING

Richard Connors was spokesperson for the Council on Aging. They have asked the Board permission to cover more hours for their driver. They are overwhelmed by the amount of seniors using the facility since it has opened, and they hate to turn away people because they don't have transportation. Their programs have increased, and they need more hours for the driver.

Joyce Terrio moved to support the Council on Aging's request to go before the Advisory Board for a Reserve Fund Transfer in the amount of \$2,129.60. Bill Perron seconded, and it was **so voted**.

ACTION ITEMS (continued)

Bill Perron moved to waive the \$30 fee for a plumbing permit to have a new sink installed at the old Town Hall by the Recreation Department. Joyce Terrio seconded, and it was **so voted**.

Bill Perron moved to allow Norfolk Arena, One Dean Street, to have 3 coin operated arcade machines for one year, and an additional five coin operated arcade machines until May, 2002, contingent on the vote of town meeting to change our bylaw governing these machines. Joyce Terrio seconded, and it was **so voted**.

BOSTON EDISON/VERIZON JOINT POLE HEARING

Present was William T. Dorgan, Engineer, representing Verizon.

Mr. Dorgan told the Board that they were installing 3 poles along Holbrook Street. The poles will be three to four feet off the road.

Joyce Terrio moved to allow the joint petition of Boston Edison/Verizon to install three poles along Holbrook Street. Bill Perron seconded, and it was **so voted**.

Speaking on the subject of the budget, Jack McFeeley said he would like to see \$200,000 worth of tax title properties disposed of before town meeting. He would like a proposal from the Treasurer/Collector prior to April 8th, asking for buildable and non-buildable parcels, not just an address. He suggested that we have Jane Lepardo in on April 8th to discuss these with us.

Jack McFeeley also noted that on one of the Personnel Board articles, he would like to see a secondary evaluator named for many of the positions under the Board of Selectmen.

TOWN ADMINISTRATOR REPORT

Bob Markel explained to the Board that we are changing over our telephone system this Thursday to Verizon, from CTC Communications. It will cost \$12.50 per line, which will be a \$10 per line, per month savings.

Mr. Markel also told the Board that he suggests a voice answering system for Town Hall, and has discussed this at a department meeting.

Bob Markel told the Board that a storage/space committee has been formed to look at the space needs of the Town Hall.

Mr. Markel mentioned to the Board that representatives of Primarily Care had met with him and Jack McFeeley regarding health insurance issues.

Bob Markel said that the Town Clerk questioned any ballot question involving refunding of old bond issues? Approximately \$73,000. Involves voter approval. Jack McFeeley said they discussed this as the Capital Outlay Committee and pursued instead of every year for \$70,000, do it every three years for \$250,000.

At 10:43 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 11, 2002.

R. William Perron, Clerk

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:07 p.m. Bob Markel read the agenda contents.

REPRESENTATIVE SCOTT BROWN

Rep. Scott Brown informed the Board that the area had a redistricting, and he still has Norfolk. He said the King Philip Junior High project appears to be approved, and it seems construction will start on time.

Rep. Brown discussed the State budget cuts. The budget picture has definitely changed, and there is 1.7-3.2 billion state deficit. The state officials are all furloughing eight days of salary – same as the Judges, etc. Chapters 70, 90, and Human Services need to be funded.

Rep. Brown asked the Board for a wish list. He said the Town Administrator's are providing him with a wish list of what you would like. He suggested that the Board considers furloughs, early retirement, any such option to help the budget crunch. Rep. Brown told the Board he does not feel that September 11th caused the whole downfall. We were part of a recession before that.

Rep. Scott Brown thanked everyone for their help in the successful awarding of the Senior Center grant. He suggests the Board keep considering grant funds to offset our funding issues.

Rep. Brown told the Board that many towns are postponing any budget issues until the Fall. By then, we should be stable as far as budget numbers. He suggested we check with Millis and Walpole to see how they are doing it. Jack McFeeley asked when will we know when the funding crisis is over?

Rep. Brown said anything cut will hopefully be backfilled in the Fall.

Bob Markel told Rep. Brown that he is interested in local aid. Rep. Brown will call the office by the end of the week with the figures.

Rep. Brown then said he would like to discuss prison mitigation funds. Bill Perron recused himself from the discussion as he is affiliated with the Department of Corrections.

Rep. Brown said he was not advised of the cuts of the prison mitigation funds until Robert Markel called him, and we faxed him a copy of the letter we received from the

Department of Corrections. Rep. Brown was upset to think that the Governor's Office did not inform the Representatives and Senators.

He contacted the other towns, and their representatives, as well as representatives in Administration & Finance to try to force the issue, to see if the Governor would give us the funding. Rep. Brown would like the money earmarked for these communities. If not, he would like to recover the monies from next year – double the allotment. He said he is working steadily on this; as early as next week. Rep. Brown said he'll cut their budget in half, and it will force the issue.

Jack McFeeley noted that prison mitigation funds are used in Norfolk for capital expenditures, and some of it has been committed. Some purchases have been made assuming the funds would arrive in good faith.

Joyce Terrio told Rep. Brown that she is concerned about the State closing area facilities, and will that impact Norfolk? She is concerned about more inmates coming our way, and no funding. Rep. Brown said he has the same concerns, and plans to address them.

Robert Markel provided Rep. Brown with information detailing the services provided to all three facilities from the Norfolk Fire Department. Although Chief Stone of the Police Department has been out with an injury, Marian Harrington did speak with him today and provided Rep. Brown with a list of services the Norfolk Police Department also provides.

GEORGE HALL, TOWN COUNSEL

At 7:45 p.m., Joyce Terrio moved to go into executive session to discuss pending litigation. Bill Perron seconded, and it was a roll call vote: Jack McFeeley, **aye**; Bill Perron, **aye**; and Joyce Terrio, **aye**. The Board will return to open session.

The Board returned to open session at 8:27 p.m.

ADVISORY BOARD ARTICLE DISCUSSION

Jonathan Smith, Chairman of the Advisory Board, represented the Board as spokesperson. Also present was Ted Cannon, Norm Gentry, Jim Ward, Glen Beernink, and Graham Sterling.

Jonathan Smith said that, after reviewing in detail with Moderator Frank Gross, he suggests the following:

- That all articles pertaining to revolving funds be put into one article.
- Have the articles sponsored by the board or committee, not by individuals such as the Fire Chief.

- Funding sources and personnel articles should be on the warrant ahead of the omnibus.

Jonathan Smith said they would like to see article 6-3 be to have the ambulance funds be part of the Fire Department budget, so they can be used as they want. It has been a separate account – money in, money out.

Jack McFeeley said that this seems to be the whim of the boards at the time. He doesn't care how it happens.

Article 6-4 to amend the Community Preservation Act (CPA) by changing the tax surcharge from 3% to one half of one percent (0.5%). Jonathan Smith said they put this in to hold a spot on the warrant. The purpose of this article is to make funds more flexible for use for funding.

Jack McFeeley said that \$251,000 was collected for CPA in FY'02.

Norm Gentry said that he feels that this article should appear every year. The taxpayers should be able to make the choice every year.

Bill Perron agrees it should go on every year. Jonathan Smith said that the matching contribution comes from the State. He hopes the funds are diverted somewhere else. Jack McFeeley said he is very upset over the discussion on this. It was voted by over 1500 people at an election. They were educated, and knew what they were voting.

Jack McFeeley asked the Advisory Board members if they are going to speak on behalf of their own article on Town Meeting floor? He did not feel that was appropriate. Or who should? Jack McFeeley kept arguing the point. He was disappointed this came from the Advisory Board.

Mr. McFeeley said all they are doing is shifting taxes away from the higher end people to the lower end people. They may vote down the override because of the CPA. Jack McFeeley said the CPA funds can be used for open land, restoring historic places, put in a facility building at the Recreation site, repair the Gazebo, repair the old Town Hall, etc. He did not think it was the direction of the Advisory Board to take away a program before it even gets off the ground. This is a distraction. It still has to be voted on in November, long after the budget is done.

Norm Gentry said that he took this too personally, and read more into this than they meant. They took the bull by the horns and if someone else had put it on the warrant, then the Advisory Board wouldn't have. But no one did.

Jack McFeeley asked him if they are willing to take the percentage out? Norm Gentry said sure. The voters need to have a say.

Ted Cannon said they have to take a position on every article before them. They are looking for an override because they feel it is necessary.

Jim Ward disagrees with the figures. They put CPA out only to put as many options out there on the table.

Joyce Terrio asked how their figures can be so different? How can the Advisory Board and Selectmen be so far apart? Town Meeting is around the corner, and we better come to some similar consensus fast.

Bob Markel said that he thinks everyone is looking at the same figures, only the Advisory Board and the Selectmen are looking at different ways.

George Cronin, KP School Committee Chairman was present. He told the Board that he feels that King Philip is taking a hard hit. He doesn't feel that there is a fair situation that KP takes 2%, while the elementary schools take 5%. George Cronin said this isn't fair. He is talking education budgets only.

Jack McFeeley said that when King Philip was discussed, we had no budget in for King Philip. The KP budget was very late in arriving.

Discussion ensued about the education budgets.

Jonathan Smith asked the Board what they wanted the Advisory Board to do about Reserve Fund Transfers that the Selectmen submitted. Do we still want them to go through? The Board of Selectmen said they will be put on hold at this time, for further discussion.

PERSONNEL BOARD ARTICLE DISCUSSION

Present was David Wildman and Larry Corcoran, Chairman of the Personnel Board.

The Board of Selectmen reviewed in detail all the Personnel Board articles submitted for the town meeting warrant.

The two Boards discussed the Compensation Schedule, Classification Schedule, Anniversary Dates and exempt positions. They also discussed new hires not being hired up to a step 3 by the employer, as is presently the case. Jack McFeeley told the members that he would like to see employees under the Board of Selectmen's jurisdiction have a second evaluator. He pointed out on the list, many employees who have no second evaluator. The Compensation Article will be broken down into two separate articles. Larry Corcoran said his office would electronically send this to Mr. Markel.

Dave Wildman said their study also looked at health insurance. We are still at 55%, and are at least 5% lower than many, many towns. We should look at this, although this year is not the time to do it. On the other hand, Dave Wildman said that our

longevity program is about 200% higher than most towns. So we need to look at that, as well.

TOWN MEETING ARTICLES

The Board quickly reviewed the articles on town meeting warrant, to see if they should remain on.

Article 6-4 of the Advisory Board should delete the percentage.

Delete the two Fire Department articles relating to a new Fire Station.

To see if the Town will vote to allow the Board to contract with an outside vendor with respect to the ambulance. Bob Markel will check with Town Counsel to see if we even need an article.

ACTION ITEMS

Joyce Terrio moved to allow the Norfolk Community League permission to place a sandwich board sign at Boardman St. and Rockwood Road corner, and the town center by Daley's Service Station to advertise their Nearly New Consignment Event, and their Easter Bunny Breakfast. Bill Perron seconded for discussion purposes. Joyce Terrio said that only one sign can be in one spot at a time. Therefore, the Easter Bunny Breakfast sign would need to come down before the Nearly New sign can go up. It was **so voted**.

Joyce Terrio discussed a letter from Remo Vito asking for a fee increase of the stickers for the Transfer Station/Recycling. He asked that bag stickers be raised ten cents, from \$1.90 to \$2.00, and a \$5 increase on the vehicle decals from \$40 to \$45, and remain \$35 for senior citizens. Joyce Terrio said she was not convinced that they need to increase fees every single year. She said this is like the third time in 3 years that he is raising fees. Bill Perron moved to approve the fee increases. Jack McFeeley seconded the motion. The vote was two **no**; and one **abstain**. Bob Markel will ask Butch Vito for more information, such as how much will the increases bring in, and how is this affecting the budget?

ACCEPTANCE OF MINUTES

Bill Perron moved to accept the minutes of January 7, 2002; January 14, 2002; and January 28, 2002. Joyce Terrio seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel reported that the tax title parcels were looked at by Debbie Robbins, Chief Assessor, and Jane Lepardo, Treasurer/Collector. We are hoping to be on target for an auction the first week of May.

Joyce Terrio moved to designate Jane Lepardo as Tax Title Custodian. Bill Perron seconded, and it was **so voted**.

Bob Markel reported that he is representing the Board of Selectmen at teacher negotiations. Bob Markel said they had to go through training to do this, which he attended. They will meet twice a week until April sometime. Bob Markel gave the Board an email on cost of fees with MIIA for health insurance.

Bob Markel relayed information to the Board regarding House Bill #4591 – Early Retirement.

Bill Perron moved to put the following restrictions in place for **all** departments to help the bleak financial picture: Municipal departments, boards and committees should halt expenditures for the following areas: hiring, overtime and any hours over the normally scheduled work week, accumulation of compensation time, all discretionary operating expenses, all capital purchases not legally contracted or encumbered, encumbering of funds at year's end, out-of-state travel and all conferences, all local travel unless specifically authorized by the Town Administrator, and requests to the Advisory Board for a reserve fund transfer must reflect an emergency need. Joyce Terrio seconded, and it was **so voted**.

At 11:50 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 25, 2002.

R. William Perron, Clerk

Regular Meeting

April 8, 2002

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:07 p.m. Robert Markel read the agenda items.

RECREATION COMMISSION – SKATEBOARD PARK

Present was Noelle Tonelli and David Pimental, Recreation Commission members.

Noelle Tonelli stated that they want to discuss considering a skateboard park at the Pond Street facility. They had constructed a volleyball court at the site. They are, however, finding that there is little to no interest in volleyball. They would like to turn the volleyball court into a skateboard park. The Recreation Commission hasn't voted this yet, but wanted the approval of the Board of Selectmen before going to the Planning Board.

Joyce Terrio stated that she would like a poll, or straw vote from their board. Joyce Terrio said she was a member of the Recreation Commission when it was approved at town meeting years ago. She wants to be sure the whole board is in favor of this. Bill Perron asked where the retention ponds were on the property. David Pimental pointed them out on a plan.

Joyce Terrio said personally, she doesn't have a problem with this, but still want a vote of the Recreation Commission members. She would like a fence between the basketball court and this area. David Pimental stated the fencing will go onto all corners, so it should take care of safety concerns.

Bill Perron said he agrees it would get more use as a skateboard park than a volleyball court. Jack McFeeley also indicated his approval to change the use.

Noelle Tonelli said they would like to see a call box installed for emergency use.

VERIZON/NSTAR POLE HEARING

Present was Christopher Parella, representative of Verizon, and Bill and Debra Hewitt.

Jack McFeeley opened the hearing at 7:15 p.m. Mr. Parella explained to the Board that this petition is to place a new pole #5 on Priscilla Avenue, approximately 112' south of existing pole #7. The old pole #5 would be removed.

Mr. Parella stated that an abutter wanted the pole removed because they are going underground. The pole needed to be on the other side of the road, per the Planning Board.

Bill Perron moved to approve the petition of Verizon to install a new pole #5 on Priscilla Avenue as discussed, and remove the old pole #5. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley closed the hearing at 7:30 p.m.

JANE LEPARDO, TREASURER/COLLECTOR & TAX TITLE CUSTODIAN

Jane Lepardo was present to discuss the upcoming tax title auction. Jane Lepardo told the Board that she presently has scheduled the auction for May 8, 2002, at 11 a.m. She currently has 34 parcels from 23 different groups. She will request non-refundable deposits. Ms. Lepardo stated that she will be using a professional auctioneer.

Jane Lepardo told the Board that she has prepared a list of all properties that will be available for sale. The list will be posted on the website, and is available to anyone who asks for it.

Jane Lepardo said that she requested copies of letters of interest from the Selectmen's Office to be sure that she contacted everyone who indicated an interest in a certain parcel or parcels.

Jane Lepardo mentioned many departments who have given tremendous effort to helping her get through the many parcels. She expressed sincere thanks to everyone who has assisted her.

Jane Lepardo told the Board that she and Debbie Robbins walked each and every parcel. She makes no guarantees. They have 30 days to pay, with a non-refundable deposit (unless we can't give a dear title). She stressed that the people themselves need to do their homework and know what they are buying.

Bill Perron told Jane Lepardo that he has been requesting a copy of the parcel list for quite a while. Jane Lepardo said that he has never come to her with this request. This is the first time she heard of it. She told Mr. Perron that he can always come to her for information or questions.

Jack McFeeley questioned parcels together. Are they worth selling together, or separately?

Bill Perron asked why acreage wasn't on the spreadsheet. Jane Lepardo said she didn't see the need to include that. She said that the public has to do their homework, and the information is available to them.

Joyce Terrio stressed buyer beware, and why people should check out these parcels themselves, and look at them, and know what they are buying. They shouldn't just rely on town departments and the information they receive.

Jack McFeeley asked if we would be better off to give the public more time to research these properties? Would we benefit better by holding off on the auction for several weeks?

Jane Lepardo said she doesn't think it will make a difference.

Jack McFeeley said he felt it would be more important to maximize the collection rather than try to do it by town meeting.

Bill Perron agreed that he is concerned that we aren't giving people enough time to research and get the funding. Feels people need more time.

Jack McFeeley asked Jane Lepardo to ask the tax title attorney and auctioneer if there would be a more optimum time to do this?

Joyce Terrio said she doesn't want to see any postponement. People have plenty of time to go after what they are already aware of. This is what we asked for as a date, and Jane Lepardo and others have worked extremely hard to do what we have asked. We gave them a short time frame, and they have spent a considerable amount of time on this, and we should not push the date out at this point in time, but go forward.

Jack McFeeley said he would still like to ask the question, and get an answer.

Lori Hurley, Miller Street asked what happens if someone has been waiting a long time to purchase a particular parcel, and you group it together. What if they can't afford to purchase all the parcels, but could afford just the one?

Bill Perron insisted that the acreage be listed on the sheet. Bob Markel said he would include the acreage.

Joyce Terrio moved to release the list of properties to the public. Jack McFeeley seconded, and it was **so voted**.

ACTION ITEMS

Joyce Terrio moved to allow the opening of town streets as of April 15, 2002. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to approve the road race for the Norfolk Community League for June 8, 2002, for Norfolk Community Day for 150 runners, per route submitted. Bill Perron seconded, and it was **so voted**.

Bill Perron moved to allow the Friends of the Council on Aging permission to have a coffee bar with refreshments at the Annual Town Meeting on May 14th and any adjournments thereof. Joyce Terrio seconded for discussion purposes. Joyce Terrio would like it contingent upon any other group interested in doing this to come forward before our next meeting. Jack McFeeley and Bill Perron said we do this at every meeting, and no one ever comes forward. It was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel told the Board that he will be conducting a three month evaluation of late Thursday hours. So far we have had one person come forward who doesn't feel it is working. He will poll the rest of the Boards at the next departmental meeting.

Bob Markel reported that the town meeting warrant is all set except that Town Counsel is working on the revolving funds article.

Bob Markel discussed the budget shortfall. He will meet with the department heads and managers to see how we can save. He discussed the freeze with the Board. That will also be discussed at the department meeting. Dr. Markel said he hopes to finish this year without a deficit.

Bob Markel said he had heard from representatives who want to get all the cities and towns to "gang up" on the Governor and Department of Corrections Commissioner relative to the prison mitigation funding. Dr. Markel said he needs to hear further how this will be coordinated. Reps have organized this themselves, and asked him if he would like to attend.

Bill Perron recused himself from this discussion because of his affiliation with the Department of Correction.

Jack McFeeley said that he feels the Governor is a lame duck. He isn't sure if it will do any good, but let's try. Joyce Terrio absolutely agrees to do whatever will help bring back our FY'03 funds. Bob Markel said that Rep. Brown has followed through and is keeping us informed.

Bill Perron, speaking as a citizen, said that the Shirley Board of Selectmen is trying to get a meeting with the Governor to represent all ten communities. Mr. Perron feels that all ten communities with the representatives and senators will make a huge impact. Jack McFeeley told Bob Markel to call the Town of Shirley and tell them we're on board.

Bob Markel reported that the new security camera based system is being installed here in town hall. It hooks into the Police Department, and will be completed soon. This will make all employees feel much safer.

Jack McFeeley would like to review policies. Many are outdated, and need revision. He would like to write a policy on building use (people being in buildings alone). He asked Bob Markel to put this as a future agenda item.

Bob Markel told the Board that Chapter 90 funds will pay for street maintenance that will be performed this summer.

OLD/NEW BUSINESS

Joyce Terrio noted a letter from a resident who wants to voice no smoking in restaurants. A copy of this letter will be forwarded to the Board of Health.

Bill Perron noted that the electricity has been out on Cleveland Street again. Joyce Terrio knew that the representatives were out, and couldn't find the problem. Jack McFeeley asked that Barry Salvucci of NSTAR be invited in to discuss this problem.

Jack McFeeley, in response to a memo from Butch Vito, replied that he does still want the signs installed at Fore Kicks.

It was discussed that Delia O'Connor, President of Caritas Norwood Hospital, is talking of reducing the paramedic service. She is not talking about eliminating the service, but cutting back.

Delia O'Connor sent a letter to the Board looking for individuals interested in being on their Board of Directors. Names and resumes should be submitted by April 26th.

Jack McFeeley commended the Building Commissioner, Bob Bullock, for his efforts in notifying businesses that internally illuminated signs are illegal.

Jack McFeeley asked Bob Markel to speak to new growth. Bob Markel said that there is not much evidence of a slow down in construction. 31 permits were issued in the Building Department last year. Already this year, they have issued 19 permits. Debbie Robbins, Chief Assessor, may modify the new growth figure in the budget. We hope to have a figure from the Assessors by the end of the week.

Bob Markel reminded everyone that there will be a budget meeting in McBride Auditorium on Monday, April 29th at 7:30 p.m. Also, there will be a mock town meeting on May 6th will all necessary individuals.

BUDGET DISCUSSION

Bob Markel said that all department have been advised that the Capital Outlay Committee wants to meet with them to let them know what the figure means. Jack McFeeley said that the Board of Selectmen members need to get their comments in before Thursday.

Jack McFeeley said that the Advisory Board wanted all purchases, with the exception of police cruisers, deferred to the Fall. Jack McFeeley doesn't know if that will make a difference. Jack McFeeley said that Susan Gagner was also instructed to do three different budgets.

Bob Markel said he attended the Advisory Board meeting until 10 p.m. If the school spending was implemented, there will be a \$240,000 cut. The Advisory Board would propose the cuts be made against the Board of Selectmen appointed boards. This will be discussed Thursday evening. If revenues changed for the better, we could come in with a supplemental budget in the Fall. Dr. Markel said he hates to ask Town Meeting to spend money we don't have.

Bob Markel said the worst case scenario would be that town employees will do furloughs. He would suggest postponing them until after Thanksgiving, to see how the revenue picture looks by then.

Jack McFeeley said that on the municipal side, they are trying not to lose personnel. Hopefully, furloughs won't need to happen. The override is on the bottom of his list. Joyce Terrio agreed with no override. Layoffs will hopefully not happen, and furloughs are the best choice because it saves jobs. Joyce Terrio said that the Board of Selectmen and Advisory Board need to get a united front before Town Meeting, and it better happen soon.

Bill Perron agreed with holding off the furloughs until November, to see if the State Aid picture changes. Bob Markel said the Advisory Board was very much in favor of an override, and even suggested \$500,000 to \$600,000.

Jack McFeeley said the Community Preservation Act isn't on his list at all.

Jack McFeeley discussed the fees for the transfer station. The Board will have Butch Vito in to discuss his proposal.

Jack McFeeley questioned the cover for the annual town report. He still would like something like a flag with maybe the twin towers in the background? He would like wording to reflect in remembrance – 2001. Or possibly a fireman profile with a flag.

At 9:26 p.m., being no further business, Joyce Terrio moved to adjourn. Bill Perron seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of April 8, 2002.

R. William Perron, Clerk

Regular Meeting

April 22, 2002

Present was John J. McFeeley, Joyce Terrio, and Robert T. Markel, Town Administrator. R. William Perron was absent.

Jack McFeeley called the meeting to order at 7:00 p.m. Bob Markel read the agenda contents.

SUSAN GAGNER – HEALTH INSURANCE

Susan Gagner, Finance Director was present to discuss health insurance options with the Board. She said that MIIA, who we are currently with, has offered the co-pay to go from \$5 to \$10, and the emergency room co-pay to go from \$10 to \$15. This would result in a 13.6% increase, vs. a 16.6% increase if we keep the same co-pay. This would be effective July 1, 2002 through June 30, 2003. She explained to the Board the town share vs. the employee share.

Susan Gagner feels employees would like the 13.6% increase. But she hasn't asked anyone, and will call a meeting of the Insurance Advisory Committee to see how they feel. She will get back to the Board. Open enrollment is in May, so it needs to be done quickly.

On another matter, the Board reviewed with Susan Gagner where the budget is right now.

Bob Markel announced that there would be a public meeting regarding the budget for any interested citizens on April 29th at 7:30 p.m. in MacBride Auditorium.

NORFOLK WINE & BEER LIQUOR LICENSE TRANSFER HEARING

Robert Watkins, owner of Norfolk Wine & Beer, and Paul Silvestri, of Bellingham present.

Jack McFeeley called the meeting to order at 7:30 p.m. Bob Markel read the public hearing notice. Jack McFeeley asked Rob Watkins what exactly they are seeking from the Board of Selectmen tonight.

Rob Watkins told the Board that he is selling the business to Paul Silvestri, who will call the business Norfolk Fine Wine & Spirits. Mr. Watkins stated that he would like to transfer the license from one corporation to another corporation.

Jack McFeeley asked Mr. Silvestri if he intended to keep the store the same?

Paul Silvestri said yes, and he has already up scaled the business. He wants to update and educate people on fine wines. Mr. Silvestri said that his parents owned a liquor store in Walpole, and he worked there for years. He has been in the liquor business for over 20 years, working for a distributor of wines, and worked in Rob Watkins' Sherborn store for over five years. Mr. Silvestri said he does not own any other store, nor does his corporation own any other store.

Jack McFeeley stated to Rob Watkins that he looked for a wine and beer license years ago. Then came before us recently for a full liquor license. Rob Watkins stated that is correct. Jack McFeeley then asked Paul Silvestri if he would strive more toward wine, or liquor? Paul Silvestri said he would like to have the emphasis on fine wines. The liquor will be a convenience to the public.

Joyce Terrio asked Mr. Silvestri if he was familiar with Norfolk, this Board of Selectmen, and our position of holder of liquor licenses? Paul Silvestri said he would make sure all patrons have identification, and make sure they haven't already been drinking if they come in to purchase liquor of any type.

Joyce Terrio asked Paul Silvestri if he was aware of the Board's zero tolerance policy? Paul Silvestri said yes. Joyce Terrio noted on his application, that Mr. Silvestri had been arrested for OUI and asked for details. Paul Silvestri said he was in college, and was pulled over. He said it was over 11 years ago. Joyce Terrio asked Mr. Watkins when he decided to sell his store to Mr. Silvestri, and why? Rob Watkins answered that it was approximately January. He needed someone who could handle full liquor, and had experience. Paul Silvestri had come to him and asked to buy the store.

Jack McFeeley noted information on the application that was missing, and asked Mr. Silvestri to complete the application, which he did.

Jack McFeeley asked Paul Silvestri if he would personally run the store? Paul Silvestri said that 85% of the time, yes. Other employees will do the other 15%. He will train staff on fine wines and zero tolerance, which is his first priority. Paul Silvestri said he

would be sending in private people himself to check on his employees. There is too much responsibility involved to fool around.

Joyce Terrio asked if he would keep the same store hours? Paul Silvestri said the store now opens at 10:30. He may open at 10, just to make it more convenient for deliveries. Monday thru Wednesday he will close at 9 p.m., and Thursday, Friday, and Saturday he will close at 10 p.m.

Joyce Terrio said that we have asked for a police investigation for a general check, and that has not arrived yet. Jack McFeeley said because it hasn't arrived yet, we need to check with Chief Stone. The Board explained that it is an informal check done by our department. It is very prompt.

Rob Watkins asked if this is in conjunction with the investigation done by the State? Jack McFeeley stated no, it is done informally by Norfolk Police.

Joyce Terrio moved to close this hearing. Jack McFeeley seconded, and it was **so voted**.

REMO R. VITO – MISCELLANEOUS HIGHWAY ITEMS

Present was Remo R. Vito, Highway Superintendent.

Jack McFeeley questioned the road work being done on Rt. 115 heading toward the Lafayette House. Butch Vito stated that this is the State doing water mains for the stadium. Jack McFeeley said it looked like they were opening and closing the road on our side. Butch Vito agreed stating that he sent his men down there because they were using our Veterans' Memorial for staging. He ended up speaking with the State Police to get them to stop using the memorial. Butch Vito said no notification came through that the road would be closed, nor did they ask for permission to cut the road. Norfolk received no information. Butch Vito said he would look into it, and let us know.

Jack McFeeley said that transfer station fees needed to be discussed. Joyce Terrio said that the fees were increased last year, and felt that it was inappropriate to increase fees again this year.

Butch Vito stated this was because the Board wanted the transfer station to be self-sufficient. The only way it can be successful is by the residents who are the fee payers. Butch Vito said the solid waste carrier increases us by 5% every year. We have to recoup that somehow, and it results in a fee increase.

Joyce Terrio moved to approve the Highway Superintendent's request to increase 10 cents on a bag sticker, from \$1.90 to \$2.00, and \$5 on a vehicle decal from \$40 to \$45, with senior citizen rates remaining at \$35. Jack McFeeley seconded, and it was **so voted**.

The Board discussed the request by Boy Scout Troop 80 to put a 20' storage container on Highway Department property. Joyce Terrio asked how this will impact him, and what are his thoughts?

Butch Vito said he has the room, as long as it doesn't impact residential use. He talked with Bob Markel about liability issues. They were concerned about vandalism, etc. Mr. Markel suggested a hold harmless agreement with the Boy Scouts so there will be no liability against the Town.

Jack McFeeley questioned security. Butch Vito said it would be behind a fenced in area that will be locked. The container will be locked as well. Jack McFeeley suggested that Butch Vito have a key and make periodic inspections.

Butch Vito suggested as well that the Fire Chief should inspect the container in the event it needs ventilation, since they plan to store small amounts of propane for stoves and what not. He wants to be sure it isn't hazardous or volatile.

Butch Vito will draft up a list of conditions to go along with a letter of acceptance for the Boy Scouts.

PUBLIC HEARING – BERKSHIRE & HAMPTON ROAD

Bob Markel stated that a public hearing was now being held for the layout of Berkshire Road and Hampton Road, under MGL Chapter 82. This is the request of the Planning Board.

Jack McFeeley opened the hearing at 8:15 p.m. He stated that all abutters were notified by certified mail.

Art Spruch, Planning Board was in attendance. Art Spruch said that their consultant did one last look, and there are some tree and seeding issues. Art Spruch said he would recommend the Board sign the plan, and the Planning Board can always hold funds in the event the tree issue doesn't get resolved. He is not concerned about it as the developer is dependable. He said that he and his Board are in agreement.

Jack McFeeley asked if the street light article passed at the Fall Town Meeting affects this? Art Spruch said no.

Joyce Terrio moved to accept as a public road, the present location of a way known as Hampton Road from Park Street to Berkshire Street, station 0 + 0026 + 21.53. Jack McFeeley seconded the motion for discussion purposes.

An abutter, Michael Fabiano, 1 Hampton Road, expressed a concern of the drainage on the site. The original plan shows leach pits for the drainage be at grade. He said dirt was mounded up around those, so they aren't at grade. There are no inspection ladders in them, as required. He is concerned of the slope of the lots on Hampton Road, and the flow of water comes into his yard. He feels that should be corrected.

Granite curbing is pushed from where it should be. He feels the Town should go and look at the road prior to accepting the road. Mr. Fabiano is concerned because his septic system is in his front yard. Michael Fabiano also said he has a tree in his front yard that is dead.

Jack McFeeley said the final acceptance of the road would happen at Town Meeting on May 14th, Articles 32 and 33, not here tonight. Mr. Fabiano said he realizes that. Jack McFeeley asked Butch Vito and Art Spruch if they had any answers to Mr. Fabiano's questions. Both Mr. Vito and Mr. Spruch answered his questions.

Art Spruch said OSHA does not require inspection ladders any longer. The granite edgings are not set in concrete to the extent that they cannot be moved. They can be dislodged, and may need to be re-set.

Joyce Terrio withdrew the motion for Hampton Road, and the Board will re-look at this in two weeks.

Joyce Terrio moved to accept as a public road, the portion of Berkshire Street referred to as station 13 + 75 to station 20 + 75. Jack McFeeley seconded, and it was **so voted**.

The Board signed off on the plans for Berkshire Street, but did not sign off on Hampton Road.

Joyce Terrio moved to adjourn the hearing until May 6, 2002. Jack McFeeley seconded, and it was **so voted**.

Charles Jerome, 20 Needham Street was present to complain about his water being brown. The Board suggested he speak to the Water Department. Mr. Jerome stated he has, and they are not giving him the answers that he wants.

His point was that when a taxpayer calls, they should be told what the problem is, and when it will be corrected. He said all they are told when they call is that "they are working on it".

Jack McFeeley said he has a problem of dirty water. Did you call the Water Department? Mr. Jerome said no, because it was after hours – possibly 6:30 p.m. He felt "working on it" was the brush off. Mr. Jerome said he felt that a Water Department representative should have been there to answer the taxpayers with an intelligent answer.

Jack McFeeley asked Bob Markel to advise the Water Department that it would be appropriate to have other communication agencies notified, or someone at the dispatch that could answer the residents' intelligently. There should be a notice on cable, or another line that was recorded advising residents what is going on.

Jack McFeeley asked that our office staff advise Mr. Jerome of our findings.

ACCEPTANCE OF MINUTES

Bob Markel suggested no minutes be done tonight, as the Administrative Assistant is out, and there are no minutes available.

ACTION ITEMS

Bob Markel asked the Board to approve the request of James Arsenault of Wrentham, for a one-day liquor license at Stoney Brook Audubon Center on North Street for May 19th. Attached is a report from Police Chief Stone, who is not very positive in his answer.

Advest Corporation, Scott Dittrich, will be holding a private event for a fair number of employees, and the Chief recommends a number of conditions be attached, if this is granted.

Jack McFeeley said he doesn't see any particulars here in the request. Where do they intend to set up their stand? Where they intend to serve from? How many people? What hours they are interested in?

The Board put this on hold until we get more information from James Arsenault and ask for more details.

Bob Markel stated that Boy Scout Troop 80 is looking for permission to store a 20' container at the Highway Department property. Mr. Markel said although the Board just discussed this with Butch Vito, it was not voted. A vote stating the conditions should be done.

Joyce Terrio moved to approve the request of Troop 80 to allow them to place a 20' storage container at Highway Department property to store equipment. Conditions to be addressed per our discussion with the Highway Superintendent: adequate ventilation, keys, access, and letters of acceptances. Jack McFeeley seconded, and it was **so voted**.

Bob Markel said we received a notice of changes in appointments from the Zoning Board of Appeals. This will be held until annual appointments in June.

Joyce Terrio moved to approve the following gasoline storage licenses: Norfolk Highway Department, 33 Medway Branch; Camger Chemicals Systems, 364 Main St.; G. Cronin & Sons, 5 George St.; W.T. Holmes Transportation at 22 Myrtle St., and Daley Service Station, 2 Rockwood Road, pending approval by the Fire Chief. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve the request of the Norfolk Community League to conduct a road race on June 8, 2002 at 9:30 a.m., and to fund the necessary police details as required by the Police Chief. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley moved to appoint Christopher Egan of Wrentham, and George Bent of Norfolk as part-time dispatchers. Joyce Terrio seconded, and it was **so voted**.

Bob Markel noted that Attorney Robert Shelmerdine, representing Intoccia Development, asked to do some tree trimming, per Planning Board conditions. Jack McFeeley suggested that we have the Highway Superintendent supervise the tree trimming. Also, they should check with the Tree Warden to be sure they are not trimming trees on private property. There cannot be any tree removal under any circumstances.

Joyce Terrio moved to allow the tree trimming within the street right of ways on the west side of Mass Ave./Pennacook Street intersection to improve corner site distances on Mass. Avenue for existing vehicles; and on Noon Hill Ave. at Fruit Street to provide 350' of site distance contingent upon the notations made by the Chair. Jack McFeeley seconded, and it was **so voted**.

Bob Markel read a memo from Town Clerk Marie Chiofalo asking that Asst. Town Clerk Gail Bernardo be appointed to the Board of Registrars. This is due to the hospitalization of Mary Ellen Gattoni. Gail Bernardo is available to do the actual work on a monthly basis. Jack McFeeley said that we are missing one thing – Mary Ellen Gattoni's resignation. Bob Markel pointed out that we do have a resignation from a year ago that was never filled. Gail Bernardo is unenrolled. Jack McFeeley said she needs to be a registered Democrat before we can appoint her.

Joyce Terrio moved to approve a street opening permit from Bay State Gas Company to do maintenance and repair, and corrosion repair at Pole 26 on Everett Street. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve the request of the Norfolk Lions Club to hold Olde Tyme Community Day on June 8th at the Holmes Transportation Center on Myrtle Street. This includes a Common Victualler license, and a banner permit for a banner to be hung across the center of town. Jack McFeeley seconded, and it was **so voted**.

A copy of the letter will be forwarded to the Fire and Police Chiefs for any assistance they may be able to give.

Joyce Terrio approved the request of Tony Mastroianni, Veterans' Agent, to ask for an Advisory Board Reserve Fund Transfer of \$1,000 for Veteran's benefits in his budget. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel reviewed the annual town meeting warrant with the Board. He discussed the committee report article that was left off the warrant last year, and he added it in.

Jack McFeeley moved to accept the warrant as presented. Joyce Terrio seconded, and it was **so voted**.

Bob Markel stated that the Highway Superintendent would like the Board to approve his choice of a firm for the underground utilities project. Their choice of firm was B.D. Rotundi.

Joyce Terrio moved to accept the recommendation of the Highway Superintendent Remo Vito and Coler & Colantonio, to approve the lowest bidder, E.B. Rotundi & Sons, Inc., to perform the underground utilities project at a bid price of \$625,914.55. Jack McFeeley seconded, and it was **so voted**.

Bob Markel reported that the ADT Security System has been installed in the Town Hall as of today.

OLD/NEW BUSINESS

Joyce Terrio noted a letter from Andy Bakinowski, Chairman of Conservation Commission regarding the second evaluator. She would like a note sent back to them regarding the position of the Board. It is a safeguard. Nothing to do with their evaluating, whatsoever. Jack McFeeley said that he would send the letter back to the Conservation Commission.

Joyce Terrio asked Bob Markel if he could give copies of Managing and Understanding Chapter 40B to all the appropriate people, including Bruce Simpson because he seems to be on top of this subject.

At 10:07 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of April 22, 2002.

R. William Perron, Clerk

SPECIAL MEETING

April 29, 2002

Present was Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator. Bill Perron was absent.

The Board met at 7:02 p.m.

Jack McFeeley moved to request a Reserve Fund Transfer in the amount of \$9,848.40, to the Zekos Group for tax title services. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint Gail Bernardo as Registrar of Voters. Joyce Terrio seconded, and it was **so voted**.

The Board briefly discussed a need for a Reserve Fund Transfer for legal expenses. Bob Markel will put this together.

The Board discussed Firefighter Contract Negotiations. Joyce Terrio will attend Firefighter Contract Negotiations, and Jack McFeeley will attend Police Contract Negotiations.

At 7:15 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of April 29, 2002.

R. William Perron, Clerk

Regular Meeting

May 6, 2002

Present was John J. McFeeley, R. William Perron, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:03 p.m. Bob Markel read the agenda contents.

TREASURER – BORROWINGS

Present was Jane Lepardo, Treasurer/Collector, and Marie Chiofolo, Town Clerk.

Joyce Terrio approved an Interfund Borrowing in the amount of \$14,677 to complete the Town Center Revitalization water project. Bill Perron seconded, and it was **so voted**.

Joyce Terrio approved a Short Term Loan in the amount of \$1,454,700, payable on January 23, 2003 to Hare & Co., UniBank for Savings in Whitinsville, MA. The breakdown was Underground Wiring, \$455,000; Library plans, \$50,000; Highway expansion, \$215,000; Pond Street, \$229,300; Tank \$465,400; Treatment Facility, \$20,000; and Sewer, \$20,000. Bill Perron seconded, and it was **so voted**.

EMPLOYEE RECOGNITION AWARDS

The Board of Selectmen recognized employees who have served the Town of Norfolk for a designated period of time. The following received Certificates of Appreciation:

Five Years: Sarah Hill and John Spinney. Ten Years: Gail Bernardo. Fifteen Years: Anna Anderson, Lois Boucher, Marion Graham, and Winslow Karlson; Twenty Years: Francena Johnson and William Kelley.

Twenty Five Year Wooden/Brass Clocks were presented to Police Chief Charles Stone; Sgt. Paul Murphy; and James Martin, III, Water Superintendent.

The Board of Selectmen also gave a Certificate of Appreciation to Tom Terpstra who did not seek re-election to the Recreation Commission. Mr. Terpstra just completed 21 years as a Recreation Commission member.

ACCEPTANCE OF MINUTES

Bill Perron moved to accept the minutes of February 25, 2002; March 11, 2002; March 25, 2002 – regular and executive session. Joyce Terrio seconded, and it was **so voted**.

OLD/NEW BUSINESS

The Board received a letter from the Planning Board stating that Hampton Road is all set for acceptance. They are satisfied with the response from the developer.

Joyce Terrio moved to accept Hampton Road as presented. Bill Perron seconded, and it was **so voted**.

Bill Perron moved to accept the transfer of a liquor license from Norfolk Fine Wine & Beer, Robert Watkins, Manager to Norfolk Fine Wine & Spirits, Inc., Paul Silvestri, Manager. Joyce Terrio seconded, and it was **so voted**.

ACTION ITEMS

Susan Gagner, Finance Director, was present to discuss health insurance premiums. Susan Gagner told the Board that the choice of the employees was to go with the 16.6% increase.

Bill Perron moved to approve the 16.6% increase in health insurance premiums. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to approve a street opening permit for the Norfolk Water Department to replace a fire hydrant at the corner of King and Maple Streets. Bill Perron seconded, and it was **so voted**.

The Board discussed a letter from Chief Kelley asking to be able to transfer funds from the Ambulance Gift Fund to Ambulance Expenses. After much discussion between the Board and Susan Gagner, it was decided that Chief Kelley could spend from that account without Board of Selectmen approval.

MOCK TOWN MEETING

Present was Frank Gross, Moderator; George Hall, Town Counsel; Marie Chiofolo, Town Clerk; Jane Lepardo, Treasurer/Collector; Susan Gagner, Finance Director; Dotty Strohl, Advisory Board Clerk; and Advisory Board members Jonathan Smith, Jim Ward, Glenn Beernink and Norm Gentry.

Frank Gross and Jonathan Smith were seated at the table.

There was much discussion on all of the articles, but nothing extraordinary. It appears that everyone is joined together for town meeting on May 14th.

ONE-DAY LIQUOR LICENSE

Present was Scott Dittrich, Hoover Road.

The Board discussed Scott Dittrich's request to have a one-day liquor license for an event he is holding at Stony Brook. Scott Dittrich told the Board he was upset because his caterer, James Arsenault, asked if they needed to be present at the last meeting to answer questions, and were told no. He said this is frustrating because it could have been all settled last week, if they were at the meeting.

Jack McFeeley explained to Mr. Dittrich that first of all, the letter his caterer sent to the Board provided absolutely no information at all. It gave no time, no number of people, etc. Scott Dittrich did provide the Board with a copy of a contract he signed with Stony Brook, which outlines all of the regulations they set.

After discussing all the issues, the Board felt comfortable in issuing a one-day liquor license to Scott Dittrich for May 19, 2002 from 4:30 to 8:00 p.m. at Stony Brook.

Bill Perron moved to approve a one-day liquor license for James' Roadside Catering at Stony Brook for May 19, 2002, from 4:30 p.m. to 8:00 p.m. Joyce Terrio seconded. Jack McFeeley asked for two amendments. One, that no on-street parking be allowed at the function, and two, that one detail officer is available for the outside area. Bill Perron seconded the amendments. It was **so voted**.

ACTION ITEMS (Cont)

Joyce Terrio moved to approve a one-year paper supply bid to W. B. Mason per SERSG. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to approve the DPW Supplies and Water Treatment Chemicals per SERSG for FY'03. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to release the following street opening permits/bonds, per the Highway Superintendent: #01-07, Crossbow Road; #01-08, 22 Kingsbury Road; and #01-37, 87 Cleveland Street. Bill Perron seconded, and it was **so voted**.

Joyce Terrio moved to award the contract for FY'03 for tree planting to Nolan Landscaping, per the recommendation of the Highway Superintendent. Bill Perron seconded, and it was **so voted**.

OLD/NEW BUSINESS (Cont)

Bill Perron stated that with the Lakes and Pond Committee, he wasn't sure if he should split them up, and have separate committees? Bill Perron said that they all have the same problems, but there are also issues that pertain to certain lakes or ponds, that don't concern others. He said that he would like to have the Kingsbury Pond

Committee become separate. He said he would like to have these committee members be appointed by the Board. Jack McFeeley questioned the necessity of having them appointed, as opposed to just being a committee at-large. Bill Perron said that there is grant money out there, but you have to be appointed to be able to get the funds.

Bill Perron moved to formally establish the Kingsbury Pond Committee. Joyce Terrio seconded, and it was **so voted**.

Bill Perron moved to formally establish the Lakes Committee. Joyce Terrio seconded, and it was **so voted**.

Bill Perron moved to appoint Manny Cerquiera, Jack McCain, Carol Sanderson, Dan Rabasco, John Stahl, and Elaine Federico to the Kingsbury Pond Committee for a term of one year, 7/1/02 to 6/30/03. Joyce Terrio seconded, and it was **so voted**. Bill Perron gave a copy of a letter he received from Greg Porrell of Barnstable Road regarding a stop sign. This letter will be forwarded to Butch Vito for action.

Joyce Terrio said that she is encouraged by the Building Commissioner's efforts to take care of violations occurring within the town. The Board concurred, and asked that several letters sent from the Building Commissioner be followed up to see what has taken place.

The Board discussed a letter from Gail Fuentes regarding what the Board intends to do about the parking situation at the Norfolk Post Office. Jack McFeeley said that this comes up frequently. The Board of Selectmen has no jurisdiction over the parking lot at the post office because it is federal owned property. He has discussed this with Marianne Maloney, Postmaster, who has said that the postal service claims that they have no plans to do anything, and no money in the budget. The Board will send Gail Fuentes a letter.

BOARD REORGANIZATION

Joyce Terrio moved to nominate Bill Perron as Chairman, for a one-year period commencing May 7, 2002, until the election in May, 2003. Jack McFeeley seconded, and it was **so voted**.

Bill Perron moved to nominate Joyce Terrio as Clerk, for a one-year period commencing May 7, 2002, until the election in May, 2003. Jack McFeeley seconded, and it was **so voted**.

At 10:25 p.m., Joyce Terrio moved to go into executive session to discuss litigation. We will not return to open session. Bill Perron seconded, and it was a roll call vote: Jack McFeeley, **aye**; Bill Perron, **aye**; and Joyce Terrio, **aye**.

At 11:18 p.m., being no further business, Bill Perron moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of May 6, 2002.

R. William Perron, Clerk

SPECIAL MEETING

May 14, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

At 7:22 p.m., the Board conducted brief business prior to the beginning of the annual town meeting.

Jack McFeeley moved to allow the move of an oversized transformer from the Town of Millis, through the Town of Norfolk to Walpole on Friday, May 17, 2002 between 11 a.m. and 1 p.m. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to proceed with the tax title auction with instructions to send the Conservation Commission a letter that we have no proof that they own a specific parcel as indicated by them, nor have they presented any proof to the Board of Selectmen. Joyce Terrio seconded, and it was **so voted**.

At 7:25 p.m., Jack McFeeley moved to adjourn this meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of the Board of Selectmen held on Tuesday, May 14, 2002.

Joyce E. Terrio, Clerk

Regular Meeting

May 20, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron opened the meeting at 7:03 p.m. Bob Markel read the agenda contents.

PAUL BORRELLI, CANTERBURY ESTATES

Present was Paul Borrelli and David Lodge, Architect for Mr. Borrelli.

Paul Borrelli had submitted a request to the Board of Selectmen asking for permission to extend the earth removal permit at Canterbury Estates for a period of one year. Mr. Borrelli explained that he had approximately 6,800 cubic yards left to remove. He told the Board that weather and other things going on with Town Boards has delayed his being able to remove the earth in a timely manner. Paul Borrelli told the Board that this would be Lots 50 and 51 on Main Street. They sold two lots, and stockpiled the rest. There will be no further excavation, just removing the stockpiled loam.

Jack McFeeley said he would like Mr. Borrelli to submit a weekly log of how much loam is being removed, so that the office can keep track of what is happening. We had requested this before, and felt it worked well.

Paul Borrelli agreed, and said that he felt it worked well, too.

Joyce Terrio questioned why he felt he needed a year. Paul Borrelli said between the weather, and the market right now, he feels he will need a year. Joyce Terrio asked if this is in his way to develop the other lots, and Mr. Borrelli replied yes.

Bill Perron asked how many cubic yards a truck could carry. Paul Borrelli replied 20.

Jack McFeeley moved to extend the existing earth removal permit for one (1) year to allow Norfolk Enterprises to remove the remaining 6,720 cubic yards from Canterbury Estates, subject to a weekly register submitted to the Selectmen's Office showing the amount of earth removed in that week. The register is not necessary if no activity took place. Joyce Terrio seconded, and it was **so voted**.

PAUL BORRELLI – PHASE II, NORFOLK COMMONS

Paul Borrelli and David Lodge were present.

David Lodge showed a plan that would describe a 40B age restricted housing project for 55 years of age or over. It would be approximately 900-1200 square feet, and four (4) apartments per floor.

Paul Borrelli stated that Phase One is a supermarket, bank and pharmacy. They all have commitments with him right now. The next step with Phase Two is to go to the Zoning Board of Appeals. David Lodge said they have tried to stay within the existing zoning.

Joyce Terrio asked if Phase One will slow down because of Phase Two? Is Phase Two only preliminary? Paul Borrelli said yes to the second question. Joyce Terrio told Mr. Borrelli that this is nothing new. You have always come before us with age restricted housing plans of some type.

Jack McFeeley asked Paul Borrelli what would be in Phase One? Paul Borrelli said that a restaurant and office building – and hopefully seven buildings altogether, although none have committed yet. Paul Borrelli said that realtors said experience has shown that

there is no interest for retail on a hill. Jack McFeeley asked if he would be renting or selling? Paul Borrelli said his answer would be renting and selling – he would do both.

Jack McFeeley asked Paul Borrelli if he is willing to commit to age restricted housing on this site, as opposed to un-age restricted housing, before we get into the process with you? Paul Borrelli said absolutely. He is looking for age restricted housing on this parcel. He feels it will do well by being close to all amenities – a bank, transportation, shopping, etc.

Bill Perron questioned the size, description, and price of the apartments. David Lodge explained a lot of his questions on the plan he had in front of him.

ACTION ITEMS

Jack McFeeley moved to allow the directional signs to continue to exist in their current locations for the following establishments: Norway Farms – five (5) signs; Jane & Paul's Farm – three (3) signs; and Norfolk Arena – seven (7) signs. Joyce Terrio seconded, and it was **so voted**.

Bob Markel asked the Board to approve the expenditure of \$59,000 from Chapter 90 funds for 25% design of the Pond/Pine Street Reconstruction Project. Jack McFeeley questioned time lines, etc. Bob Markel said that we are starting early, and want to get our design done so that if funding arrives prior to year 2005, we will be ready.

Jack McFeeley moved to approve the expenditure of \$59,000 from Chapter 90 funds for 25% design of the Pond/Pine Street Reconstruction Project. Joyce Terrio seconded, and it was **so voted**.

With respect to a request by the Norfolk Community League to place signs around town to advertise their walk for Community Day, Jack McFeeley moved to allow the Norfolk Community League to place two sandwich board signs from May 25th through June 8th, subject to approval of their locations by Remo Vito, Highway Superintendent, or his designee. Joyce Terrio seconded, and it was **so voted**.

A letter was received by the Zoning Bylaw Study Committee requesting that the expiration date of their appointments be changed from June to December. They feel that this gives them more time to work on bylaws prior to the Fall Town Meeting. The Board will have them in and discuss this with them.

Bob Markel read the list of road improvements that are scheduled to happen within the next fiscal year. He said that this list is subject to change, depending on the funds available to work with.

Jack McFeeley moved to award the contract for Roadway Rehabilitation (Overlays) for FY'03 to Aggregate Industries, per the recommendation of the Highway Superintendent. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to release the street opening bond and permit #01-09 for 115 Union Street, for a new water service. Joyce Terrio seconded, and it was **so voted**.

OLD/NEW BUSINESS

It was noted that there will be a yard sale at the new Senior Center on Saturday, June 15, 2002 from 9 a.m. to 4 p.m.

Bob Markel said that the rewiring at the H. Olive Day School has been resolved. They should be able to broadcast from that location.

Bob Markel read the Memorial Day Parade schedule and route. The Board of Selectmen will participate in the parade.

TOWN ADMINISTRATOR REPORT

Bob Markel reported to the Board that the tax title auction was a success, and that the anticipated monies forthcoming is \$575,000. This far surpasses an expected income of about \$300,000.

Bob Markel discussed signage at the gateways to Norfolk. He said that he has looked at a design, and showed the Board photos of granite posts. He said the standard would be green wood with gold lettering, in keeping with the rest of the town signs.

Bob Markel told the Board that there is a memo with respect to reuse of the Old Town Hall. Two rooms on the east side of the building would be used for security. That would give the building 24 hour security, that isn't there now. This would be with respect to the paramedics from Caritas Norwood using the building as agreed to.

Bob Markel said that when he viewed the site, it is necessary for the shed between the buildings to be demolished. It is both a fire and safety hazard. Jim Martin also told Bob Markel that there is serious structural damage to the old Highway Garage. Bob Markel said that the ambulance for the paramedics would be housed in part of that Garage.

Joyce Terrio said she would like to Caritas fulfill their commitment to us at least for a year.

Bob Markel contacted GATRA today regarding transportation to Norfolk. He will fill out the application, and plead our case to the Secretary of Transportation.

Bob Markel discussed the Board of Selectmen Policies with them. Many of them are outdated and need revision. At least, they should be discussed and reviewed. The Board agreed, and suggested that Bob Markel present a few to them once a week, once a month – whatever works in the agenda.

Bill Perron said that he would like to publicly thank Jane Lepardo and other employees who assisted in making for a highly successful tax title auction, bringing in \$575,500.

Bill Perron asked the Board members to have their goals and liaisons present for the June 3rd meeting.

At 9:07 p.m., Jack McFeeley moved to go into executive session to discuss collection bargaining – Firefighter contract negotiations. Joyce Terrio seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session.

At 9:37 p.m., the Board returned to open session. Jack McFeeley moved to go into executive session to discuss potential litigation. Joyce Terrio seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will not return to open session.

At 9:54 p.m., Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of May 20, 2002.

Joyce E. Terrio, Clerk

Executive Session

May 28, 2002

This Executive Session was made public by the Board of Selectmen

In Attendance – Bill Perron, Jack McFeeley, Bob Markel, Joyce Terrio, Andy Bakinowski and Atty. John Dugan of Medfield.

Bill Perron – “I’ll entertain a motion to move into Executive Session to discuss the conduct of an employee (corrected at the time – noted that it should be appointed member) of the Town.”

Joyce Terrio – So Moved

Jack McFeeley – Seconded

Roll Call vote – Jack McFeeley – aye, Joyce Terrio – aye, Bill Perron – aye

Bill Perron began the discussion with what brought us here. Andy Bakinowski’s conduct at the foreclosed land auction. Spoke in generalities about the lots up for auction and Andy Bakinowski’s involvement

Andy Bakinowski – Are you speaking about specific lots? Andy mentioned the fact that he had copies of emails about wetland and such. That it was his responsibility to look at the issues with the lots and inform people.

John Dugan – Medfield Atty. – introduced himself as a friend of Andy Bakinowski's and was there on behalf of Andy because we were in Executive Session. Atty. Dugan began with comments about Andy's dedication to the ConCom and Town of Norfolk regarding issues of wetlands and protection of such. That Andy was in attendance at the auction as a resident of Town.

Bill Perron – commented "You are an authority in Town even if you don't acknowledge who you are" If you mention something or anything about any lot in Town someone might be interested in outside of a hearing – you are dealing with a financial interest to the Town. Your comments about any lot being unbuildable to a potential builder/developer is a diversion of interest and maximum financial benefit to the Town of Norfolk.

Andy Bakinowski – I never used the words buildable or non-buildable

Jack McFeeley – We did have comments from people who claim that you did use the word unbuildable.

Andy Bakinowski – "only after the auction"

Jack McFeeley – Didn't you have a conversation, prior to and after the auction with the bidder who finally got the Naugatuck properties, which you were also bidding on? Didn't you tell him the lots were unbuildable?

Andy Bakinowski – I dispute that and if you read the descriptions you'd know that the property is useless except to the abutters. Andy went on to describe the property and the conversations he had with Jane Lepardo, treasurer, regarding the wetlands/buffers/and possible testing. He marked the property.

Jack McFeeley – You put blue ribbons on the lot?

Andy Bakinowski – Yes, on behalf of ConCom

Jack McFeeley – So you knew that they were wetlands. When ConCom makes a determination about a lot – don't they have something before them from a potential builder/developer, which describes the property, and the potential use. Doesn't ConCom review that and the property, have a hearing? The Town's position for the Auction is that we don't make a determination on the lots. It is Buyer Beware – no prejudice – any way, shape or form. But yet you made an independent determination without seeing a proposal.

Andy Bakinowski – Well when you constantly have people asking for information on a piece of property - is it wetland, how much is wet, where are the buffers, is it buildable – you have to give answers.

Jack McFeeley – Is it buildable? Where was this, when did this take place?

Andy Bakinowski – Well, I think I told you about the amount of time that has been taken up at our office, people dropping by and asking for information from our Assistant. In addition to that, two of the properties are near me, they are walking on my land in my yard, and I needed to inform them.

Jack McFeeley – According to your email, where you also use the word buildable, you didn't seem happy to talk with them. We have been informed that you were standing in the corridor just outside the auction and telling people the status of the land/lots

Andy Bakinowski – No I wasn't – What was I wearing?

Bill Perron – Andy – it has been confirmed by a number of people in attendance there.

Andy Bakinowski – We have had some serious issues with some of the properties that were up for auction. We have reviewed some of them. I had some conversations with Jane (Lepardo) about some of the listings. Obviously, two of the parcels were in my neighborhood. {Andy at this point – went into some very quick technical jargon about certain laws, rules, sections, paragraphs regarding wetlands, development, buffers both on the Town side, and State level – I missed getting all the details}

Jack McFeeley – If that's the case, why would you buy them?

Andy Bakinowski – Protection for me and my neighbors. We wanted to remove them from the market.

Jack McFeeley – Why did you feel that was necessary? If they were not buildable, there was no reason to buy them.

Andy Bakinowski – Because what is unbuildable today, may be buildable tomorrow. "Technology changes, Boards change. Who knows what the Conservation Commission will look like and feel five years from now.

Jack McFeeley – So you told people there were wetlands and after having done so, then you went ahead and tried to buy the property yourself. I am surprised and disappointed at this. I am reminded of any "I Love Lucy" episode which starred Paul Douglas. In the story Paul Douglas was interviewing women for a position and Lucy wanted the job. She waited in the office and told every woman that came in what a tyrant Paul Douglas was and each one walked out. Lucy was the only person left for the job. This sounds like what you were doing Andy. I could construe that you were scaring people away to be able buy the property.

Andy Bakinowski – I wasn't doing that.

Jack McFeeley – I'm not saying you did something deliberately, but you could see how I could think that.

Atty. John Dugan – If I may – Andy knows the Conservation issues of the Town, he knows it's regulations, bylaws, etc.....He didn't intend to interfere with any bonafide purchasers, but felt it was his responsibility to let people know the status of the lots. Didn't want it to look like we (Town) were withholding information.

Bill Perron – I have a few questions. Have you marked off any more lots?

Andy Bakinowski – 17 Standish Road – I was requested by Jane to re-look at that lot before the auction – there was an issue with an encroaching neighbor.

Bill Perron to John Dugan – regarding his comments about responsibility to inform people. The Auctioneer made two comments prior to the auctioning of the Naugatuck properties. One was of attempt to “chill” the auction and to those in the audience that the Town makes no guarantees that any of the lots up for auction were buildable. He made the latter comment at the start of the auction as well.

Andy Bakinowski – Would have liked the two properties in his neighborhood and put ConCom restrictions on the land to protect and create buffer for the neighbors and abutters.

There was much continued discussion between Bill Perron – Jack McFeeley – Andy Bakinowski – regarding buildable vs. unbuildable, value of lots, what it would take to develop, restrictions that should be there . Etc..... Quick and fast conversation, back and forth.... I couldn't get it all – Content of discussion was only generalities, not detailed on any lot or specific.

Bill Perron – made a few comments regarding the actions by Andy Bakinowski to a Mr. John Curran, the winning bidder of the Naugatuck lots. That Andy Bakinowski followed Mr. Curran out of the room after the bidding for those lots was over and spoke to Mr Curran regarding the potential use of the lots and Andy Bakinowski's interest in them. According to Mr. Curran, you said to him, “Congratulations you just bought two unbuildable lots.” He said that he was terrified by your actions.

Andy Bakinowski – I didn't tell him that they were unbuildable. I dispute any comments that were made by the buyer – basically it's my word against his – but I would recuse myself from any discussion on those two lots if it came up before the ConCom

Bill Perron – He told us you said unbuildable. He also said you offered to buy the property from him, but less than the \$26,000 that he bid because the lots were not buildable. You then gave him you phone number and told him to call you.

Jack McFeeley – He said you claimed to be an expert and you know that with the wetlands, the lots could not be built. Jack then questioned Andy's earlier comments about how much money it would take to develop lots.

Jack McFeeley – Andy – you have to understand the position of the Town in this matter, you are a member and chair of the ConCom, not just a resident. If anyone came before the ConCom to have it hear upon any of the lots you spoke about at the auction

or any lot from the auction for that matter.... they would see you and if the commission's determination was not in their favor they would/could appeal any ruling.

Andy Bakinowski – I would recuse myself from any discussion.

Jack McFeeley – But you are already perceived to have made a determination on a lot or piece of property, because of who you are and the conduct taken that day. You have compromised the position of the Conservation Commission. As long as you are associated with the ConCom the connection will still be there.

Joyce Terrio – If I may say a few words: Directed to Andy. I am saddened that we are here. Andy, your knowledge and expertise in this field is an enormous asset to the Town. You are a committed committee member and although you are restricted by certain bylaws and regulations, you are one of the few who will listen to all sides and try to work out a solution. For that I am most grateful and thoroughly enjoy working with you. I like you. But you stepped over a line and went too far. You speak about your responsibility to inform potential buyers. Well, the way I see it – It's the Norfolk Board of Selectmen's obligation to bring to auction a list of properties that can be sold for financial gain to benefit the Town. We did nothing to mislead any potential bidder on the potential value of any parcel. We made it very clear that it was buyer beware on all of these lots. That was our obligation to the Town for this auction to be successful. And then, as I see it, it's ConCom's obligation to the Town to make a determination after a hearing on any potential development of a lot purchased at auction. Your actions the day of the auction cause us to be concerned that any of these lots can come before the commission without a question of a predetermination.

Andy Bakinowski – Well Joyce, I guess we have a difference of opinion about that.

Andy Bakinowski – Commented on the availability before hand of the list of properties.

Bob Markel – The list was available and had gone out to various departments and commissions for input before the final list was put together.

Jack McFeeley – There was no due diligence before the auction done by the Town. We issued no information on any lot. To Bob Markel - Didn't we seek input from ConCom prior to the auction?

Bob Markel – Input was requested and a couple of parcels that they said belonged to them were pulled from the auction. Input was received by Jane Lepardo and myself.

Andy Bakinowski – There were planned perc tests. I communicated with Jane L that some of the proposed tests were going to intrude with wetlands. There were attempts at communication between Jane Lepardo, Andy Bakinowski, and ConCom.

Jack McFeeley – I recall seeing some communication to that effect – I found it to be more disabling than enabling.

Andy Bakinowski – I wasn't dancing around; I am being blunt. Some of these properties have issues and the Town hasn't acted correctly in regards to the auction.

Bob Markel – a botanist was hired by the Town to mark off wetlands so as not to invade wetlands and such for tests.

Discussion continued among Jack McFeeley, Bob Markel, Bill Perron, & Andy Bakinowski about the action of having conversations with other property bidders and then bidding on the properties at the same time.

Jack McFeeley – Andy, you are an intelligent individual. I also have the highest regard for you, and it is difficult to have to go through this right now. You have always tried to look out for the Town; but this time you weren't looking to protect the Town.

Bill Perron – Andy – you engaged in action that day that unduly influenced a maximum financial asset to the Town. There were 32 properties sold and we feel it's inappropriate for any further communication with the ConCom.

Jack McFeeley – Andy, we will reluctantly have to ask for your resignation from the ConCom.

John Dugan – We have copies of emails received by Andy from Jack McFeeley. Jack McFeeley – there have been a number of emails back and forth, but Andy, that was a totally different issue. I think that you will agree that we have a personal relationship where we have felt comfortable being open and honest with each other. I don't think you can look at comments in that email and conclude there is anything threatening. I could show other similar emails to and from Andy with the same open discussion. That email was not addressing the issue before us here, and we need to address that. Your actions the day of the auction could affect the Town negatively.

John Dugan – I respectfully request that the Norfolk Board of Selectmen wait a week for acting on this request. Let Andy and I digest the information and see if a resolution could be worked out.

John Dugan & Andy Bakinowski – we're not prepared to take any action tonight.

Jack McFeeley – What other options are there for us? Have we overlooked any other option?

We need to consider the status of the Town's image; we need to consider the status of Con Com's image

We need to consider the status of the ConCom department.

There was additional dialog between Andy Bakinowski, Jack McFeeley and Bill Perron regarding property values in relation to development of any of the lots.

Jack McFeeley – asked about the age of homes in Andy Bakinowski's neighborhood.

Andy Bakinowski – Well, fine. “What’s the easiest thing to do?”

Bill Perron – “to get your resignation”

Andy Bakinowski – What are you going to do about the other elected officials that were there the day of the auction? It’s my understanding that no elected officials should have been there.

Bob Markel – The TA’s office did look into this, and Atty. Cura did rule on this as an ethics issue. Because of a perception of access to inside information, we did warn some that they could not be part of the bidding process. They were warned not to bid.

Andy Bakinowski – What are you going to do about the other activities that went on that day? There was an elected official as a bidder. Are you going to deal with the inappropriateness of that individual’s conduct like you are with me?

Bill Perron – to Bob Markel “Do you know who the official was that was there?”

Bob Markel – “No, I’m unaware of this person; we will have to look into the list of bidders”

Jack McFeeley & Bill Perron – We will look into it and determine whether this person actually took part in the process and if it warrants further investigation we will do it.

Andy Bakinowski – So now, “what’s the easiest thing to do”

Bill Perron – “We await your decision”

Andy Bakinowski – I will wish to think about this and respond, and you will have what you are looking for by Monday.

Jack McFeeley – We will adjourn the Executive Session to Monday, June 3rd to give you time to consult with counsel and explore your options. Would that date be agreeable to you, or do you need more time?

Andy Bakinowski – My wife will not be home on Monday so I will need to stay with the children.

Jack McFeeley – We’ll change the date then.

Andy Bakinowski – No, Monday will be fine, I won’t need to be there. You’ll have what you are looking for by then.

Jack McFeeley – Thank you Andy.

Jack McFeeley – Moved to continue the hearing to June 3rd, Monday @ 9:00pm
Joyce Terrio – seconded

Roll call vote - Jack McFeeley – aye
Bill Perron – aye
Joyce Terrio – aye
Jack McFeeley - Move to come out of executive session
Joyce Terrio – seconded

Roll call vote – Jack McFeeley – aye
Bill Perron – aye
Joyce Terrio – aye

Joyce E. Terrio
Norfolk Board of Selectmen - Clerk

Regular Meeting

June 3, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron called the meeting to order at 7:02 p.m. Bob Markel read the agenda contents.

REMO VITO

Present was Remo R. Vito, Jr., Highway Superintendent. Discussed the possible drainage improvements on North Street by Diamond Street near the Audubon property. Mr. Vito said that he would get an easement and deed from the property owner in order to make the necessary drainage improvements. He told the homeowner that we would take care of snow and ice control, as he has currently been doing.

Jack McFeeley asked about a date for snow and ice control. Butch Vito said that he has been performing services for about five years now. They sand only for black ice. Joyce Terrio said she is leery about putting wording into a deed about snow and ice services. Bill Perron agreed. Butch Vito said he didn't mean deed, but rather a written document.

Jack McFeeley said he was concerned about being too quick to offer too much, and was concerned about committing in writing. He doesn't want to offer snow and ice services because of future budgetary concerns. Mr. McFeeley suggested that Butch Vito see what else can be negotiated.

On another issue, Butch Vito discussed with the Board, the AT&T Broadband Memorandum of Agreement. This is a mechanism for the Finance Department to let them expend funds from AT&T. The Board signed the Memorandum.

Old Populatic Water Main. Butch Vito told the Board that the sewer project is completed. We have been approved by Franklin to tap into the water main because our income in that area falls in their limits. Also, we are not eligible to tap into their grant funds. We need to apply for our own. Once the water/sewer mains are in, all services are billed through Franklin. Butch Vito suggested that we have the residents of this area come in and discuss this with us.

Jack McFeeley wondered about having a town meeting and try to help the residents out. Possible cost? Joyce Terrio asked also what Butch Vito anticipated the costs to be? Butch Vito said he wasn't sure, but it couldn't be much, because we are only talking 600' of water main.

Butch Vito said he would contact the residents, regarding a letter of interest. It should be unanimous. Will need estimates, and then have the people in.

Jack McFeeley asked Butch Vito if the installation could be done in-house? Mr. Vito said no, it would have to be put out to bid.

Butch Vito discussed the two town wells – the Town Hill and the new Recreation site. Butch Vito said that the wells are on manual only and are being used for dry areas. It is imperative that water be on for the next week while sodding is taking place. Signs "well water in use" will be put up so that residents will be aware.

The Selectmen agreed with Mr. Vito, due to the fact that there is a million dollars worth of grass on the Pond Street site. Mr. Vito said they would do manual control so to be able to control the water volume.

Butch Vito gave the Board an update on the intersection projects.

Butch Vito said that the Cleveland/Rockwood and Boardman/Rockwood would be redesigned. The Board approved funding last Fall, but not the approval of an actual plan. Stakes on properties are reference stakes for utility companies. It does not mean that they are taking someone's property.

Butch Vito said that regarding Seekonk and Main Streets, he met with the Cemetery Commissioners. Because of the site problem looking toward the prison, he will move the wall back 15'.

Butch Vito discussed the value of the appraisal done at 36 Rockwood Road. He gave the Board a copy of the appraisal, and discussed the fence and the easement taken. Mr. Vito said they tried to put the fence back where it was. It went from being a 4' fence to a 3' fence.

Bill Perron said that once you get to the driveway, it obstructs the site line. That's a problem.

The Board did not agree with Mr. Vito that it's cleaning up the intersection. Mr. Vito is going to check with his engineers who staked it out.

There was no easement taken, and the line of sight is a problem.

At 9:13 p.m., Joyce Terrio moved to go into executive session to continue the executive session from adjournment at the May 28, 2002 executive session, to discuss employees' conduct. The Board will return to open session. Jack McFeeley seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**.

An individual in the audience asked if we could find out more about the Andy Bakinowski issue. Bill Perron said the Board could not comment on this in open session. Cindy Andrade of the Conservation Commission asked why? Bill Perron said that we cannot comment. If an employee chooses to have this discussed in executive session; the Board does not have the authority to make the information public. Cindy Andrade asked if Andy Bakinowski is being considered an employee? Jack McFeeley said no, that perhaps employee is not the correct word to be used here. Town official would be more correct.

Jack McFeeley explained that the Board had some questions they wanted to discuss with Andy Bakinowski. The law provides that Andy has the choice of having the session in public, or in executive session. Mr. Bakinowski chose executive session. Mr. Bakinowski is aware that this discussion would be continued this evening, and he chose not to attend. Until Andy Bakinowski comes before the Board authorizing the release of the executive session, all information and discussions will be private.

Jim Giebfried, Conservation Commission member, stated that there was a lengthy email sent from Andy Bakinowski to the Board giving permission for this information to be released. As the Board of Selectmen had not received it, they would not acknowledge this email.

Allan Shaw, Conservation Commission member, asked that the Board of Selectmen reappoint Andy Bakinowski to the Conservation Commission. He said that since the Conservation Commission did not know the whole story of why Mr. Bakinowski resigned, they would like the Board to consider reappointing him.

At this point, the Board of Selectmen went into executive session.

At 9:22 p.m., Joyce Terrio moved to move out of executive session. Jack McFeeley seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**.

Bill Perron said the results of the executive session of May 28, 2002, and the continuation tonight will be kept confidential and released only at the request of Andy Bakinowski.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of April 8, 2002; May 6, 2002 – regular and executive session with appropriate verbiage included; and May 14, 2002, special meeting. Jack McFeeley seconded, and it was **so voted**.

NEW BUSINESS

Jack McFeeley moved to allow the Recreation Commission to conduct a concert on Town Hill tomorrow evening, June 4th for the KP Band and Jazz Ensemble from 6 – 8 p.m. Joyce Terrio seconded, and it was **so voted**.

The Board discussed the request of the Garden Club to display signs advertising their Garden Tour. Jack McFeeley said that he read the sign bylaw and it does not provide for the Board of Selectmen to allow signs of any type on Town property. The Board will ask for Town Counsel's interpretation of this bylaw, to see if we are reading it correctly. If so, the Board will make a bylaw change at Town Meeting in the Fall.

Joyce Terrio moved to allow the Council on Aging Executive Director permission to carry over forty (40) hours of vacation time. Bill Perron seconded, and it was **so voted** by Bill Perron and Joyce Terrio. Jack McFeeley voted no.

Jack McFeeley moved to grant the Friends of the Library permission to conduct a concert on Town Hill on July 9th from 6:30 – 8:30 p.m. with the usual caveats for parking, clean up, etc. Joyce Terrio seconded, and it was **so voted**.

OLD BUSINESS

Bill Perron would like a letter sent to the Town of Franklin regarding the level of Kingsbury Pond for the summer.

Bill Perron would like to have the Postmaster General in Providence come into a meeting to have an open discussion requesting he move forward on the parking lot project. Jack McFeeley felt we should write a letter, rather than have him in. Bill Perron said no, he wanted to meet with them. Jack McFeeley said we should send a letter supporting Congressman Barney Frank's letter.

Bill Perron asked that we schedule a meeting for June 17th, if possible, to have the Postmaster General, Postmaster Marianne Maloney, Peter Chipman, Paul Sullivan, Road Safety and Planning Board members in to discuss this.

TOWN ADMINISTRATOR REPORT

Bob Markel briefly discussed the Early Retirement Package. He said that more information will be available within the next two weeks, and he would be better prepared to fill the Board in, once he has been briefed on it. It will be a discussion at a future meeting.

At 10:08 p.m., Jack McFeeley moved to go into executive session to discuss collective bargaining. Joyce Terrio seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will not return to open session.

At 10:43 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of June 3, 2002.

Joyce E. Terrio, Clerk

Adjourned Session

June 3, 2002

Jack McFeeley – Moved to return to Executive Session from Monday, May 28, 2002
Joyce Terrio – Seconded

Roll Call Vote - Jack McFeeley – aye
Bill Perron – aye
Joyce Terrio – aye

An envelope had been received from Andy Bakinowski, which contained his resignation from the Conservation Commission. It also contained some other comments from which the Board felt that Andy Bakinowski might have misconstrued our conundrum.

Jack McFeeley – Move to accept Andy Bakinowski's resignation
Joyce Terrio – seconded

Roll Call Vote – Jack McFeeley – aye
Bill Perron – aye
Joyce Terrio – aye

Jack McFeeley – Move come out of Executive Session
Joyce Terrio – seconded

Roll Call Vote – Jack McFeeley – aye
Bill Perron – aye
Joyce Terrio – aye

Returned to regular session @ 9:20pm

Joyce E. Terrio
Norfolk Board of Selectmen - Clerk

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron opened the meeting at 7 p.m. Bob Markel read the agenda contents.

POSTMASTER PRESENTATION

Norfolk Postmaster Marianne Maloney made a presentation to Fire Chief William F. Kelley of a stamp commemorating September 11th. She explained that this stamp was in honor of all men and women who provide services and assistance in times such as this.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed the new financial picture for the Town. He informed the Board that the prison mitigations funds have been received. They were wired into our account last week. Mr. Markel thanked Senator Jacques and Representative Brown for their assistance in obtaining these funds. Bob Markel told the Board that Senator Jacques is trying to enact legislation that will make these funds mandatory to towns, and not discretionary. This could make these funds recurring, as opposed to one time funding which could change the use of these funds.

Bob Markel asked the Board if they want to consider modifying the spending freeze that was previously issued. The Board's position was not to lift the spending freeze, but to have the Finance Director and Town Administrator provide them with a list of expenditures that they feel are necessary between now and July 1.

VERIZON POLE HEARING – OLD MILL ROAD

Bill Perron opened the Verizon Pole Hearing at 7:15 p.m. Present was William Dorgan, Engineer from Verizon, and two abutters, Art Spruch of 11 Standish Road; and Ralph Cook of 13 Standish Road.

William Dorgan explained to the Board that the reason for the additional poles was for a house to be built at 17 Old Mill Road.

Art Spruch, 11 Standish Road told the Board that although he is a member of the Planning Board, he is speaking tonight as an abutter. Art Spruch said that he thought the builder was building under the new estate bylaw. The pole will only be for one house lot, or estate lot. He would like the Board to go by the bylaw and have them put the utilities underground.

Art Spruch said that the builder has come before the Planning Board with a single lot, an estate lot, and now he understands that he plans to file a plan this week for a subdivision. Art Spruch suggested that the Board take this matter under advisement until we have had a chance to obtain more information.

Joyce Terrio asked Mr. Dorgan how is that Verizon comes before the Board with this request? Mr. Dorgan told the Board that they receive a request from the property owner. He said that Verizon had a plan for a single lot.

Jack McFeeley moved to indefinitely postpone the request for poles on Old Mill Road per a letter from the Board of Selectmen dated May 31, 2002. Joyce Terrio seconded, and it was **so voted**.

OLD POPULATIC WATER MAIN EXTENSION

Present was Remo R. Vito, Highway Superintendent.

Mr. Vito presented a letter from the Old Populatic Road residents to the Board of Selectmen.

Butch Vito told the Board that in speaking with Franklin, they mentioned 1000'. Butch Vito said he figures 600'. He needs to talk with Franklin to see where the 400' difference is.

Butch Vito said that he spoke with Jim Martin, Water Superintendent, to see if there are any funds available. He has no funds, but could "lend" us some to do this project, but would need the funds back in the Fall.

Bob Markel discussed the Community Block Grant funding. He spoke with the Town Administrator in Franklin, who said Franklin could only use their grant. We would need to go after our own grant. There are income guidelines we need to meet, but Franklin's Town Administrator thought Norfolk would qualify under their guidelines. Mr. Markel said there is a round of grants now, and he will look into it.

Joyce Terrio asked Butch Vito about timing? Butch Vito said the engineering and design are the most critical right now.

Joyce Terrio asked if all the residents are interested. She said her reason for asking is that this could become a betterment, and if it's going to hit the people's pocketbooks, she would like to be sure they are all in agreement.

Janet McLaren spoke on behalf of the residents. She said that one resident already has water through Norfolk, and the other sold their property to the Paquette's, so everyone is agreeable.

Butch Vito asked the Board to approve the expenditure for the engineering tonight.

Jack McFeeley said he is not in favor of betterments. He said to be fair, he would like to do what we've done for other residents, and ask town meeting to vote to offset part of the costs of this. He suggests an article be put on the Fall Town Meeting.

Jack McFeeley moved to support actions proposed by the Water Department, and to support putting an article on the Fall Town Meeting to reimburse the \$10,800, and to put an article on the Fall Town Meeting to ask voters to offset the betterment costs for this project. Joyce Terrio seconded, and it was **so voted**.

PLANNING BOARD APPOINTMENT

At a joint meeting of three members of the Planning Board and the Board of Selectmen, it was moved by Jack McFeeley to reappoint Kevin Darcy as the Associate Planning Board member, term to expire June 30, 2003. Joyce Terrio seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; Jack McFeeley, **aye**; Art Spruch, **aye**; Steve McLain, **aye**; and Bob Nicodemus, **aye**. It was a unanimous vote.

POST OFFICE PARKING LOT ISSUE

Present was Art Spruch, Planning Board.

Bill Perron said that they have been receiving numerous letters and phone calls from patrons and residents regarding the post office parking lot. He said they would like to make an attempt to fix the parking problem.

Art Spruch had a plan he assumed to be about a year old. The plan was undated. Postal authorities had presented this plan to the Planning Board when they came before them about a year ago. They haven't heard anything since.

Bill Perron questioned if the parking spaces should be slanted instead of straight? Art Spruch said no, because it is a one way, you are okay.

Jack McFeeley suggested moving the mailboxes to the back of the lot. It would prevent traffic. Art Spruch agreed it's a good idea.

Bill Perron said that all the Selectmen have heard is a letter from Congressman Barney Frank's office. Guy Patterson has said that there is funding available. But Bill Perron acknowledged that that is contrary to everything he's heard.

Art Spruch said the Planning Board is interested in moving forward, but hasn't heard from the Post Office.

Paul Sullivan, a Norfolk resident and a rural carrier for the Post Office asked if he could review the plan we were looking at. He did so and expressed his concern about 18-wheelers coming into the Post Office. He is concerned about safety and accidents.

Bill Perron suggested we send a letter to Don Marshall at the post office in Providence.

Jack McFeeley moved to take the issue of proposed parking at the post office under advisement, and send a letter to the Postmaster and Barney Frank.

TOWN ADMINISTRATOR REPORT

Bob Markel asked the Board to approve, and he will sign the grant funds for the Senior Center. Mr. Markel explained that Alice Boyd of Bailey Boyd Associates will be the project manager, and the Permanent Building Committee will not be involved.

Bob Markel said that this is now being encouraged systematically by the State. The State is encouraging local communities to hire project managers for construction projects they undertake. For example, you get a bonus if you hire a project manager for your school projects. George Hall suggested that Bob's signature is appropriate on this document, and the Board just needs to vote to accept.

Joyce Terrio moved to approve acceptance of the grant funds for the Senior Center basement project. Jack McFeeley seconded for discussion purposes. Jack McFeeley said he was bothered by the fact that Alice Boyd would be the project manager, and the PBC would not be involved at all. He said he would like to hear from the PBC to know that they are okay with this. Town Bylaw had dictated that they should be handling the project.

Bob Markel said the process was very simple. Bailey Boyd was the only applicant. Bob Markel said because this was grant funds and not town funds, the PBC did not have to be involved. Bob Markel said the PBC does not have a problem with Bailey Boyd Associates being the project manager. Jack McFeeley said he doesn't have a problem with the process, but would like the PBC in to discuss this further.

Bob Markel said that he can schedule PBC in to discuss this, if that's what the Board wants. Bob Markel said it seems there are 2 subjects here – the process, and PBC's involvement.

The motion was NOT voted on.

Jack McFeeley moved to take all utility, drainage, maintenance, construction, planting, sight line, and sidewalk easements as may be necessary and as shown on the "Acceptance Plan of Berkshire Street Stations 13+75 to 20+75 in Norfolk, Massachusetts dated 9 December 1998 and revised 7 February 2001 and 1 March 2001", with the caveat that we have considered the question of damages sustained by the owners of the above described parcel or parcels of land by the layout of the aforesaid street, and of the construction thereof, and we do hereby determine that no damages should be awarded to the said owners. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to take all utility, drainage, maintenance, construction, planting, sight line, and sidewalk easements as may be necessary and as shown on the "Acceptance Plan of Hampton Road Stations 0+00.00 to 6+21.53 in Norfolk, Massachusetts dated 9 December 1998 and revised 7 February 2001 and 1 March 2001", with the caveat that we have considered the question of damages sustained by the owners of the above described parcel or parcels of land by the layout of the

aforesaid street, and of the construction thereof, and we do hereby determine that no damages should be awarded to the said owners. Joyce Terrio seconded, and it was **so voted**.

Bob Markel told the Board that George Hall says the Board of Selectmen does not have the authority to allow private organizations to post signs on town property. We need to have a revision done in the Fall.

Bob Markel has already spoken to Marie Chiofolo about revising the bylaw for the Fall Town Meeting, and they are working on it.

Bill Perron questioned can we allow them to put up the signs anyway. These organizations have no other means of advertising for their events. Jack McFeeley said no, not until the bylaw is changed.

Bob Markel will check with Town Counsel to see if this was an ongoing practice, do we have any flexibility?

Bob Markel discussed the Beede Waste Oil notice. We were assessed \$12,500, which needs to be paid by August 1. Jack McFeeley moved to approve a Reserve Fund Transfer in the amount of \$12,500 for this assessment. Joyce Terrio seconded, and it was **so voted**.

Bob Markel discussed the GATRA transportation issue.

Bob Markel discussed early retirement. Norfolk County Commissioners have to receive approval, and the Norfolk County Advisory Board will vote. Bob Markel will attend the Advisory Board meeting on the 19th. The Board of Selectmen will then need to vote. Bob Markel will attend an early retirement seminar on the 20th.

Bob Markel discussed purchasing street lights. Many communities have done this, and felt it made financial sense. Butch Vito and Bob Markel attended the seminar, and Butch Vito concurred with Bob Markel that purchasing them, as opposed to renting was the way to go.

Bob Markel told the Board that Berry Insurance has informed us that we can no longer self-insure for Workman's Compensation. There are no carriers that will cover us any longer. Many insurance companies are in trouble because of September 11th. Berry Insurance is dropping their relationship with our current carrier. Bob Markel said we will have to go back to our "old" system for at least a year. We need to put \$50,000 up front, and then we will be fully insured. We can cover next year's funds because we had built up a trust fund.

Jack McFeeley suggested running this by the Insurance Advisory Committee.

Bob Markel informed the Board that we have received a \$30,000 grant to update our Master Plan. The grant is for services, not in money. We will get services to upgrade our Master Plan. The Board can decide if it would like to add funds to the grant so that

we can upgrade a full comprehensive Master Plan. The services now will upgrade our plans.

Bob Markel reported on Kingsbury Pond. He met with Franklin's Town Administrator, Jeff Nutting, briefly. If Franklin can contract water with Millis to buy water, (they are very close to doing this), then they won't be using Well #4 as much as they currently are. Jeff Nutting would like to have a meeting with all concerned and discuss this before making any commitments. Bill Perron asked that the Chairman of the Kingsbury Pond Committee be invited.

The following Reserve Fund Transfers were approved by the Board:

Jack McFeeley moved to submit to the Advisory Board a transfer of \$9,000 to the Building/Liability Insurance Account #01.5193.7400 for medical bills for Alan Washkewits. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to submit to the Advisory Board a transfer of \$96.00 to the Zoning Board of Appeals Account for advertising costs. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to submit to the Advisory Board a transfer of \$539 to the Tri-County School Account #01.5303.4010 for the last monthly assessment charge. Joyce Terrio seconded, and it was **so voted**.

Bob Markel talked with Caritas-Norwood Hospital officials regarding the paramedics coming to town. They are willing to abide by the contract, and perform services. Jim Martin has concerns about the old Highway Garage because it needs work. Caritas has offered to dismantle an old butler style building to house their vehicles. Bob Markel saw it and said it is not aesthetically pleasing.

Bob Markel also stated that the old shed behind the old town hall needs to be removed. The Highway Superintendent is updating his quote on the cost to remove it. Bob Markel said that shed makes him nervous with respect to safety, because it is open and if vandals set fire to it, it wouldn't take much for the old town hall to also go up in flames.

Bill Perron stated that he liked the idea of a 24-hour watch in the building by Caritas. Joyce Terrio and Jack McFeeley agreed it's a worthwhile service to pursue.

ANNUAL APPOINTMENTS

The following annual appointments were made:

Jack McFeeley moved to appoint the following individuals: Affordable Housing Committee – Thomas Collins and Joanne Smith; Americans with Disabilities Act (ADA) – Thomas Terpstra; Capital Outlay Committee – Terri Monjar; Cemetery Commissioner – Paul Kozak, Sr.; Conservation Commission – Allan Shaw and James Giebfried; Fence Viewer – Robert J. Bullock, Jr.; Assistant Fence Viewer – Michael Findlen; MBTA

Advisory Board Representative – Robert T. Markel; Norfolk County Advisory Board Representative – Robert T. Markel; Local Inspector – Michael Findlen; Permanent Building Committee – Robert Lowndes; Associate Planning Board Member – Kevin Darcy (joint appointment with Planning Board); Road Safety Committee – William Crump; Sealer of Weights & Measures – Peter Hildebrandt; Assistant Sealer of Weights & Measures – Robert Shannon; Tree Warden/Shade Tree Manager – Remo R. Vito, Jr.; Town Counsel -George A. Hall, Jr.; Tri-County School Representative – Adeline Bee; Veterans' Agent – Anthony Mastroianni; Veterans' Graves Officer – Arthur Keenan; and Zoning Bylaw Study Committee – Glendon Coulter and Robert Nicodemus (Board of Selectmen appointees). Joyce Terrio seconded, and it was **so voted**.

Allan Shaw of the Conservation Commission came forward and asked why Andy Bakinowski had been removed from their committee. He said that they had never been informed why. He is here tonight to ask that Andy Bakinowski be reappointed to their Board.

Bill Perron told Mr. Shaw that the Board is not at liberty to discuss the situation leading to Andy Bakinowski's resignation. This is a confidential matter.

The Board received three letters from people interested in serving on the Conservation Commission. They will be scheduled for interviews next week, if available.

Jim Giebfried told the Board that he had an extensive email from Andy Bakinowski who said it is okay to release the information to the public. The Board refused until they had a letter from Andy Bakinowski himself handed to the Town Administrator, or a letter left in the office that had been notarized.

There were two candidates interested in the Zoning Board of Appeals vacancy. One was Walter O'Hearn, and one was Martin Murphy. Bruce Simpson, Chairman of the ZBA, told the Board that both had attended their meetings, and they knew both gentlemen very well. He said they would recommend Martin Murphy for the position. He stressed that they have 17 hearings and need an individual immediately. The Board told Mr. Simpson that they will interview these two candidates at next week's meeting.

At 10 p.m., being no further business, Jack McFeeley moved to go into executive session for contract negotiations. Joyce Terrio seconded, and it was a roll call vote: Bill Perron, **aye**; Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session to adjourn the meeting.

At 10:45 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of June 17, 2002.

Joyce E. Terrio, Clerk

SPECIAL MEETING

June 24, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron called the meeting to order at 7 p.m. Bob Markel read the agenda contents.

Joyce Terrio moved to accept the minutes, as presented to this Board, and noted they are executive session minutes of May 28th, including copies of the handwritten notes that were used to transcribe what the minutes entail. Jack McFeeley said that the very first line of the minutes says Open Meeting. Joyce Terrio said she would revise the motion. Joyce Terrio moved to accept the regular meeting and the executive session meeting of May 28, 2002, as presented. Jack McFeeley seconded. It was **so voted**.

Joyce Terrio moved to accept the adjourned executive session of June 3, 2002, as presented. Jack McFeeley seconded. It was **so voted**.

Joyce Terrio moved to present to the public and release, the regular session executive session minutes of May 28th and executive session adjourned session minutes of June 3rd. Jack McFeeley seconded. Bill Perron said that he would like to say that first and foremost, aside from making this public due to Andy Bakinowski's request, this meeting was compromised. Jack McFeeley added that Andy Bakinowski requested emails. Jack McFeeley said he has no problem with this. He has said this before, and he will state it publicly again in this room so everyone can hear it at the same time, he would love to release the emails, however, he would like to have all Andy Bakinowski's emails on the same subject released by him, and all emails on the same subject released by the Conservation Commission. Once he has all those, he would be willing to release all our emails. Bob Markel said that tomorrow he and Chris McClure together would go through all emails beginning when this issue emerged, and going right through until June 3rd. We are going to cull everything out that was sent on this matter by Selectmen, me, Jane Lepardo, and anyone on the Conservation Commission. It was **so voted**.

Jack McFeeley said he is also looking for emails that didn't go through the server, i.e., emails he sent from his computer to Mr. Bakinowski directly. He would like such emails from Andy Bakinowski and the Conservation Commission made public as well.

220, 201 MAIN STREET

Present was Remo Vito, Highway Superintendent; Peter Chipman; Tony Fitzpatrick and Gino Carlucci of the Planning Board.

Butch Vito discussed 220 Main Street. 699 square feet, and 11' sidewalk easement made the lot more non-conforming in the B1 district. Went to the Zoning Board of Appeals. It was causing a hardship to the property, not the owner. It has gone through site review. No impact on the business property. Could still be used as a business.

Tony Fitzpatrick stated that the proposed business was on the first level, and residential was on the second level.

Peter Chipman explained the current situation to all. He said his plans originally were for retail or restaurant.

Tony Fitzpatrick said that the hearing on the original site plan review is closed.

Bill Perron wanted to go into executive session for land acquisition. Joyce Terrio didn't feel the Board was ready for negotiation.

Peter Chipman and Butch Vito both said they weren't aware that they could file a modification only, without a full site plan review. Planning Board agreed that they could file a modification only.

Jack McFeeley said we need to close on 220 Main Street before we enter any discussions on 201 Main Street. Here it is seven months and a town meeting later, and we are still discussing a Memorandum of Understanding.

Bill Perron still suggested an executive session to discuss the proposal.

CONSERVATION COMMISSION MEMBER INTERVIEW

Gail Hansche, 245 Main Street. Gail Hansche told the Board that she has a strong desire to serve as a volunteer in Norfolk. Ms. Hansche said she has sat in on Conservation Commission meetings, and feels they are doing a good job. She would like to see them focus stronger on education, and less on regulation. She is in favor of cluster zoning, and would like smaller lots that would use less water. Gail Hansche said that she has not had much input at the meetings, but has read the Conservation Commission handbook, and has listened. She has been helpful in identifying habitat of wildlife.

Gail Hansche further advised the Board that she does read the Conservation Commission's decisions, and accompanies them on site walks. Ms. Hansche has disagreed with the Commission on some of their decisions. She has no experience on a regulatory Board.

Gail Hansche told the Board that she is a letter carrier for the Town of Medfield, as well as a photographer. She feels that she can put in the required time necessary, as her children are grown. She would like to give back to her town.

ZONING BOARD OF APPEALS MEMBER INTERVIEWS

Martin Murphy, of Stop River Road was a finalist for this position the last time we held interviews two years ago. He told the Board that he has sold a business since we last spoke with him, and he is on the Board of the Blessed Sacrament School in Walpole, where his children attend.

Mr. Murphy told the Board that he has been before the Conservation Commission in Norfolk, but not the Zoning Board of Appeals. He was a former member of the Zoning Board of Appeals in Medway when he lived there. Martin Murphy told the Board that he has the time to commit to this position.

Martin Murphy told the Board that he attended Zoning Board meetings in the past, and recently attended a meeting to reacquaint himself. He feels comfortable working with this Board. He has always liked zoning and feels it provides a value to the community. There is consistency in the membership, and feels that it is a real challenge, and difficult when the members keep changing.

Walter O'Hearn, of 164 Seekonk Street, said his interest is with the Zoning Board of Appeals. Eight months ago he came before the Zoning Board of Appeals. He had been warned that this could be a disheartening experience. He found them to be a good group of people, and got an approval. Mr. O'Hearn said he has lived in Norfolk for eight years, and would like to give back to the Town. He feels he would be an asset to this Board because he's a good listener, and he feels that is important. Walter O'Hearn told the Board that he could be interested in being an associate member. He has been to two other Zoning Board meetings other than his, and just observed. Mr. O'Hearn told the Board he has no experience on a regular board.

Bruce Simpson, Chairman of the Zoning Board of Appeals, told the Selectmen that he is very pleased to have two candidates to choose from. He told the Board that although both candidates are very, very good, he personally would choose Martin Murphy because of his legal experience, and because he has served as a full Zoning Board member previously, although in another town.

Joyce Terrio agreed that although she knows both gentlemen, and remembers Mr. Martin coming before the Board a few years ago for this very position, she agrees that because Martin Murphy has enough interest to apply again, she feels he should be appointed to the position.

Jack McFeeley moved to nominate Martin Murphy as associate member to the Zoning Board of Appeals. Joyce Terrio seconded for discussion purposes. It was **so voted**.

On another issue regarding appointments, the Board mentioned having the Website Committee in to discuss their appointments, but then later decided not to reappoint them, agreeing with the Town Administrator that their use has been fulfilled.

We will ask Tony Fitzpatrick if he is still interested in serving on the SWAP and MAPC as our representative.

We will send letters to all people who have not responded as to whether they are interested in reappointment.

FENCE ISSUE - HIGHWAY SUPERINTENDENT

The Board then discussed signing contracts with Remo Vito, the Highway Superintendent. They discussed receiving easements, and giving back in return. Butch Vito named several cases where he did exactly that. He did plantings at the Bean property on Ridgefield; he did plantings on Union Street at the corner of King Street. Bill Perron asked about something done other than plantings or stonewalls. Butch Vito responded they have removed trees and stonewalls, but it is usually done in a road project. On Mr. Gross' property, they canalized the brook during the drainage project. It isn't unusual that if they have to go onto private property, that they try to rectify it. Butch Vito said that when we get to the TIP project, the church gave us an easement for a sidewalk. We will go on their property and construct the sidewalk and do other things. Walls will have to be rebuilt during that project, etc.

Jack McFeeley said he has already said anything he is going to say. He has not changed his mind. He feels that reading this letter from Town Counsel, George Hall is working with erroneous figures. The value is not \$7,100. We are disputing the fact that 295 feet of fence is not necessary, and therefore, the value of the fence is not \$5,400. We cannot add in the value of the easement, since no easement was taken. Nothing was signed, and nothing's been signed since. Jack McFeeley said that this is something he did not feel was appropriate for Butch Vito to do. It goes too far, and if necessary, he is willing to draw the line and draw the line for the future, as well.

Bill Perron said that the value of the easement was \$1678, is that correct? Butch Vito said he did not have that figure with him tonight.

Joyce Terrio said that George Hall's comments did bring to mind that she knows that Butch Vito has gone out and signed proposals. This amount of money was included in his budget for the work there. She feels that in reading what Atty. Hall said we, as a Board, has had Butch Vito done some of the things to get the job done. It has been within his budget and within his funding to do. He has gone out and contracted, on the Town's behalf, to get this done. Because of the Simpson's property and it being so visual, brought attention to this issue. If this had been brought to the Board first, Joyce Terrio says she probably wouldn't have approved the full \$10,000 because she thinks the only portion of the fence we should be paying for is from the tree down to the barn driveway, which is the whole site line thing. The stockade and what is done in the back should have been the Simpson's expense, because it was a beautification issue. Attorney Hall does point out that we have possible litigation either way. Joyce Terrio said she is disappointed that we have to pay for the whole fence, because she really doesn't want to. She personally would like to see the Board vehemently go after a signed agreement for the easement on the property, and just pay the bill in full.

Bill Perron hasn't moved, either, on his position. The figure he got was 180 feet that falls within that easement of fence. The best guesstimate that we have is \$15 per foot for a 3-foot fence. That would be \$2,700. If you add the \$1,678 to that, it is a total of \$4,378. That is above what Jack McFeeley is asking for, and below what Joyce Terrio is asking for. Bill Perron would like to offer the Simpson's the \$4,378 for the payment

for the easement, the \$1,678 portion, and the \$2,700 for our contribution toward their fence. Bill Perron asked Jack McFeeley if he was in the \$3,400 range. Jack McFeeley said yes. Bill Perron asked that Jack McFeeley move up, and Joyce Terrio move down in the price. We will have Bob Markel approach the Simpson's with this price, and it would include an actual easement and we will go through the expense of registering this in Dedham.

Bill Perron moved to offer the Simpson's the sum of \$4,378 for the payment for the easement; \$1,678 for the easement; and \$2,700 as our contribution toward the fence. Jack McFeeley seconded for discussion. Jack McFeeley said he would emphasize that this is contingent upon getting an actual signed easement that is satisfactory to this Board. Bob Markel said that the Board will authorize the payment of \$4,378 from Chapter 90 funds, and that the remainder would be the responsibility of the Simpson's. Bill Perron said yes, the Simpson's would accept the \$4,378 as full payment by the Town of the fence. Bob Markel said that this number would represent the value of the easement, and value of the fence along the front of the house. It was **so voted** by Bill Perron and Jack McFeeley. Joyce Terrio voted **no**.

At 9:26 p.m., Joyce Terrio moved to go into executive session to discuss purchase, exchange, lease, or value of real property. Jack McFeeley seconded, and it was a roll call vote: Bill Perron, aye; Jack McFeeley, aye; and Joyce Terrio, aye. The Board will not return to open session.

At 10:08 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Special Meeting of June 24, 2002.

Joyce E. Terrio, Clerk

Regular Meeting

July 1, 2002

Present was R. William Perron, Joyce E. Terrio, and John J. McFeeley. Robert T. Markel, Town Administrator was absent.

Bill Perron opened the meeting at 7:00 p.m. Marian Harrington read the agenda contents.

PAUL DICHIARA, CONSERVATION COMMISSION INTERVIEW

Paul DiChiara of Everett Street told the Board that he is an 18 year resident of Norfolk. He was formerly our Building Commissioner. His background is in building and architecture. Paul DiChiara said he is into building code enforcement now. Mr. DiChiara told the Board that he has no experience in Conservation, but in the

enforcement. He told the Board that if a developer is breaking building rules, then they are usually breaking Conservation rules as well. He would like to get involved.

Joyce Terrio asked Paul DiChiara if in his job as Building Commissioner in North Attleboro, does he have contact with the Conservation Commission? Mr. DiChiara said absolutely. They work with each other, and keep each other informed. Mr. DiChiara told the Board he could devote the time necessary to do the job. He feels he would be a strong, but fair member.

JASON TALERMAN, CHAPTER 40B DISCUSSION

Jason Talerman, a land use attorney and a Norfolk resident was present to assist the Board in understanding Chapter 40B more clearly.

Jason Talerman said that the Board should pursue a project where a developer will hold hands with you, and do it together. It is rare, but it could happen. If you have land, send out bids and invite developers in to talk. What usually happens is that the developers come to you.

Mr. Talerman said he recommends sticking to your guns. If you know a developer is coming to you, go to him and talk, and let him know what you want. Don't roll over and play dead because it all seems intimidating. Projects are almost always less than what they start out with.

Jack McFeeley asked Jason Talerman if it would be beneficial to have other boards get together and experience his expertise? Jason Talerman said he would like to do that. He puts on seminars all the time, throughout the state.

Joyce Terrio asked if Kopelman & Page was working with MMA? She hadn't seen anything come out. Jason Talerman said that MMA is in a tough spot right now.

Bill Perron asked if a developer wanted 50-55 housing. Jason Talerman said it doesn't matter to a developer. They are only in it for the money. You tell them what you want to see.

Jason Talerman said that obviously the Zoning Board of Appeals will have the biggest impact on the Chapter 40B. He offered to sit in on any 40B hearings and advise. He said Town Counsel will represent the Selectmen, but he is willing to assist the ZBA.

Bill Perron told him we will take him up on all his offers, and the Board thanked Jason Talerman for his time.

MARY LOU NAVIN – CONSERVATION COMMISSION INTERVIEW

Mary Lou Navin resides on Perigo Lane, and has lived in Norfolk since December of 1998. She is an at-home mother of two small children.

Mary Lou Navin told the Board that she has no experience in Conservation, but is very interested in becoming involved. She thought this might be of interest to her. Mary Lou Navin said that she worked in insurance for ten years, but majored in geology in school. She has worked in the civil engineering field, and has done topographic maps.

Another area of interest to Ms. Navin is the Design Review Board. Her father is an architect, and she grew up in design and construction. This would be another Board she may be able to assist with.

She told the Board that she could commit the time; although she wasn't sure how much time the Conservation Commission spends. She felt that her geology degree would help her understand what is going on.

Jack McFeeley questioned her financial interest, and wondered if she might possibly be interested in the Capital Outlay Committee. He explained this to her, and said she could attend a meeting to see if she was really interested.

Mary Lou Navin said she would be interested in the Design Review Board, as it didn't seem to have as much commitment as the Conservation Commission. She will find out about the Capital Outlay Committee, and get back to the Board.

POLE HEARING – OLD MILL ROAD

Present was William Dorgan, Verizon; Lee Prevett, Prevett Bros. Construction – owner; and abutters Arthur Spruch and Ralph Cook.

William Dorgan told the Board that Verizon is proposing 3 poles at Old Mill Road, at a new lot #17 Old Mill Road, on the cul-de-sac.

Lee Prevett, Prevett Bros. Construction, 26 Lake Street, told the Board they are proposing to get utility poles, approximately 286' across Standish Road down Old Mill Road, which is a continuation of overhead services in that subdivision. From that last pole #17, according to the bylaws for an estate lot, they are to go underground to the house, which is a setback of about 400'.

Bill Perron reviewed the bylaw and said it does say that all utilities will be installed underground. Are you looking for a waiver?

Lee Prevett said no, he is voicing his opinion. His interpretation is that utilities would be underground for an estate lot. It doesn't specify whether or not you have to go underground 10 miles down the street, or 50'. From the lot line to the property – over to the dwelling.

Bill Perron said it says all utilities underground. Bill Perron wondered about a special permit by the Zoning Board of Appeals? Lee Prevett said that this bylaw is under the ZBA. He said in speaking with a member about this, he was told their intent was not

to bring it miles down the street, but from the lot line. Bill Perron said he thinks you are looking at a variance, if you want it to go above the road to your estate lot.

Jack McFeeley said this is what he asked last week. Where does the world begin? Where do you start putting things underground, and where do you start putting things on poles? Also, is there an estate lot truly going in there. Is this still an issue?

Art Spruch and Ralph Cook, as abutters, are unclear about what is happening here. Art Spruch said their concern is that no plans have been filed saying that this is an estate lot. There is no commitment on what he is doing. They feel it is premature for the Board to act on this request until there has been a commitment by the property owner and developer on what he is proposing to develop on this property. Mr. Cook and Mr. Spruch would like the Board of Selectmen not to vote until the property owner makes a commitment to the Board and to them, what he is developing on this property.

Bill Perron said he doesn't understand what difference it makes to the Selectmen whether it is a subdivision or an estate lot. Art Spruch said if it is a subdivision, the Planning Board usually extends conditions for all utilities to be brought in to the piece of property to be sure they are consistent with the Highway Dept., Police Dept., Fire Dept., etc. We take into consideration all kinds of things. But right now, there is nothing filed saying it is an estate lot. If this goes forward and he doesn't file for an estate lot, and he comes back afterwards for a subdivision, then he has circumvented the process by saying he has three poles up and he'll just extend the lines over right into the subdivision. You can't have it both ways.

Bill Perron said why? The bylaw says they will all be underground, so what difference does it make what he files? Art Spruch said the difference is who has rendered the conditions associated with the lot associated with the utility system. In this case, the Zoning Board of Appeals rendered a condition. If it was a subdivision, the Planning Board would render a condition on how it was to be done.

Ralph Cook said if this is developed differently, Seekonk Street is also an access where there are no houses. So the utilities may not even come in from there. They may come in from Seekonk Street. There is a significant issue. The utilities don't have to come into the property this way if it is developed by an alternative means. It only needs to come across in this direction if it is an estate lot. Since it hasn't been filed as an estate lot, and for some reason it becomes a subdivision, then Seekonk could be an access and the poles don't even need to be put up. This is one reason that this hearing is premature.

Jack McFeeley interprets the law differently. He feels that he would vote for the poles. If it is not an estate lot, then he agrees with Art Spruch and says leave it up to the Planning Board, because it is their jurisdiction.

Lee Prevett said he never knew it was a requirement for him to notify abutters or anyone about recording before he could go ahead with trying to get utility poles set for this project.

Jack McFeeley asked why he is pursuing poles at this point without having filed a plan? Lee Prevett said because wholeheartedly he feels he is going to go for an estate lot. Jack McFeeley said, then once you have done that, then we will vote on putting the poles in.

Lee Prevett asked if the Board would vote this, in order to save time, with the condition that the estate lot gets filed with the Registry of Deeds and recorded, and then the poles can be installed.

Joyce Terrio said you want us to approve 3 poles going up Old Mill Road, conditional as long as Lee Prevett records an estate lot. The reason we want to do this is because it will be a time saver. At what point in time do you think you would be filing this paperwork? Lee Prevett said the first of September. Joyce Terrio said that the poles wouldn't be put up until the paperwork is filed. Joyce Terrio asked Mr. Dorgan how long it would take for Verizon's process to get the poles up, once we approve it. Mr. Dorgan replied approximately 30 days. Joyce Terrio said she would go along with this, but is very uncomfortable. Personally, she would prefer to wait until the paperwork is filed.

Jack McFeeley moved to adjourn the pole hearing until the week of September first. Joyce Terrio seconded. Bill Perron said he doesn't understand why this can't be voted tonight to save time. Jack McFeeley disagreed and said there is no reason for doing it tonight. There is no time is being saved. We have already wasted two sessions on this already, so he'll go for a third. He would like to see the plans. Jack McFeeley doesn't want to start setting a precedent that applicants in the future can come to us without plans, and turning around making promises, and the Board votes things off into the future. If the paperwork had been here tonight, we would have been out of here a half hour ago with no discussion. It was **so voted**.

OLD/NEW BUSINESS

Bill Perron said that Ron Burke telephoned him with concerns about the Senior Center. He feels some things in the Settlement Agreement have not been met on the Town's behalf. Bill Perron will review the Settlement Agreement.

Jack McFeeley thanked Bob Bullock for the fact that he has sent letters to real estate agencies informing them of the sign bylaw.

Jack McFeeley would like Butch Vito's thoughts regarding the Metropolitan Planning Association regarding the TIP program and the Miller Street Bridge.

ACTION ITEMS

Jack McFeeley moved to allow Norfolk Recreation to use the gazebo on Town Hill on July 9, 15, 23, and 30th from 12:45 – 2:15 p.m. to hold summer ballet classes, subject to the usual conditions on parking, clean up, etc. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to release the street opening permit and bond, #02-01 for 26 Hunter Avenue, per the recommendation of the Highway Superintendent. Jack McFeeley seconded, and it was **so voted**.

APPOINTMENTS

Jack McFeeley moved to appoint the following: Affordable Housing – Paul DuBois, Roger Holmes and Walter Zagieboylo; ADA Committee – Mary Nuhibian; Arts Council – Tina Addison; Correction Advisory Committee – Lisa Newell; Historical Commission – Geraldine Tasker; Insurance Advisory Committee – Bruce Shapiro; and Mirror Lake Committee – Joseph Gilio. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint Mary Lou Navin to the Design Review Board. Joyce Terrio seconded, and it was **so voted**.

The Board then discussed appointing a member to the Conservation Commission. Allan Shaw, Vice Chairman, said he would like to see Gail Hansche appointed. He feels she is very good, and has put her time in.

Jack McFeeley said he could vote for either candidate – her or Paul DiChiara. He feels they are both qualified, so he will go for Allan Shaw's choice.

Bill Perron said that Paul DiChiara has municipal experience. He has both enforcement and zoning experience, and is very qualified. He understands Gail Hansche has a lot of interest, but personally would go with Paul DiChiara.

Joyce Terrio said she understands Gail Hansche has been around, but the Conservation Commission needs to look at developers coming in and what they are going to do. Joyce Terrio wants someone on the Board who will work out.

Joyce Terrio moved to nominate Paul DiChiara to fill the vacancy of Andrew Bakinowski. Jack McFeeley seconded the motion. It was **so voted** by Joyce Terrio and Bill Perron. Jack McFeeley abstained from voting.

At 9:25 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of July 1, 2002.

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron opened the meeting at 7:02 p.m. Bob Markel read the agenda contents.

EARLY RETIREMENT DISCUSSION

Bob Markel explained in detail the Early Retirement Program offered to cities and towns by the Commonwealth.

Bob Markel said the Legislature has provided authority to cities, towns, and county retirement systems to provide an early retirement incentive. The incentive is that an employee would be permitted to add five years, either to their chronological age, or their years of service. This would simply be an incentive to those who either don't have the years of service, or chronological age adding up so they could get the highest part of their salary as their pension.

This program was approved in the Spring by the Legislature. It was approved by the Norfolk County Commissioners, as well as the Norfolk County Advisory Board; the meeting which I attended. At the Advisory Board meeting, which is considered the legislative body of the County, the vote was almost unanimous. There was one dissenting vote from the Town of Bellingham. This authorizes the Board of Selectmen to vote, or not vote, the program.

Bob Markel has spoken with officials at both the County and State levels, and our own Finance Director, Susan Gagner, about the ups and downs, and pros and cons of the program. There are a number of considerations. First of all, we have done a quick survey of the potential in the Town. It seems like if the Selectmen authorize the program, there are relatively few people who would take advantage of it. Simply, because even with the five year incentive, they don't have the years of service and the age to maximize their pension. An educated guess would be fewer than 5. Classroom teachers are not eligible. They were given their own retirement incentive a few years ago by the Legislature, so they are exempt. It does apply to police, firefighters, and all other public safety employees, as well as town employees.

Bob Markel explained that in the 1960's, an employee only contributed 5% of their salary to retirement. Over the years, that figure increased, and now a new employee contributes 9% of their salary to retirement. Bob Markel said the town would benefit because rather than an employee paying in at 5% and the town paying 95%, a new employee would pay in at 9% and the town would only pay 91%. There is a gain there. Offsetting the gain is the Medicare rule. Employees who would be eligible for retirement are "grandfathered" as far as the Medicare rule. The Town now pays 1.45% for new employees – new meaning approximately 1988, when the State issued this mandate. Employees prior to that are exempt. Retiring someone at 7% and bringing

in an employee at 9%, pretty much is a wash. We lose the extra 2% by paying Medicare on the new employee.

Other advantages would be that older employees are drawing higher salaries. One decision to make would be if we would be replacing that employee. If we did choose to replace the employee, do we want to downgrade the position, or rewrite the job description in any way. If not, and we hired a new individual at the same job exactly, they still would be hired at a lesser salary. We would have a gain there.

Another example would be if a police officer retired. Some of them are probably now drawing the Quinn benefit. All retiring employees are drawing longevity. We would see longevity savings, Quinn benefit savings, and savings by replacing a higher paid employee with an entry level employee.

Another very significant benefit would be our County Assessment. This would increase. The increase would be about \$3,000 - \$4,000 per year per employee that you retire. We are assessed, under a very difficult arrangement with the County, which no one can explain to us. We are assessed annually for the number of retirees we have in the system. If we add retirees, our assessment will increase. Offsetting that, is that the \$3-4,000 per year – about \$15,000 over the 5 year period that we would not have the employee working for us, that would be offset by any salary increases that employee would be eligible for.

Ideally, the best situation is to not replace your retiring employee. No doubt about it. But especially in our office structure, that is not always possible because our work force is pretty lean, and we don't have positions we can simply abandon when someone retires. We will have to replace employees. We will, however, examine every position and see how it can be modified.

Bob Markel said that in the County right now, only two communities have already acted and they both approved. These communities were Wayland and another South Shore community.

Jack McFeeley asked what the minimum age is. Bob Markel said that will vary depending on the employee. You are vested at 10 years. You can retire at any age, once you have your 10 years. You have to be vested 10 years, and be 55 years old, other than public safety employees.

Jack McFeeley asked what if you are 53 years old, and you elect to take 2 years additional age, and 3 years of seniority? Can you take advantage of this program then? Bob Markel said yes. You can take a mix. It would be disadvantageous. Unless you started with the town at a very early age, you would not be eligible for a high percentage of your salary. There are employees who are 55 years of age, but it doesn't make sense for them to retire.

Jack McFeeley said he asked the question because he has to recuse himself from any discussion because his wife falls in this category, and may consider retirement.

Jack McFeeley said the second question is – if you do take advantage, and you decide that you are going to leave and add “x” number of years, when do you have to make that decision? Bob Markel said you have to make that decision prior to November 30th of 2002.

Bob Markel said he can’t answer exactly on the mix, but assumes the mix and the main question – am I going to do it? – are both November 30th of this year.

Jack McFeeley said suppose I am 57, and decide to take advantage of it, and I give you a combination for a mix, does that mean I have to start collecting a pension, or can I wait before I start collecting a pension? Bob Markel said you retire, but you continue to accumulate age? Jack McFeeley said right. Bob Markel said no, you couldn’t do that. You are out. When you decide you’re out, you’re out. This is retirement, which means you start collecting. Bob Markel said if you could retire at 50, add the 5 years to your age to make it 55, and then decide to work another 15 more years in some other area, that would make this offer even more attractive. It wasn’t intended this way.

Jack McFeeley asked if you could retire, and then go work somewhere else in Norfolk County? Bob Markel said no. You cannot work for the same system (Norfolk County) that you retired from. You can go into private sector, or a federal sector, and work someplace else. However, you cannot retire from the Massachusetts system, and then work a state job.

Joyce Terrio questioned the County Assessment figure. If Norfolk doesn’t vote to go ahead with this plan, how are we assessed? Bob Markel said we will be assessed according to the number of retirees in the system, and if that were to increase because an employee decided to take retirement even though we haven’t authorized the incentive, that would add a new retiree into the system, and that would be the cost assuming that we don’t lose anyone. New people come in, and people pass on. People who pass on are subtracted from our assessment.

Joyce Terrio said when you are going through all the pros and cons, what is the bottom line? Bob Markel said the bottom line is that it will work for us because it will be small number of our employees, and in several cases, or one in particular, we have an employee who is drawing down insurance claims, and if he were to retire, we would have a savings there. Joyce Terrio said that although you feel right now it is 4 or 5 employees, let’s project out. Do you feel in 4 or 5 years, the number will stay the same?

Bob Markel said this program is a one-time program only. As of November 30th, it is over. The State may authorize it again in years to come, but this is a one shot deal. It’s now or never. Otherwise you do normal retirement according to the system. The last time this was done by the State was 1990, or 1991.

Bill Perron told Bob Markel that he did an excellent summary of the program. He did say that at 9% though, you also get an additional 2% over \$30,000. So there is an

additional savings. You get 9 plus 2. Bill Perron said there is also a relief factor – you might have someone with 25 years and they get 5 weeks vacation, where a new employee might start out with one or two weeks vacation. There is the savings there. Bill Perron said that he has worked it out to a savings, even if small, for replacing retiring employees. There would be more savings if you could delay the hiring of a new employee. Bob Markel said he would work with the Personnel Board, to ensure that every single position is evaluated (retiring individual's position) to see how the Town would benefit.

Bill Perron asked if there was any discussion from the audience?

Constance LaChance asked about the date to retire. Can I tell you tomorrow that I wish to retire, and that I will be gone in 7 days, or do I have to wait until December 31st to leave? Bob Markel said that you can leave at any point, but you have to be off the payroll by December 31st.

Question: Do we get to pick and choose whom we allow to retire? Bob Markel said the Town could set a limit for each major division of employees. They can say, for example, only two police officers can retire. But you can't pick and choose. You don't have to have a blanket policy that anyone who wants to retire can go. You can set a limit of a maximum of say, ten employees, total from all divisions. The first 10 to indicate their decisions are the first 10, and that's all. You can notify the Town Administrator and Personnel Board.

Joyce Terrio and Bill Perron discussed limiting the number who can retire. Bill Perron asked if they could reconsider once they have chosen a number. Bob Markel said yes, if you find that people are beating down the Selectmen's door to request retirement, there is no prohibition that he's aware of, to reset that number.

Joyce Terrio moved to accept the Town of Norfolk's involvement in the Norfolk County's Early Retirement Program as presented this evening. Any potential retiree shall notify, in writing, the Town Administrator and Personnel Board prior to November 30, 2002 of their intention to take advantage of this program. The Board of Selectmen limits the number of potential retirees to eight (8). Bill Perron seconded, and it was **so voted** by Bill Perron and Joyce Terrio. Jack McFeeley was not part of the vote.

BRUCE JOHNSTON, CLASS II LICENSE

Present was Frank J. Gross, attorney, representing Bruce Johnston.

Attorney Frank Gross told the Board that he is representing Bruce Johnston, National Auto Co., Inc., who has requested a Class II license to display 6 cars in the parking lot at 227 Dedham Street in Norfolk. He currently holds a Class II license at 158 Main Street.

Attorney Gross said that Bruce Johnston does not intend to display cars at this location, because it is currently not zoned to allow him to do so. They are in the process of having a zoning amendment made at the Fall Town Meeting.

Attorney Gross said that Mr. Johnston has an agreement with Mr. Boomer to lease the space, if the Board grants the license. If he is not granted the license, he will not rent the space. If the Board approves the license, Bruce Johnston will come back before the Board once the zoning goes through.

Jack McFeeley moved to allow a Class II license to National Auto Co., Inc. for business at 227 Dedham Street, with no storage of vehicles on the premises. Joyce Terrio seconded, for discussion purposes. She amended the motion to read that Bruce Johnston must surrender his current Class II license at 158 Main Street. Jack McFeeley seconded the amendment. It was **so voted**.

CALL & WAIT – CLASS III LICENSE HEARING

Present was Paul Waznis, owner of Call & Wait; and his attorney, Theodore Koban. Also present was Bob Bullock, Building Commissioner, and Allan Shaw, Conservation Commission.

Bill Perron noted that there is still pending litigation in Norfolk Superior Court involving this matter. Bill Perron reviewed the list of conditions set forth by the Board of Selectmen, and suggested we discuss them individually to be sure they have been taken care of.

The Board had a plan of the Call & Wait property, and much of this was discussed referring to the plan.

Bob Bullock stated that he visited the site last Monday, and then again on Thursday. He said some things are being done, but when they last talked, he thought more things would have been done at this point. Bob Bullock asked if there was anything in particular we wanted to know.

Jack McFeeley said yes – about a month back there was a meeting including himself, Bob Markel, Bob Bullock, Mr. Waznis and his attorney, our attorney, and several others and went through all of the conditions to see where there was agreement and disagreement. Most items were agreed on, with the exception of the number of wells. Jack McFeeley agreed with Bob Bullock, and stated that he expected more to be done by now, also.

Paul Waznis said such as? Jack McFeeley said such as everything – everything we talked about on that list of conditions. A copy of the list of conditions was provided to Atty. Koban and Paul Waznis. Bill Perron stated that there are 18 conditions on this list.

Bob Bullock said he observed approximately 500 doors, plus odds and ends that need to be moved. The limit of disturbance is marked by a fence. He has to stay within the fence. The fence is made of chain link.

Paul Waznis told the Board that he worked on the 4th of July, and he made a 14" concrete drain. He told the Board that he cannot remove tires easily. He has made an effort to steadily remove tires and has probably removed \$20,000 worth. However, this is an ongoing battle because he also gets tires in on a daily basis. Mr. Waznis said he would need until approximately October 31st to get the tires removed.

Jack McFeeley questioned underground storage tanks. Paul Waznis said the Fire Chief did not approve the underground storage tanks, and he is getting rid of all the gasoline storage tanks within his yard. His vehicles only use diesel. Mr. Waznis explained that gasoline is more flammable, and diesel is used in homes.

Paul Waznis was advised that he needs a special container for anti-freeze. Paul Waznis said that the container is only for new anti-freeze. He does not keep new anti-freeze. This anti-freeze is used, drained out of his trucks.

The Board discussed areas of parking, and what was parked there.

Jack McFeeley commented on oil spattered on the nearby vegetation. He said the leaves were black. Paul Waznis said that is how the vegetation grows, it is not oil. Bob Bullock asked if the crusher could spew oil? Paul Waznis said no. He said he would not kill the vegetation. Bob Bullock stated that the machine is right next to the oil-covered vegetation. Paul Waznis insisted it was not oil, and that the vegetation is green, and as it dies naturally, it becomes discolored. Bob Bullock and Jack McFeeley both said that in December, there was an inspection there on the hillside outside of Stop River, and their pants were covered in oil.

Attorney Koban said he would like to bring up the license itself. He said that the statute does not address a six-month license. The license can only be issued for one year. Bill Perron said that perhaps the Board should not have granted a license at all, then?

Bob Bullock said that condition #8, a roof over the oil draining area, he is not sure what can be done here. Perhaps a gutter directed to a trench that can drain out.

Paul Waznis told the Board that with respect to #9, he uses the propane tanks for cutting torches. He has removed all the excess propane tanks, and put the tanks inside and chained them. Mr. Waznis has only kept approximately 20 tanks that he used on a daily basis for his torches. He does not use acetylene. He said the acetylene oxygen tanks were removed with the propane tanks.

Mr. Waznis told the Board that he is removing tires and trying to get rid of them. The Board told him they would like to see more tires removed, as there are thousands there. Paul Waznis said that he has already removed thousands, and has receipts to show the Board. However, he still takes in tires on a daily basis, so that doesn't help. Paul Waznis said he would not agree to put in two wells. He is agreeable to conditions #13 and 14, where he can provide access to his property to town officials.

Paul Waznis stated that he has removed all boats, and will get rid of any excess things by Saturday.

Paul Waznis said that the road has a gate, and although owned by Boston Edison, he has use of it. This should be grandfathered. They have used this road for over 20 years, and he even has a key to the gate.

Allan Shaw of the Conservation Commission spoke. He said that regarding the swale, the filing has expired. It is Mr. Waznis' responsibility to see that it would be done, but it hasn't been done yet.

They need a NPDES permit. They need to apply for and obtain this permit.

Allan Shaw would like to be able to go out and look at the property. Paul Waznis told him that he is welcome to go onto the property at any time.

Bill Perron read a letter from resident Charles Jones into the record. This letter was dated June 17, 2002, and attached hereto. Mr. Jones complained about the beeping noises and wanted them stopped. He said that these noises were annoying to him while he sat on his porch in the summer.

Mr. Waznis told the Board that the "beeps" are backup signals that were required to be installed on all his vehicles. This was a mandate by OSHA, who visited the property after a serious accident in which one of his employees was seriously injured. Paul Waznis said that if he had had these signals prior to the accident, it would not have been as serious.

The Board will inform Mr. Jones that the beeping signals are mandated and are here to stay.

Joyce Terrio asked Mr. Waznis how many men he employs? Paul Waznis stated 5. Joyce Terrio was upset that it has taken Mr. Waznis from December 18th until now to do 7 ¾ of the 18 conditions asked of him.

Paul Waznis said he would have the holding tanks and tires done by October 31st.

Paul Waznis said the Board needs to realize that he cannot make promises to have some of this stuff done, as he doesn't have the time to do it. Attorney Koban said some of this is very costly, and conditions were set by the Board without obtaining estimates to see how much it would cost to do it.

Paul Waznis said he has spent approximately \$10,000 so far, which is a lot of money for a small business like him.

Joyce Terrio said that she has been on the Board for quite awhile, and she remembers that he has been at this since at least 1998. A lot of these conditions have been on the list since then, and still haven't been completed. This has been four years to complete, and they still aren't done.

Jack McFeeley said that he would like the bottom of the hill cleaned out, put orange markers for the limit of disturbance, and tires removed. Good effort in his eyes would be gutters going around the slab – holding tanks.

Bill Perron said he would rather keep him in business. He feels \$10,000 is a significant investment.

Bill Perron told Allan Shaw that he would like to join him for a site walk when he schedules it.

Paul Waznis stated that any town official is welcome to visit his site any time they want to come, and no appointment is necessary. Just show up.

The Board will work with Attorney Jeff Roelofs to try to end the litigation. We will schedule a meeting for Monday, July 29th to discuss this matter further.

COUNCIL ON AGING

Present was Richard Connors, Georgia Jones, and Norma Shruhan.

Georgia Jones, Chairman, told the Board that they wish to discuss their need for an Assistant Executive Director. She told the Board that they need someone from 1 p.m. to 4 p.m. Right now they have Gini Homer who works part-time mornings, but she leaves at 1 p.m. If Norma Shruhan can't be there, then they have to close the building at 1 p.m. (vacations, sick days, seminars, etc.)

Richard Connors said that he has gone to area towns to look into their Council on Aging program, and most of them have Assistant Directors. Richard Connors said they depend heavily on volunteers, and they have a tremendous amount of volunteers.

Richard Connors and Georgia Jones said that they had this in their original budget, and it was cut because of the budget crisis. Now that the prison mitigation funds have been returned, and we have funds from the tax title auction, they would like this position returned to them.

Jack McFeeley discussed some of the budget process and where this position had fallen in their budget cycle. Jack McFeeley said he is concerned about the state funds that have not come through. Mr. McFeeley told them the two sources they have mentioned; the prison mitigation money and tax title money are non-recurring funds. This means that they can only be used for one-time expenditures, and cannot be counted as funding every year. We cannot use this for a salary item such as an assistant director.

Jack McFeeley said that in addition, those sources of funds have been earmarked already. \$104,000 will be used to eliminate the employee furloughs. We also need to replace free cash that we used. We still have a very delicate budget.

Richard Connors asked if we knew when these positions would be filled. Bill Perron said he felt that this should be a priority and we should put it on the front burner.

The Board discussed the Bailey Boyd contract. Richard Connors said that he spoke with Bob Lowndes, and the Permanent Building Committee won't be involved. Alice Boyd will be the Project Manager for the grant.

9/11 COMMITTEE

Present was Bonnie Dittrich, Nancy Seitz, and Jan Conklin, spokespersons for the 9/11 Committee.

Bonnie Dittrich thanked the Board of Selectmen and Robert Markel for all their help.

The artist chosen to do a sculpture for the Committee is Michael Alfano, and Lowell Robinson will help with the Peace Garden.

Michael Alfano brought a 1/3-scale model done in clay to show the Board. The model shows many faces of ethnic races, as well as police, fire, etc. It represents one half of the twin towers, and will represent the pentagon. The plane crash in Shanksville, PA will be depicted with a star. It will stand 6' tall, with 4' in bronze. The lower portion will be in granite, and the whole sculpture will be graffiti resistant.

Mr. Alfano told the Board that he would create a full-scale model upon approval.

Joyce Terrio asked how they arrived at a 6' tall sculpture? Michael Alfano said that it is eye level. It also avoids vandalism and damage. He also was working under budgetary constraints.

Bill Perron questioned the location of the Garden Club, and their design. Lowell Robinson said the sculpture would be at the center of the garden. There will be more bricks. The garden will be about 30' across and will be near the Tramp House.

Bill Perron asked if the peace garden was going to be dedicated to any one individual? Jan Conklin said that Mary Gould had donated \$1,000 toward the peace garden, but that that was only a drop in the bucket toward what is needed. No one person will have their name dedicated, but rather they will be selling bricks, at which time you can purchase one and dedicate it to a loved one.

Jan Conklin read letters from Nina Roe, Norfolk School Committee; Marcia Lukon, School Superintendent; and Police Chief Charles Stone all supporting the sculpture and peace garden. Lt. Carroll of the Police Department was present and supported the cause. Chief William Kelley of the Fire Department also supports the Committee, and urged the Selectmen to do the same.

Jack McFeeley moved to support the 9/11 Committee to allow their efforts to put a memorial to the memory of the 9/11 disasters on Town Hill. Joyce Terrio seconded for discussion. Joyce said to add the Marquette, in substantial form, as presented to us

this evening. Bill Perron said that he was probably going to be the dissenting vote this evening. He hates to say that he appreciates all the work that was put into this, and he is as patriotic as anyone in the room, he just isn't sure that Norfolk Town Hill is the appropriate place for a dedication to this 9/11 incident, anymore than any of the other tragedies such as the Holocaust, Pearl Harbor or the Oklahoma Bombing. Mr. Perron said he is not aware of any direct linkage of any citizen of the town that was involved directly in it. The peace garden was originally proposed down at the corner of the Town Hill by Union Street and North Street. He thought this would be a nice entryway into the town center. This project has taken on a different course now. He thinks the statute is beautiful and emotionally provoking, but isn't sure that Norfolk Common is the place to memorialize the incident. The motion was **so voted** by Joyce Terrio and Jack McFeeley. Bill Perron voted **no**.

ACCEPTANCE OF MINUTES

Jack McFeeley moved to accept the minutes of May 20, 2002, regular and executive session as presented. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to accept the minutes of June 3, 2002, with revisions – executive session and regular, and the regular minutes of June 17, 2002. Joyce Terrio seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed two Reserve Fund Transfers that had come forward. One was from the Fire Chief for \$10,325. This was to be used for salaries for the end of fiscal year '02. A second transfer was for the Zoning Board of Appeals for \$347.47 for salaries. This was due to a large caseload during the year.

Jack McFeeley moved to allow the Reserve Fund Transfer in the amount of \$10,325 for the Fire Department. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow the Reserve Fund Transfer in the amount of \$347.47 for the Zoning Board of Appeals. Joyce Terrio seconded, and it was **so voted**.

In another matter, Bob Markel reported to the Board that Highway employee Kenneth Salisbury has a PERAC hearing on Monday, and we hope to be able to come to a resolution as soon as possible.

Bob Markel said that he would like to reimburse employees who have traveled and gone to conferences, even after the town stopped reimbursing them. They did pay out of their own pocket, and have receipts. The Finance Director has advised Bob Markel that we are in a position to reimburse these employees, if we so choose. The Board agreed that this should happen.

Jack McFeeley moved that we allow these six employees to be reimbursed, and lift discretionary spending for FY'02. Joyce Terrio seconded and was uncomfortable lifting

the discretionary spending. Jack McFeeley amended his motion to allow the six employees to be reimbursed. Joyce Terrio seconded, and it was **so voted**.

Bob Markel discussed the shed at the old Town Hall, and old Highway Garage. He is concerned about the deplorable condition of the shed. He discussed the old Highway Garage being used by the Animal Control Officer for a shelter, as well as part of it still being used by the Water Department.

Bob Markel said Caritas Southwood has made a commitment to the Town to continue providing paramedic services with the possibility of relocating from the Southwood Campus to the old Highway Garage. A couple of things have happened, so in order to try to understand the costs involved, he and Butch Vito hired Bob Nicodemus to look at the building and give them an assessment.

Bob Nicodemus estimates costs of \$22,000-\$25,000 to make the building useable as both Animal Control on one side, and to house the Southwood vehicle on the other side. Caritas officials came out and looked, and then discussed this with the State Office of Emergency Medical Services, who has to approve, and they estimate \$100,000. They have no desire to leave Southwood, and they don't have funding to renovate. They would like to remain at Southwood for the remaining year of their Agreement. Chief Kelley said that hospitals are getting out of the paramedic business, as they cannot make any money at it. Town Fire Departments are taking it over. We have two individuals who are close to getting their paramedic certification.

Bob Markel stated that another problem here is that they cannot get a radio signal from our old Town Hall to their tower in Foxboro and then relay it to Norwood, and that presents an issue. They do not plan to invest in more modern technology, because they do not plan to pursue this.

The Board reviewed removing the shed behind the old Town Hall, as it is a fire hazard. The Board considered whether Community Preservation monies could be used to renovate the old Town Hall. Discussion centered on the old Highway Garage as a regional animal shelter, and possible funds from Wrentham and Plainville.

Jack McFeeley said he would like to rehabilitate the whole site, including McNeil's property.

OLD/NEW BUSINESS

Jack McFeeley moved to proclaim the year 2002 as 4-H Centennial Year, and issued a Proclamation to the 4-H. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to proclaim the week of July 18 – July 25, 2002 as Brazilian Unity Week in Norfolk. Bill Perron seconded, and it was **so voted**. Jack McFeeley **abstained**.

At 11:13 p.m., being no further business, it was moved by Joyce Terrio to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of July 15, 2002.

Joyce E. Terrio, Clerk

Regular Meeting

July 29, 2002

The meeting of July 29, 2002 was cancelled by the Board of Selectmen out of respect to Town Administrator Robert Markel, whose wife passed away.

Joyce E. Terrio, Clerk

Regular Meeting

August 12, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron opened the meeting at 7 p.m. Bob Markel read the agenda contents.

CAPITAL OUTLAY COMMITTEE INTERVIEW

Present was Tom Poppey of Union Street. Tom Poppey told the Board that he is new to town, only being a resident for 8 months. Mr. Poppey said he has an undergraduate degree in accounting, and is employed at State Street Corporation with a financial background. He has attended several Capital Outlay meetings, and is very interested in becoming a member.

Jack McFeeley moved to appoint Thomas Poppey to the Capital Outlay Committee, term to expire June 30, 2004. Joyce Terrio seconded, and it was **so voted**.

RECREATION COMMISSION FIELDS UPDATE

Present was Recreation members Todd Chisholm, Julie Chapski, Peter Roe, and Ann Proto, Director. Also present were Permanent Building Committee members Robert Lowndes and Buddy Bowden, and Remo Vito, Highway Superintendent. Todd Chisholm said that they are concentrating on the safety issues first. They discussed a sign along Rt. 115 stating "flying baseballs", or something to warn passing motorists of baseballs.

Butch Vito discussed the irrigation system. He said the pipes were popping apart, and thought the major problem had been rectified. Mr. Vito will look into the irrigation system to be sure it is working properly.

Bill Perron questioned the fields not being the correct size. Buddy Bowden said that was an issue at one point, but that has been taken care of. All fields meet the specified regulations.

Ann Proto said a memo had been sent asking to make the fields "No Smoking", and also No Dogs Allowed. She is concerned about people not cleaning up after their animals.

Jack McFeeley moved to make the Pond Street Complex a "No Smoking" facility. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley stated that this is keeping in parody with the school fields, which are also no smoking facilities.

The Board discussed keeping dogs off the fields. The Board discussed at length whether there were bylaws governing this. Joyce Terrio said people bringing their dogs should be considerate of others. Jack McFeeley agreed, and said that owners should have something with them to clean up after the dog. Bill Perron felt strongly that the owners should be allowed to bring their dogs, and to just leave this alone and see if it goes anywhere. If it becomes a problem, then we can address it. Joyce Terrio suggested a bylaw change for the Fall Town Meeting such as a pooper scooper bylaw. We could get feedback from the Recreation Commission as to whether this is working or not. Ann Proto said she would post signs at the fields.

Jack McFeeley moved that the owner of any dog brought onto the Pond Street Recreation Complex can do so only with the condition that they bring equipment to clean up after the dog, should the dog defecate on the field, and it be posted as such. Joyce Terrio seconded the motion. Jack McFeeley felt this only needed to be done here – and not town wide. This will give us an opportunity to challenge anyone who is not cleaning up after his or her dog. Bill Perron prefers to leave this alone, and see if it becomes a problem. This was **so voted** by Joyce Terrio and Jack McFeeley. Bill Perron **voted no**.

PERMANENT BUILDING COMMITTEE APPOINTMENT

Joyce Terrio moved to appoint Lawrence Cheever to the Permanent Building Committee, term to expire June 30, 2005. Jack McFeeley seconded, and it was **so voted**.

JONATHAN SMITH – TOWN MEETING ISSUES

Jonathan Smith, Chairman of the Advisory Board, was present to discuss the upcoming Fall Town Meeting. He reviewed with the Board the timelines set by the Selectmen as far as warrant article submission deadlines and other time sensitive items.

Jonathan Smith said that the Advisory Board would prefer to see articles submitted by the Board of Selectmen, rather than individual departments that are under the Selectmen, such as Fire Chief, Highway Superintendent, etc. The Board of Selectmen disagreed, and felt they would continue past practice of using the department who submitted the article.

Bob Markel gave an update on revenue numbers that reflect the State and Cherry Sheet numbers.

It was agreed that the items covered by funding would be first and foremost to eliminate the employee furloughs. They would then recharge stabilization, road rehabilitation funds, and free cash.

The deadline for submission of articles for the Fall Town Meeting is September 3. The Board agreed to forward all articles to the Advisory Board on September 4.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of February 11, 2002. Jack McFeeley seconded, and it was **so voted**.

ACTION ITEMS

Jack McFeeley moved to allow the Highway Superintendent to expend monies for an assessment of easement and land value at 108 North Street. Joyce Terrio seconded, and it was **so voted**.

Butch Vito has taken the TIP Town Center easement off the table. It will be discussed later.

Butch Vito told the Board he would respond to a letter the Board received about temporary signage on Pine Street and Rt. 115 with respect to CMGI fields for the Patriots football games.

The Board discussed a letter from BETA Group with respect to conditions set by the Planning Board for NorTerra development on Holbrook Street. Butch Vito, who was present, said that he would not agree to allow the centerline and edge striping along Holbrook Street. He wanted time to revisit this with the Planning Board.

Jack McFeeley moved to require NorTerra to provide clearing along the property frontage of Holbrook Street to permit proper sight distances; and to provide appropriate signage along Holbrook Street (per submitted plan) to promote lower speeds and a safer section of roadway. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to approve a street opening permit at Holbrook and Rockwood Road for a 12" water main installation to Bella Construction Corporation. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley moved to waive all fees associated with the new Pondville water tank. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve a street opening permit for Ragone Inc. for a water main installation at Sharon's Avenue and Pond Street. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to approve a street opening permit for the Water Department for 23 Needham Street. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve a street opening permit for Buck Hill Realty, LLC of Wrentham, MA for a water service at 27 Campbell Street. Jack McFeeley seconded, and it was **so voted**.

The Board discussed Simpson's fence. Remo Vito was present during this discussion.

Bill Perron asked why the Board feels this needs to be revoted. Jack McFeeley said he feels that for the Board to vote any other way, we haven't got a leg to stand on. Joyce Terrio agrees, saying that if you read Town Counsel's letter, we have to vote for it. She is very unhappy, and very uncomfortable, but there is no other way.

Bill Perron said that a partial amount was voted at the last meeting.

Jack McFeeley moved to rescind the original vote. Joyce Terrio seconded. Bill Perron said the Board had previously voted this for \$4,378; now it is being re-voted for \$10,500. He would like the Board to explain why this is being voted again. Both Joyce Terrio and Jack McFeeley felt that based on Town Counsel's opinion, they felt this was the appropriate thing to do. Bill Perron felt that this was based on irrelevant information. Butch Vito said the easement is a proposed easement, but he is in the process of securing a written easement. Bill Perron is concerned because we are paying for the entire fence, even the fence outside the easement. Bill Perron asked what changed between the two meetings? Jack McFeeley said that Town Counsel's opinion tells them this is what to do. Joyce Terrio and Jack McFeeley **voted aye**; Bill Perron **voted no**.

Joyce Terrio moved to accept the revised Fall Town Meeting Warrant schedule. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley moved to allow the 9/11 Committee use of Town Hill for their two programs on Town Hill on September 11, 2002. Joyce Terrio seconded, and it was **so voted**. The Board discussed their request to install a banner, but since the Lions Club offered to sponsor it and put up the bond, the Board requested the application come from the Lions Club and not the 9/11 Committee.

The Board again discussed early retirement. It was discussed whether to leave the dates as is. Jack McFeeley was concerned about the financial impact if we go with a number higher than eight.

Jack McFeeley said that we should go back to the department manager of the department the individual is retiring from, and ask for a financial analysis of the impact. Are you planning to replace him/her? At what salary level? Could any consolidations be made? What would the net positive cash flow be over 5 years?

Jack McFeeley moved to set Friday, September 6, 2002 as the deadline to submit a letter to the Town Administrator indicating you wish to take early retirement. Joyce Terrio seconded, and it was **so voted**.

The Board decided to have the School Committee and Marcia Lukon in on our August 26th meeting to discuss year end spending practices.

Bill Perron reported that he spoke with Ron Burke regarding the Settlement Agreement at the Senior Center. Mr. Burke's concerns were the opening was to be 100' wide, and it's 35' over. Plantings were done, but the trees died. Planning Board promised to put in two different types of trees, but never did.

Bill Perron also reported that no prison mitigation funds have been designated for FY'03. The Board of Selectmen should contact all prison communities to get a coalition going to support the supplemental budget to get the funds. We have all year to do this.

At 11:15 p.m., being no further business, Jack McFeeley moved to adjourn. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of August 12, 2002.

Joyce E. Terrio, Clerk

Regular Meeting

August 26, 2002

Present was R. William Perron, Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Bill Perron opened the meeting at 7:08 p.m. Bob Markel read the agenda contents.

Bill Perron announced his resignation from the Board of Selectmen, effective Friday, August 30, 2002 at 12 noon, due to conflicts at his employment. The Board accepted his resignation with regret.

EDWARD DONAHUE, JR., INSURANCE ADVISORY COMMITTEE

Edward Donahue, Jr., told the Board that he is very interested in serving the Town. He moved here two years ago from Milton. He is employed as an attorney concentrating in insurance. Bob Markel explained to Mr. Donahue the nature of the committee, and what their charge is. Mr. Donahue said that he is very interested, and feels he can be of help to the Board.

SMART GROWTH ALLIANCE

Walter Branson appeared before the Board to discuss growth in Norfolk. He has met with the Zoning Bylaw Study Committee and the Planning Board. They have formed this group to look at growth in town, and what to do about it.

Some of their initiatives to do are tree removal bylaws, zoning, etc. Walter Branson told the Board he wanted to solicit the Board about how they feel about what this group is doing.

Jack McFeeley said we need to put control over the uncontrolled issues such as projects. Jack McFeeley wants to make sure infrastructures are in place before considering growth. The Master Plan has not been done since 1992. Jack McFeeley said he supports their efforts, and will support their efforts.

Joyce Terrio said she was aware of the group, and knew they were out there. Everything we do has a domino effect throughout the Town. Joyce Terrio asked if the initiatives of the group were suggestions? Or do you plan to do your own zoning, and go to the appropriate boards?

Walter Branson said they want to work cooperatively with all the boards. They hope to do the actual work and solicitation.

Joyce Terrio said she doesn't want them spinning their wheels. If a town board is already working on this, don't duplicate the efforts and step on toes.

Walter Branson said absolutely. He gave a summary of the meeting with the Planning Board and Zoning Bylaw Study Committee.

EMT/PARAMEDIC DEMONSTRATION

Present was Michael Findlen, Greg Graves, and Doug Johnston, as well as Fire Chief William Kelley. All three men are presently EMT's on the Fire Department, and have just completed school to become a Paramedic. They are waiting to take the tests now. They presented the Board with a demonstration on what an EMT can do, and what a Paramedic can do, and explained the difference.

In discussion, Michael Findlen and Greg Graves explained to the Board that the school costs \$6,500, of which they have paid entirely out of pocket themselves. Other expenses are time spent riding with paramedics, travel, etc.

Jack McFeeley moved to place an article on the Fall Town Meeting to reimburse these three gentlemen for school. Joyce Terrio seconded, and it was **so voted**.

The Board thanked them for the demonstration, and told them they were very, very impressed.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of the Special Meeting of April 29, 2002, Special Meeting of June 24, 2002, Executive Session of June 24, 2002, and the regular session of July 1, 2002. Jack McFeeley seconded, and it was **so voted**.

ACTION ITEMS

Joyce Terrio moved to approve a request from the Emmanuel Baptist Church and the Friends of the Library who have both requested a banner be placed on Town Hill between the trees as is usually done. The Church banner will go up first, and when down, the Library banner will go up so there will not be a conflict. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to approve a Common Victualler license for the Stony Brook Fall Fair on September 28, 2002, and to waive the fee. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

The Board discussed Peter Hildebrandt, Sealer of Weights and Measures needing to be certified by the State. We will have Peter Hildebrandt into a meeting to discuss this with him.

Bob Markel said that the shed by the old Town Hall has been removed. The Highway Superintendent submitted an invoice of \$1,633. The original estimate was between \$4,000-\$5,000.

Bob Markel discussed early retirement. We still have 14 letters of intent. All letters of intent must be submitted by September 6th. We must notify the Retirement Board by December first, and the employee will be off the payroll by December 31. Mr. Markel said the deadline for letters of intent cannot supercede the deadline in the statute. We should move the date to submit paperwork to the County to October. If employees are leaving December 31st, we need lead time to replace these employees. The County said we cannot really enforce a letter of intent deadline, but we can move a County submittal date, and they encouraged that.

Bob Markel said the County information is crucial to us. They said they will send it. This information shows the seniority ranks within the town employees. We need to spend time examining the positions. We need to decide if we will replace positions, modify positions, eliminate positions, or do otherwise.

Bob Markel stressed that the retirement date has to be December 31. We can't have an employee tell us on September 4th that they are retiring October 1, because they may not be part of the top seniority, and that will present a problem.

Jack McFeeley moved to declare a deadline for submitting of paperwork, applications to the County to be September 13 and, furthermore, that no one is going to be eligible to

leave under the early retirement program until December 31st, until an analysis of the applications are done by this Board. Joyce Terrio seconded. Bill Perron said that if someone wants to leave earlier, they have to do so with a regular retirement plan. The Board agreed. It was **so voted**.

Bob Markel mentioned that the Building Commissioner is trying to clean up his office. He currently has 800 open permits town wide, and would like to get rid of them. It would take about 40 hours of work to do this. He may need to get additional funds to get this accomplished. There are revenues at stake by not cleaning these up, although we are not talking a lot of money.

Jack McFeeley asked about KP, NorTerra, and Holbrook Crossing. The timing of projects should be a request for funds. Fees should be commensurate with the work.

Bob Markel also told the Board that the Town Clerk has undertaken an enormous effort to get the general bylaws in shape. She has also submitted a list of Special Acts that we've accepted.

Joyce Terrio moved to appoint Edward Donahue, Jr. to the Insurance Advisory Committee, term expiring June 30, 2003. Jack McFeeley seconded, and it was **so voted**.

OLD/NEW BUSINESS

Bill Perron noted a letter regarding parking at the Post Office, and hoped that we would follow up and meet with everyone involved.

A petition was received from residents of Timberline Drive asking that their road be posted as a dead end. This was sent to Butch Vito for his comments.

Jack McFeeley congratulated the Water Department for their recent award from the State.

Jack McFeeley asked that we consult with the Highway Superintendent regarding line of sight easements, and ask him why they are still outstanding. We need closure on this issue.

Bob Markel suggested that the Board sign the school bills, even though they are not happy about it, in order to not make bad relations with vendors. These checks need to go out, so that we can continue doing business with these vendors in the future. Joyce Terrio said she will sign, but under protest. Jack McFeeley agreed to sign, as well.

Bob Markel told the Board that State Rep. Scott Brown would try for a supplemental budget with respect to prison fund. Bob Markel thinks funding looks bleak, but who knows. Jack McFeeley suggested trying for a meeting with the Governor or Administration & Finance, and include other correctional towns.

REORGANIZATION OF BOARD OF SELECTMEN

Jack McFeeley moved to nominate Joyce Terrio as Chairman, commencing at 12 noon on August 30, 2002. Bill Perron seconded, and it was **so voted** by Bill Perron and Jack McFeeley. Joyce Terrio abstained.

Joyce Terrio moved to nominate Jack McFeeley as Clerk, commencing at 12 noon on August 30, 2002. Bill Perron seconded, and it was **so voted** by Bill Perron and Joyce Terrio. Jack McFeeley abstained.

The Board reviewed replacing Bill Perron's position. Bob Markel will research this further, and consult with the Town Clerk tomorrow, and get back to the Board.

At 9:40 p.m., being no further business, Joyce Terrio moved to adjourn. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of August 26, 2002.

Joyce E. Terrio, Clerk

Regular Meeting

September 9, 2002

Present was Joyce E. Terrio, Chairman, John J. McFeeley, Clerk and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at 7:03 p.m. Bob Markel read the agenda contents.

MARIE CHIOFOLO - BOARD OF SELECTMEN VACANCY

Marie Chiofolo, Town Clerk, discussed the vacant position created on the Board of Selectmen by the resignation of Bill Perron. Joyce Terrio explained that once Mr. Perron resigned from the Board, the Selectmen asked Marie Chiofolo to look at time frames for a special election. Joyce Terrio stated that any comments or suggestions she received from the Secretary of State's Office during conversations regarding this matter would assist the Board as well.

Marie Chiofolo told the Board that most of the information she has given the Board regarding a special election is statutorily required. State law outlines very specific limits with respect to certain aspects of the election. We are looking at a 90-day time frame. These 90 days includes a 30-day period for obtaining nomination papers, and allowing candidates to get the required signatures and get their papers back to the Town Clerk's

office. This time frame was recommended to Marie Chiofolo from the Secretary of State's Office. Beyond that, 51 days prior to the election must be established as the last day to obtain nomination papers under MGL Chapter 53, Section 9A. 49 days prior to the date of election must be established as the last day to submit nomination papers for certification of signatures. MGL Chapter 53, Section 7 states 35 days prior to the date of election would be the date established for completion of the certification of signatures to allow for the printing of the ballots. 33 days prior to would be established as the last date for any candidate to withdraw or for any person or resident to object to a particular candidate. There are no variances to the number of days.

Twenty days prior to would be the cut-off for voter registration for the event. The warrant must be posted no later than seven days prior to. It could be posted earlier, just no later. We are talking calendar days, not business days. If this Board chose to call an election, we are looking at a 90-day time period to allow for all these events to occur. Different events that Marie Chiofolo has not mentioned, is things such as absentee voting, and voting for disabled persons. She said there are many other things that fall into this time frame as well.

Marie Chiofolo said we need to remember that next Tuesday is an election – State Primary. There are other dates that are already set aside for other events relating to the two State elections coming up this Fall, our Fall Town Meeting, and many holidays in-between. These dates are many.

Marie Chiofolo said that this time frame brings us to an election the week before Christmas. Norfolk has had 7 special elections since 1996. Three of them were in the December/January time frame. An election costs \$6,000. The December 29th election brought us 515 voters. This was for the Senior Center. This was \$11.65 a vote – pretty expensive. Keeping all this in mind, the advice she received from the legal office in the Secretary of State's office was to wait. Obviously, it is not their decision to make, but it is just information Ms. Chiofolo is passing along to the Board. Part of their decision was not only the cost of the election, but also the fact that if we had an election in January, the person that was just elected would have to pull nomination papers February first, should they decide to run for the position in the May election. They would have to turn around a month later and go through the whole campaign process and expense all over again. The Secretary of State's office did say, however, that if the time frame wasn't May, and we had a year or more left on the term, they would absolutely have suggested an election.

Marie Chiofolo did stress to the residents that appointment by the Selectmen is not an option. The only option is to hold a special election. If the Board chose not to call an election, there is the choice of the residents to file a petition of 200 signatures with the Board, and upon certification of the signatures by the Town Clerk, the Board would be forced to hold an election. Jack McFeeley indicated that this procedure would probably be even later. Marie Chiofolo said that considering the workload in her office right now, yes. This means that the earliest an election would be held would be the middle of January.

Joyce Terrio asked if they called a special election and no one took out nomination papers, we are still obligated to hold this election, correct? Marie Chiofolo said yes. It would still cost the same amount of money. Marie Chiofolo said the cost would be the same because she still has to staff it, print the ballot, etc. The cost won't change.

The Board thanked Marie Chiofolo for her concise input, and for advising the Board and the residents.

Jack McFeeley said that this has happened twice before in Norfolk. During one resignation in 1975, there was an election because there was 15 months left to the term. In 1978, there was an election to replace a 2-year term. There is no advantage to getting in ahead of time; because neither person elected went on to do a full term. Jack McFeeley said that he feels the person elected is at a disadvantage, because the first thing they would be doing as a newly elected Selectman is taking out papers to run again. Someone elected in January would be serving 3 ½ months. Mr. McFeeley said he prefers that individual devoted that time to running for office for a 3-year term. He would just as soon not address this subject any further.

Joyce Terrio agreed, and said that in light of the comments by the Secretary of State, and looking at the dates and the burden on both the Town and the Town Clerk's office, she is also of the opinion of not doing anything further.

Bob Markel said to clarify for the public, if there is a motion on the floor, and the two Board members agree to it, obviously it carries. If there is a motion on the floor, and you disagree, there is no majority and the motion fails. So there is a decision on everything that comes before the Board.

Jack McFeeley said that the Board of Selectmen signs off the payment warrant weekly. That is, every salary, every paycheck, every bill gets signed off by this Board before the check leaves Town Hall. If there is a disagreement there, the tie-breaker is the Town Clerk. Or if a Board member is unavailable for some reason, the Town Clerk can sign off. Joyce Terrio agreed, and said that even with a three member Board, there were times either for sickness, or vacation, or business purposes that only one member of the Board was available for signature, and we have used the Town Clerk as a second signatory.

NORFOLK SCHOOL COMMITTEE SPENDING PRACTICES

Joyce Terrio clarified that the Board requested some bills and payments be held over the past weeks. Although it was various departments; primarily, the purchases were by the School Department. We attempted to get a hold of various persons in certain departments to get some explanations we had held. The only department we had difficulty meeting with was the School Department. Finally, chair-to-chair, Joyce Terrio was able to get together with Nina Roe of the School Department. Nina Roe was able to put Joyce Terrio's curiosity to rest, and explain the purchases that the School Department made. Joyce Terrio said the explanations were satisfactory to her. She, in passing, relayed this information to Jack McFeeley and Bob Markel that we are on the

same page, and pretty much all set. Joyce Terrio said that most of it was a lack of communication. She explained that it wasn't so much that we were denying them, as the Board wanted explanations. Both Boards were looking at the financial impact and agenda of the Town.

REVIEW OF FALL TOWN MEETING WARRANT ARTICLES

The Board of Selectmen reviewed each article with the Board/Committee who submitted the article for inclusion into the Fall Warrant. Most articles were accepted with little or no discussion.

There was discussion on the Library article regarding personnel. Harvey Boulay represented the Library Trustees, and David Wildman was present from the Personnel Board. It was decided that the Personnel Board would discuss this further.

With respect to an article by the School Committee, members Ed Piscitelli and Kim Williams were present. Discussion centered on the request by the School Committee to have the \$43,000 returned to their budget from Chapter 70 funds. Scott Colwell, Builder and Attorney Neil Roche of Franklin were present to discuss their petition article, changing the zoning on the Buckley & Mann property to residential. It is a 140-acre parcel that falls in R3 and commercial zone. They are attempting to make the whole 140 acres an R3 zone. Mr. Colwell said there is no value commercially.

Betsy Pyne, Thelma Ravinski, and Bill Domineau of the Historical Commission were present to discuss their article regarding demolition of buildings.

ACTION ITEMS

Jack McFeeley moved to approve the snow removal rates for the Winter 2002-2003, per the recommendation of Remo Vito in his memo of August 28, 2002. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve a street opening permit to Lorusso Brothers for a water service at 20 Tucker Road. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve the road race for the Harvest Festival for the Federated Church on September 21. It was tabled until they received comments from Chief Stone. There was no vote.

Jack McFeeley moved to approve the banner in the center of town announcing the Harvest Festival for the Federated Church, pending receipt of their bond. Joyce Terrio seconded, and it was **so voted**.

At 11:27, being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 9, 2002.

John J. McFeeley, Clerk

Regular Meeting

September 16, 2002

Present was Joyce Terrio, Chairman, John J. McFeeley, Clerk, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:00 p.m. Robert Markel read the agenda contents.

At 7:03 p.m., Jack McFeeley moved to go into executive session for the purchase, sale, lease, and value of real property. Joyce Terrio seconded, and it was a roll call vote: Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session at 7:30 p.m.

SCHOOL COMMITTEE – WARRANT ARTICLE

Present was School Committee members Nina Roe, Ed Piscitelli, Maureen Howard, and Kim Williams. Jonathan Smith of the Advisory Board was present for this discussion as well.

Joyce Terrio said that the School Committee was invited in again tonight after discussion last week, to further discuss the warrant article on the fall town meeting. Joyce Terrio asked Nina Roe to introduce her committee, and then said she was going to have Jack McFeeley take the lead on this.

Nina Roe stated her intentions of what she wanted to get out of tonight's meeting. This was the response to have full board meetings to try to work on some of the issues that are between them, i.e., communication, and roles and responsibilities between the two boards. What she would like to focus on is not whether or not the warrant article for the additional Chapter 70 aid makes sense to pursue at this time. We (School Committee) really have stated from the beginning both in a School Committee meeting where we voted the article, and again here last week - Ed Piscitelli's opening words were that we were not even sure it made sense to all or some of the Chapter 70 funds until we had discussions with the Board of Selectmen, and Advisory Board and really understood the full financial picture of the Town. Until that point, we didn't know whether it made sense, and we still don't know, whether it makes sense to pursue all or none of the article. Nina Roe said the main issue right now is with regard to whether the article is on the warrant or not. The School Committee feels it is really disrespectful not to include the warrant article because it's really unprecedented, and while it's following the letter of the law, it's violating past practice and their rights as a board.

Jack McFeeley stated that he would rather not pick it up at this point. He would rather pick it up at another point, but is quite willing to pick it up at this point. Joyce Terrio wanted to clarify that one of the things they are going to do, is attend the Advisory Board meeting on Wednesday evening here at 8 p.m. to discuss the warrant and the articles that we have on there that we are presenting and suggesting. We were going to continue some discussion regarding this request, with members of your Board, and going to be able to make this meeting and see if we can't get a better handle on the financial picture for FY'03. This will be discussed then.

Nina Roe said that is where they are getting into unprecedented past practice. She stated that they don't usually discuss the merits of an article before it's agreed whether it will even be on the warrant. It's been brought up in the past, that the Board didn't necessarily support and agree with an article, but you put it on the warrant. Nina Roe said to not put their money article on this one time is inconsistent, and she feels that games are being played, and they don't take that well.

Jack McFeeley said that he would pick it up at this point. Games are not being played. He does not feel it's without precedent. It's easy to say without proving something, so his assertion is just as valid as her assertion. Mr. McFeeley said that there was a conversation several weeks ago with Jonathan Smith about this very subject. Mr. Smith asked why we put articles on the warrant that we don't agree with. He suggested the Board consider taking them off before they go to the Advisory Board. The composition of the warrant is the sole statutory responsibility of the Selectmen. We thought that since there was another article on the warrant that covered this, and if we did leave this article on the warrant, it would have been ruled out of order at town meeting because it didn't allow for a transfer of funds. It allowed only for a raise and appropriate, and we have no more funds. Nina Roe said they would have had to move it on the floor. Jack McFeeley said that once it's written and published, you couldn't do that.

Discussion centered on opinions that the Board could have changed the language on this article if they wanted to. They have helped other boards by revising their articles.

Ed Piscitelli said that there should have been a meeting on this subject. Jack McFeeley said there was a meeting on this very subject on April 11th, with the Advisory Board. Ed Piscitelli told Jack McFeeley that the Board of Selectmen does not have the final say on everything. He felt by this article not being on the warrant, the voters of Norfolk do not have an option to vote for the money for the Schools.

A lengthy discussion ensued, and Nina Roe said they want to have the right to have their article heard at town meeting. Joyce Terrio said that there is an Advisory Board meeting Wednesday night, in which this will be discussed. She is taking a firm stand, and has no desire to put the article back on the warrant until there is a full discussion Wednesday evening. Joyce Terrio asked Nina Roe if it is agreeable to their Board to wait until Wednesday to see what the financial picture is. Nina Roe said their Board feels communication is not happening. Jack McFeeley said he is willing to revisit our

discussion on the article on Wednesday. Nina Roe said she cannot attend Wednesday, and kept insisting the article be placed back on the Warrant. Jack McFeeley finally said fine, put the article on the Warrant and make it #2, although he is not happy about this.

Nina Roe wants to work in a neutral environment with a neutral facilitator, so the two boards can work together.

The Board of Selectmen reluctantly agreed to add the article to the warrant.

ERIC DUPONT – INSURANCE ADVISORY COMMITTEE

Eric Dupont resides on Fruit Street. He has lived here a little less than three months. He is very interested in working in his community. Mr. Dupont told the Board that he is an attorney in insurance, and has spent ten years in State government. He is an acquaintance of Edward Donahue, who was recently appointed to this committee, as well.

The Board explained briefly to Mr. Dupont the charge of this committee. Bob Markel added that he would convene the group, and bring the Finance Director in as well to get the committee underway.

Joyce Terrio said that we have reworked our policies from a calendar year to a fiscal year.

Jack McFeeley moved to appoint Eric Dupont to the Insurance Advisory Committee, for a term of one year. Joyce Terrio seconded, and it was **so voted**.

REMO R. VITO, HIGHWAY SUPERINTENDENT

Remo Vito, Highway Superintendent was present.

Jack McFeeley moved to award the bid for salt for the Highway Department to American Rock Salt at \$29.60/ton, and Eastern Mineral at \$29.68/ton. Joyce Terrio seconded, and it was **so voted**.

The Board discussed the letter from NorTerra asking for permission for centerline and edge striping on Holbrook Street. Butch Vito agreed that centerline striping could happen, but did not want to see edge striping. He felt there was no room.

Jack McFeeley moved to grant permission to do the centerline striping, and not to include an edge stripe. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley questioned the road maintenance project. Butch Vito reminded the Board that this is a fiscal program. He listed all the streets that have been one, and will be done in the Fall. He reminded the Board as well, that because of the spending freeze imposed by the Board, noting was done in the Spring until they lifted the freeze at the end of June.

With respect to 108 North Street, the Board liked the appraisal. Butch Vito will forward it to Audubon, and copy the Board of Selectmen.

Butch Vito discussed Joseph DiRosario, a former Wrentham Highway Foreman for 18 years, who he would like for our Foreman. He was a part time tree warden for Plainville, and works for an engineering firm. He had two candidates for the position, but feels that Mr. DiRosario is the best for the job. He is currently a Norfolk resident, living on Lake Street. Butch Vito felt that Mr. DiRosario has more municipal experience than the other candidate. He would have to go through the Personnel Board, as he would like to start him higher than Step 1. Bob Markel agreed that he is an acceptable candidate, and everything is in order.

The Board concurred with the employment of Joseph DiRosario.

Butch Vito discussed the Stormwater 2 Program Update. He needs to put together a research team. He has to be licensed by March 2003. EPA requires a 5-year plan.

ACTION ITEMS

Jack McFeeley moved to allow a road race on September 21, 2002 as part of the Harvest Festival held by the Federated Church. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow a common Victualler license to the Federated Church to serve food during the Harvest Festival on September 21, 2002, from 10 a.m. to 3 p.m. and 4:30 – 7:30 p.m. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow the Knights of Columbus permission to solicit their fundraiser at the Transfer Station on October 5, 2002 from 8 a.m. to 4 p.m., two adults. Joyce Terrio seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel reported on a letter received from the Department of Corrections. Their current budget is now \$83,000 from \$997,000. They informed Norfolk that their prison mitigation allotment this year for FY'03 is \$14,700, for 1806 inmates.

Jack McFeeley stated then the DOC would receive \$14,700 worth of services from the Town of Norfolk.

Bob Markel asked the Board to approve the contract for the selection of the architect for the lower level of the Senior Center. Jack McFeeley would like an opportunity to review this and discuss it with the Permanent Building Committee. This matter will be visited on September 30th.

Bob Markel informed the Board that SWAP would be meeting in Norfolk at 3 p.m. At 4:30 p.m., Pictometry will be shown.

OLD/NEW BUSINESS

The Board will attend the welcoming of the new minister at the Federated Church on September 29th.

The Board will schedule George Cronin and Bill McAlduff of King Philip in with the Building Commissioner Bob Bullock to discuss fees for the building project.

The Board discussed the Advisory Board's schedule for articles. The Board asked that Hilary Penlington, Animal Control Officer, and Chief Charles Stone are aware of the bylaw article on the warrant.

At 10:12 p.m., being no further business, Jack McFeeley moved to adjourn. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 16, 2002.

John J. McFeeley, Clerk

Regular Meeting

September 30, 2002

Present was Joyce E. Terrio, and John J. McFeeley. Robert T. Markel was absent.

Joyce Terrio opened the meeting at 7:05 p.m. Marian Harrington read the agenda contents.

SELECTMAN AWARD

Joyce Terrio welcomed Bill Perron, former Selectman and thanked him for his service on the Board, and with the Town of Norfolk. Both she and Jack McFeeley presented Mr. Perron with a plaque to express their appreciation for his service.

At 7:10 p.m., Jack McFeeley moved to go into executive session for the purpose of discussing litigation. Joyce Terrio seconded, and it was a roll call vote: Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session.

At 7:34 p.m., the Board returned to open session.

CALL & WAIT AUTO – CLASS 3 LICENSE HEARING

Present was Jeffrey Roelofs, attorney from Anderson & Kreiger; Theodore Koban, attorney for Paul Waznis; Paul Waznis, owner of Call & Wait Auto; Bob Bullock, Building Commissioner; and Allan Shaw, Conservation Commission.

Joyce Terrio opened the hearing. She asked Mr. Waznis what has been going on?

Paul Waznis said that he would have the tires removed by Halloween. He has removed enough tires to be very noticeable. The water separator tank is going where the tires are. The doors will go in another spot.

Attorney Koban said that on August 9th, many representatives came and saw the concerns. He stated that Attorney Roelofs was one who attended. A trench has been dug where the tires were. Mr. Waznis has hired an environmental consultant to prepare the report the Conservation Commission wants. They are trying to complete the list of conditions that the Board of Selectmen imposed.

Bob Bullock asked how many tires were put in the "good tire" pile? Mr. Waznis said none. They took the tires away. They were either sold or discarded. Bob Bullock questioned the oil separator. Paul Waznis said plans are being designed, and hasn't done it yet. Bob Bullock asked where the overflow would go? Attorney Koban said they wouldn't have all details until the consultants come out and give them advice.

Bob Bullock questioned the plan for moving the limit of disturbance line and doors? Paul Waznis explained by drawing a diagram. Bob Bullock asked about the gutters on the building? Paul Waznis said nothing yet. Attorney Koban said the consultants would look at that. They hope to have answers within two or three weeks.

Allan Shaw questioned the water/oil separator. Said this is new to him. It seems to be within 100' of the wetlands, and 200' of the river. You would need to file with the Conservation Commission. Mr. Shaw said he wants to look at this. Both Joyce Terrio and Jack McFeeley said in looking at the plan, it will be at least 400' of the river. Allan Shaw questioned Paul Waznis about the environmental consultant he hired, where he was from, credentials, etc. Mr. Shaw told them that the person needs to be hired by the Conservation Commission, and paid for by Paul Waznis.

Jack McFeeley stated that the conditions set by the Conservation Commission are not part of this hearing. Mr. McFeeley said he does not agree with the memo submitted by the Conservation Commission.

Attorney Roelofs said that part of the policy should not be read into the hearing, because it was not public information.

Allan Shaw said he wants to be sure that the Conservation Commission regulations are followed. He wants monitoring wells installed on or near the site as part of the licensing process.

Jack McFeeley stated the Board has had counsel work with us regarding continuing until December 31st of this year. We have the framework for the list of conditions.

Jack McFeeley moved to recess this hearing until 9:30 p.m., until such time as we discuss the conditions. Joyce Terrio seconded, and it was **so voted**.

KING PHILIP BUILDING PERMITS

Present was George Cronin, KP School Committee; William McAlduff, Superintendent of King Philip; Brian Sirianni, Business Manager of King Philip; and Bob Bullock, Building Commissioner.

Joyce Terrio welcomed them, and said she understood they were here tonight to discuss the building fees for the KP North project.

George Cronin said he wants the fee they pay to be commensurate to work done by the Building Department. A lot of work will be looking at reports by engineers.

Bob Bullock said that any permit fee costs less than the actual time involved. Fees pay for a lot more than just his department. It's a two to three year project, and you are looking at a price tag for residential vs. commercial. Fees have been set for other community projects. He doesn't know if we waived the fees for other schools.

George Cronin said they have already started, and spent a considerable amount of time. He would like to negotiate the fees. Mr. Cronin said he doesn't expect it to happen tonight. They are ready to sign the contract, and would like a building permit issued when they are ready.

Joyce Terrio said she isn't certain that this Board is looking to waive any fees. They will consider it, but aren't going to have an answer tonight. She said they could have open dialog and lines of communication.

Jack McFeeley said there is no time to discuss this tonight. He is inclined to ask for the \$260,000 and grant the building permit. If we come to a negotiation, we can issue a rebate. Jack McFeeley asked Bob Bullock if he has ever had a situation where he got half the fee now, and half the fee later? Bob Bullock responded no.

George Cronin told the Board they have some legal information on what can be charged to a municipal project. He said they can probably get away with not paying any fees at all, but they aren't looking to do that. They would like to come out even.

Bill McAlduff said building fees are not reimbursable. He left a copy of the legal opinion from their counsel with Jack McFeeley for review. Bill McAlduff said he would like to come to an agreement that both sides can work with.

Joyce Terrio said it is safe to say that we will take this matter under advisement, review the information, and talk.

George Cronin offered to put some suggestions together for the Board to review. The Board accepted his offer, and Mr. Cronin will forward a proposal.

Bob Bullock will figure the foundation and next step fee, and we will go from there.

In other matters, Jack McFeeley asked about Chapter 70 funds. They discussed the regional school district being different than a local school district. Bill McAlduff said he will bring this back to the School Committee, and review it. They will verify figures voted at town meeting. The School Committee has the final say. They are not sure they agree with Jack McFeeley.

Jack McFeeley said the letter states "above level funding", not "extra" funds. George Cronin said he hasn't seen the letter.

Jack McFeeley asked Brian Sirianni about when the tax levy will hit the books. Brian Sirianni said we are quite a ways away from there. Information provided at town meeting is still valid. Bill McAlduff said he would like to host a Tri-Town meeting with all towns.

STORMWATER DISCHARGE – WYLLIE ROAD

Present was Allan Shaw, Conservation Commission; and Jim Martin, Water Superintendent.

Allan Shaw stated that Wyllie Road is in Franklin, on the Norfolk town line. There is a development in Franklin, near the Norfolk line. Severe erosion from the development is emptying into Zone 1 by the Miller Street well.

They installed a riprap, which has now caused erosion into Norfolk. Allan Shaw had photographs of the problem, which the Board reviewed.

He will meet with Franklin on October 9th to try to work through this. He said he brought this to the Board's attention, as they need help. Bob Markel may try to work this with the Franklin Town Administrator, Jeff Nutting.

ACTION ITEMS

Jack McFeeley moved to approve the Lions Club roadblock for Diabetes Awareness and Community Service Project on Saturday, October 19, 2002 from 8 a.m. to 2 p.m. in the center of Town, and intersection of Rt. 115/1A. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow the Norfolk Community League permission to hold a holiday photo fundraiser on Town Hill on November 2, 2002 from 8 a.m. to 4 p.m., with a rain date of November 3rd. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley announced that Reserve Officer Robert Holst was instrumental in saving an infant's life. A letter of commendation will be sent.

The Board announced that the Planning Board would be holding its public hearing on the Zoning articles on October 3, 2002.

The Board announced that Hazardous Waste Day would be held on Saturday, October 5, 2002 from 9 a.m. to 1 p.m.

Joyce Terrio announced the resignation of Susan Gagner as Finance Director, effective November 4, 2002. Susan Gagner will work for the Town of Franklin. Joyce Terrio and Jack McFeeley accepted the resignation with regret, and wished her the best.

CALL & WAIT CLASS 3 HEARING - CONTINUATION

At 9:28 p.m., Jack McFeeley moved to reopen the recessed hearing on Call & Wait's Class 3 license. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio asked if there was any further discussion from the audience. There was none.

Jack McFeeley read the list of conditions to be incorporated into the license. The conditions of this license will be attached as part of these minutes.

Jack McFeeley moved to accept these conditions and grant a Class 3 license to Call & Wait Auto until December 31, 2002, subject to the following conditions. Joyce Terrio seconded, and it was **so voted**.

Allan Shaw stated that he had concerns about wanting their (ConComm's) independent consultant to perform the work. Attorney Koban offered to give credentials, etc. to the Conservation Commission.

Jack McFeeley moved to close the hearing at 9:45 p.m. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to reaffirm the vote: to issue a Class 3 license to Call & Wait Auto, expiring on December 31, 2002, subject to the conditions read during the hearing. Joyce Terrio seconded, and it was **so voted**.

At 9:50 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of September 30, 2002.

John J. McFeeley, Clerk

Present was Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:06 p.m. Robert Markel read the agenda.

ACTION ITEMS

Chief Charles Stone requested bids be approved for the boiler, burner, and hot water heater for the Police/Fire Station. Funds are already in his budget. The low bidder was G. Cronin & Sons of Norfolk, and Chief Stone requests the bid be awarded to them.

Jack McFeeley moved to award the bid for the burner, boiler and hot water heater to G. Cronin & Sons of Norfolk for \$15,500, with an additional \$1,400 to remove the old burner and install the new one. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow the Friends of the Council on Aging permission to hold a "Coffee Bar" at each night of the Fall Town Meeting. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint Patrick Morganelli of Eric Road to the Housing Authority, for the existing term. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint Barbara Ward to the ADA Committee. Joyce Terrio seconded, and it was **so voted**.

POLE HEARING – NORTH STREET

Chris Parella, representative of Verizon was present. No abutters were present. Remo Vito, Highway Superintendent was in the audience.

Mr. Parrella told the Board they want to move Pole 6 across the street to keep it in line with Pole 7. Mr. Vito had no objection to this request.

Jack McFeeley moved to allow on the southwesterly sideline, approximately 110 feet southeast of the intersection with Union Street, installing a new pole no.6, and removing the old pole no. 6. Joyce Terrio seconded, and it was **so voted**.

ACTION ITEMS (Cont)

Jack McFeeley moved to approve a street opening permit to Lorusso Brothers for a water service and curb stop at 21 Campbell Street. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve a street opening permit to Bay State Gas for a new main extension for the prison facility, MCI Norfolk. Joyce Terrio seconded, and it was **so voted**.

At 7:33 p.m., Jack McFeeley moved to go into executive session for the purchase, sale, lease, and value of real property. Joyce Terrio seconded, and it was a roll call vote: Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session.

At 8:25 p.m., the Board returned to open session.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of July 15, 2002, July 29, 2002, August 12, 2002, and August 26, 2002 as submitted. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel gave the Board a copy of the advertisement for a Finance Director. He will post in-house and advertise in **The Beacon**. It will also be published online on the MMA website.

Bob Markel discussed Wyllie Road. The Conservation Commission's from both towns are working on this. He has spoken with Franklin's Town Administrator Jeff Nutting, and they have decided to let this unfold and wait until they hear back. Bob Markel said he is not optimistic because our own Conservation Commission has stricter regulations than Franklin. Both Town Administrator's will keep on top of this.

Bob Markel reported that the NorTerra project has been endorsed and released by the Planning Board. It will now proceed.

Bob Markel gave the Board an update on his findings on the Conservation Commission staffing issues. He feels this needs to be addressed, as the workload is substantial. Bob Markel recommended Marie Simpson be allowed to close the office on Tuesdays to the public.

Discussed the complaint by Mr. Nievergelt. Bob Markel has looked into it, and all is well. Joyce Terrio will attend the meeting on October 16th, and follow up.

Bob Markel said that the Finance Director has advised him that there is about \$800,000+ available. The breakdown at the end of FY'02 is \$400,000 for tax foreclosure; \$113,000 for tax title; \$186,000 error in the FY'01 reserve; and \$137,000 in extra permits being higher than expected. Bob Markel said that the Dept. of Revenue only allowed \$400,000 of the \$490,000 because they will only approve what actually came in within that fiscal year.

Bob Markel found it interesting that the \$113,000 figure is people who paid up their taxes rather than being foreclosed.

The FY'01 is additional funds in snow and ice. It should have been closed out, but wasn't, and was carried into FY'02. We need to close it out.

There was \$11,000 from a grant closed out from the Highway Department, and \$137,000 in permit fees collected over and above what we expected.

Jack McFeeley asked if free cash isn't certified, can we vote the money at town meeting? Bob Markel said no. Stabilization fund can be used, but not free cash. No capital item can be done by free cash.

Bob Markel said he received a letter from the Wrentham Selectmen that they have put a policy in place that fees charged by the Town of Norfolk be based upon cost of providing the service, not by square footage. He received the letter late today, and will forward it to the Board for review.

OLD/NEW BUSINESS

Jack McFeeley noted a letter from Charles Jones regarding school funds, and replied to the letter.

Joyce Terrio read a letter from Fire Chief Mann of the Sharon Fire Department regarding our firefighters becoming paramedics. Bob Markel will respond to the letter.

A letter received from Senator Cheryl Jacques regarding prison mitigation monies. The Board still wants to have everyone together to fight this. Bob Markel will work on contacting the towns.

Joyce Terrio announced a correction in the announcement made last week that a baby's life was saved by a Wrentham paramedic working in Norfolk as a reserve officer. It was Sgt. Robert Shannon of the Norfolk Police Department who actually saved the baby's life. Letters of commendation will go to both officers.

Joyce Terrio read the letter from AT&T Broadband regarding access fees due to Norfolk cable. Bob Markel will review.

Bob Markel will look into William Coleman's letter and get the information requested. The Board of Selectmen would like to review the information, and then respond to the letter.

Jack McFeeley noted that he has sent a letter to the School Committee as a Board member, not from the Board of Selectmen. He is waiting for a reply.

Information was received from Paul Borrelli regarding a Chapter 40B project. The Board will forward it to Jason Talerma and George Hall for review.

SEALER OF WEIGHTS & MEASURES

Peter Hildebrandt, Sealer of Weights and Measures was in. Mr. Hildebrandt told the Board that he has been a Sealer for over 30 years. He inspects about eight (8) places in Norfolk.

The Board discussed with him the mandate by the State that all inspectors be certified. Peter Hildebrandt said that they tried to do this two years ago, and have been working toward that ever since. He did not feel that it was worth it, as Norfolk is so small, and our budget is only \$500.

Peter Hildebrandt told the Board that he is 60 years old, and considering retiring soon.

The Board will talk with the Division of Local Mandates to see if the State should be funding this, as well as reviewing the certification required.

Bill Perron was present to request permission to collect signatures for the MCOFU union at the Transfer Station on October 26th from 8 a.m. to 1 p.m. There will be 4 adults present.

Joyce Terrio questioned if this is a labor dispute? Bill Perron said no.

Jack McFeeley moved to allow four individuals from MCOFU to collect signatures for petitions at the Transfer Station on October 26th from 8 a.m. to 1 p.m. Joyce Terrio seconded, and it was **so voted**.

At 9:57 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of October 7, 2002.

John J. McFeeley, Clerk

Regular Meeting

October 28, 2002

Present was Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:04 p.m. Bob Markel read the agenda contents.

ACTION ITEMS

Jack McFeeley moved to approve a street opening for B.I.G. Excavation Company in Walpole for a water line connection at 36 River Road. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve the 2nd Annual Jingle Bell Road Race, sponsored by the Norfolk Community League, for Saturday December 14, 2002, at 11 a.m. at the H. Olive Day School, subject to appropriate police details. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve the signs for the Norfolk Community League's 4th Annual Halloween Candy Give Back program at the corner of Rt. 115 and Main Street, at Daley's Sunoco from October 27th through November 1, subject to review of the site for appropriate line of sight by either the Police Chief or Highway Superintendent. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to solicit the State for several more streetlights at the junction of State Routes 1A and 115, per a request from the Road Safety Committee. Joyce Terrio seconded, and it was **so voted**. Bob Markel will send a letter out for the Board of Selectmen.

Jack McFeeley moved not to pursue property located on Park Street described as approximately all of the land of Map 6, Block 1, Lots 5, 6, & 7, and a portion of the land of Map 6, Block 1, Lot 6 of the Assessor's Map. This property was offered to the Town under MGL Chapter 61A, Section 14 by William and Beverly Slattery. Joyce Terrio seconded, and it was **so voted**. A letter will be forwarded to the Slattery's.

The Board took no action on the request for signs for the Garden Club, pending receipt of more information.

Jack McFeeley moved to appoint Stephanie Kosh as full-time police/fire dispatcher, per the recommendation of Chief Stone. Joyce Terrio seconded, and it was **so voted**.

OLD BUSINESS

Bob Markel read the list of the number of rankings of retirees under the early retirement program. Bob Markel will present a financial assessment on each employee. The Board requests a letter from each potential retiree by December 2nd if they do **NOT** plan to take early retirement. Otherwise, they will be off the payroll on December 31st.

Bob Markel reviewed Chapter 40B on Norfolk Commons. This must be done next week, as comments have to be into the State by November 11th. Joyce Terrio questioned if Phase 2 can be done before Phase 1?

The Board needs comments from any department as soon as possible, in order to compose the letter. Comments must be into the office by Friday. Any member wishing

to attend our meeting on Monday may do so. Jason Talerman will be present to discuss this with the Board.

Bob Markel said regarding the Boy Scout Land, the Conservation Commission didn't issue a Superceding Order of Conditions within twenty-one (21) days, so DEP issued one. ConComm says there was a communication error between the petitioner and Conservation. No plan on file with the Planning Board. This is pending with DEP. After the deadline, Conservation issued a denial. Town Counsel expects an appeal of the denial by the petitioner, although it hasn't happened yet. Town Counsel is following this matter.

Bob Markel gave the Board members copies of the résumés of candidates for the position of Finance Director.

TOWN ADMINISTRATOR REPORT

Chris McClure gave a demonstration of the Town's new website.

Jack McFeeley moved to suspend all street excavation in the public ways from November 15, 2002, through April 15, 2003, except for extreme emergencies or hardship. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to impose a Winter Parking Ban, effective November 15, 2002, through April 15, 2003. No overnight parking on town roads will be allowed, including parking vehicles on the sides of roadways, just off the road. Joyce Terrio seconded, and it was **so voted**.

Bob Markel told the Board that with respect to Old Populatic, a meeting will take place tomorrow with Bob Markel, George Hall, Butch Vito, and Jim Martin to finalize the agreement. Hope to have Franklin sign next week. The woman trying to sell her home will obtain a letter from the Town saying an agreement is pending, and she'll hold funds in escrow.

Bob Markel stated that regarding the Sealer of Weights and Measures, the Local Mandates Division is not aware that this matter has been dealt with, and are looking into it. They aren't sure about this State mandate.

Bob Markel also mentioned that Wrentham is looking for a Sealer, and suggests a joint Sealer for the two towns. The Selectmen are okay with it, if Peter Hildebrandt is agreeable.

Bob Markel informed the Board that the fence easement should be ready for signature within a week. The language about site distance needs to be discussed among attorneys.

Bob Markel told the Board that he has scheduled a financial strategy session, and invited all appropriate parties to attend. He feels budgets should be prepared now, and not wait until January.

Bob Markel told the Board that we need to consider what we are going to do with the old Town Hall, and the old Highway garage. He wondered if we should demolish the garage, and sell the property? Mr. Markel said a security system should be implemented in the old Town Hall because of all the old records stored there. Re-use would need considerable work. It is currently in a minimally acceptable condition. It will cost to put it in useable condition. It was suggested to hold a community contest to see what ideas residents have for using the buildings and/or property. Then we could develop a plan.

Bob Markel also informed the Board that the old shed next to the old Town Hall was removed because it was a fire hazard.

Jack McFeeley agreed that getting residents input was a great idea. He would like ideas to use the whole site. He suggested putting posters around town, as well as drop boxes.

Jack McFeeley also said we should ask the CPA Committee to put the old Town Hall in their basket of possibilities, only after hearing from the town.

The unresolved issue of building fees for King Philip North was discussed. The Building Commissioner wanted the Board to remember that no sidewalks are planned, and sidewalks will be required once the project is done. He thought fees could be used for this.

Jack McFeeley said that Bob Bullock needed to figure the entire office staff involved, not just for Bob Bullock's time. Three days per week x ??? KP was going to get us their proposal, but we haven't seen it yet.

Bob Markel said that we need to keep the process going with Wrentham for the King Philip project. Bob Bullock isn't including electrical work, etc., as that is included in the sub-contractor's fees.

Joyce Terrio stated that she would like an update from Delia O'Connor on the Southwood property. She didn't care if it was in the form of a letter, but she would like to hear from Ms. O'Connor, or Bill Fleming.

Joyce Terrio would like to see the Fire/Police Station issue back online for discussion. She would like to see it in front of the Capital Outlay Committee.

Jack McFeeley would like to know the long term plans of the Water Department? They needed \$305,000 at town meeting – for what use? He would like to have them in at our next meeting, if possible.

Jack McFeeley asked if the office staff could compile a new list of anniversary dates for employees for the next fiscal year.

Jack McFeeley would like us to contact the school and get the school attendance as of October 1st that they report to the State. He would like it by classes.

Jack McFeeley said that with the Warrant, he would like to discuss Roberts' Rules of Order; no town meeting extends past midnight; abolish the fall town meeting; and ban money articles from the fall town meeting.

Jack McFeeley said he realized that at this town meeting, Susan Gagner took monies from department budgets without the knowledge of department heads. It will be discussed at the financial strategy meeting that no monies can be taken from departments without their express knowledge.

Jack McFeeley would like to see the Earth Removal Committee reactivated. He would like their comments and advice.

At 9:04 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of October 28, 2002.

John J. McFeeley, Clerk

Regular Meeting

November 4, 2002

Present is Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:00 p.m. Bob Markel read the agenda.

UNITED CHAMBER OF COMMERCE

Gary Cogley and Stephanie Mercandetti of the United Chamber of Commerce in Franklin were present to discuss community issues.

Gary Cogley said they had been here previously to discuss Chamber events. He would like to discuss committees they have in place now. Some of the infrastructures that they are working toward are environment, transportation, and health care initiative. Mr. Cogley said they are here to help us address some of the issues we have.

The United Chamber of Commerce has an initiative in partnership with Norfolk County. The Southwest area of Norfolk County. They meet monthly, and attract Town Administrators, and others.

Ms. Mercandetti stated the County has offered purchasing, office supplies and fuel oil. They accept bids. Some towns are looking for a regional dispatch center. Norfolk is looking into a regional animal control department. They look into different regional issues that several towns are interested in, and look at ways that towns or communities can work together. On Tuesday, November 19th, the County and Chamber are co-hosting many workshops, beginning with Brownfield's Workshops. They would like to provide as much assistance to communities as they can.

Gary Cogley discussed briefly the Brownfield's workshop, and what it involves.

Gary Cogley said they have organized a Metro West Chamber of Commerce and are working with them closely.

Jack McFeeley asked if we could have them assist our Emergency Management Director in different reports that he needs to supply the State. Stephanie Mercandetti said that that is a request a lot of the communities have. Perhaps we can regionalize.

TOWN OFFICIAL'S DEATH

Joyce Terrio announced that Arthur Keenan passed away this morning. Mr. Keenan was a long time town employee and town official. At the time of his death, Mr. Keenan was the Veterans' Graves Officer. Jack McFeeley stated what a wonderful person Arthur Keenan was.

OLD/NEW BUSINESS

November 12th will be the meeting with the Selectmen, School Committee, and Advisory Board to discuss financial strategy for the upcoming year. It is an open meeting, and all boards are invited. Jack McFeeley would like to ask KP for more understanding of how their formula works that they use. They had different factors that they quoted when they were in.

Bob Markel said he knows they have had conversations with the representatives of KP; the Superintendent and School Committee. Proposals are promised for our next meeting on November 18th. Jack McFeeley said that he would like Bob Bullock to assume the whole cost of the office in his projection, and not just the costs for himself to perform these services.

Bob Markel mentioned that the November issue of The Beacon has our advertisement for Finance Director. Our deadline is November 22nd. It is also on the MMA website.

CHAPTER 40B DISCUSSION

Present is Jason Talerman, Esquire - Kopelman and Paige; Jeffrey Roelofs, Esquire – Anderson & Kreiger; Steve McClain, Bob Nicodemus, Planning Board; Planner Gino Carlucci, Housing Authority member Joanne Smith, Executive Director Jan Moore; Peter Chipman, Board of Health; Bob Bullock, Building Commissioner; Allan Shaw, Aimee Dudley, Conservation Commission; Debbie Robbins, Chief Assessor; Bruce Simpson, Martin Murphy, Brian Wolf, and John Burke, Zoning Board of Appeals.

Joyce Terrio turned this portion of the meeting over to Jack McFeeley. Jack McFeeley informed everyone that we received from the State a notice of a 40B application and asked Jason Talerman or Jeff Roelofs to explain what a 40B application is. It involves the property adjacent to Town Hall, the Norfolk Commons property, Phase 2 toward the back of the property. Jeff Roelofs said that a 40B application is a reference to the statutory provisions which allows the developers to propose a development which has a certain component of affordable housing in it and meets certain criteria, as long as the development being proposed meets certain criteria related to affordability, the number of units being affordable, certain funding mechanism criteria and others, they are permitted to come to the Zoning Board of Appeals (ZBA) for a comprehensive permit which allows them to avoid having to go to all the various local boards like you would normally have to do for site plan approval and special permits and the like. You can essentially bypass the local processes and substantive requirements as long as you meet certain criteria, and all of the issues are brought before the ZBA and it is the ZBA's responsibility to review the development, with input from all of the other boards in town, and sort of waive a need for affordable housing, to review potential impacts of the development, the benefits related to the development, and to ultimately decide whether to issue a comprehensive permit under Chapter 40B.

Jason Talerman stated that he is a resident in town, and also has an office that serves as town counsel for 120 towns. More of his job right now is helping towns with 40B projects. Mr. Talerman said that Chapter 40B permits the developer to waive whatever a town has imposed locally as requirements. The presumptions regarding your decisions and what would stand up on a challenge on those decisions are turned around and would face an uncertain future if the developer challenged them themselves. And the administrative body that oversees those challenges – the Housing Appeals Committee. They are perceived as a developer friendly forum, although it is not always that way. Developers know they usually have the benefit of doubt going in, where in land use decisions, a local board or department would have the benefit of doubt going in. Home Rule is turned on its head, and your decision faces more scrutiny if a developer challenged them. What this leads to is not always the single most conscientious developer proposing a Chapter 40B project. There are some great 40B developers with a vested interest in developing 40B housing; however, some of them try to use this as a loophole, and that is why you read so much about it in the newspaper.

Joyce Terrio stated that the basis for the foundation of this meeting is that we have already gone one step in the process in this permitting procedure. We have received

notice from the State that an eligibility letter, or site approval letter, has been submitted. What the State has done, it has sent us notification that this has happened with the Phase 2 project next door. Before they make any decisions, they are looking for the Board's comments. We have a short time frame within to do this. Jay Talerman said that this is a letter asking for the Chief Executive Board's comments, which in this case gives the Board of Selectmen an opportunity to comment. Joyce Terrio said we have our own comments, but we would like input from the other boards. Jay Talerman said you can certainly ask for the advice of other boards and departments, but this is your one shot you have before there is an application to address any concerns you may have going in. Joyce Terrio said there are many concerns with the Selectmen, and they have their own issues. However, the Board felt it was only right to get the concerns of other Boards, as well.

Jack McFeeley read from the Department of Housing and Community Development's website. It said that prior to applying for a comprehensive permit a proposal to build affordable housing must receive preliminary approval, normally a project eligibility or a site approval letter under a state or federal subsidy program. The application containing the eligibility letter and preliminary development plans is then filed with the Zoning Board of Appeals (ZBA). He noted that it hasn't yet gone to the ZBA. The Board then notifies and seeks recommendations from other local boards including the Planning Board, Board of Health, Conservation Commission, etc. The BOS needs to respond to the State and would like everyone's input. We have to respond by November 21st.

Jack McFeeley asked the Planning Board how the site is currently zoned? Steven McClain stated it is commercially zoned. Only other thing allowed is assisted living and second story residence on top of a commercial establishment. Jack McFeeley asked if that means a second or third story as well. Bob Nicodemus stated anything above the first story. Jack McFeeley said that what Mr. Borrelli is proposing is all three floors of residence. Bob Nicodemus said, in Phase 2, is that correct?

Joyce Terrio said this is what she wanted to ask. This is all part of his Phase 2. Nothing to do with Phase 1, which is part of the commercial development of the property. She said it is her understanding that many, many years ago, she was at a meeting in which both Mr. Nicodemus and Mr. McClain also attended, that it was determined that Mr. Borrelli would move forward in his Phase 1 development of that property, prior to doing anything in Phase 2, yes? Steve McClain said he was even asked that about a month ago. Joyce Terrio said that in correspondence she recently saw from the Planning Board office, an extension was given by the Planning Board for Phase 1 and Phase 2, but she doesn't recall what it was for. Completion of what? Bob Nicodemus said he has infrastructure he needs to complete. He does not have all of the roadways tied into drainage systems, and he does not have the full completion of the wastewater treatment facility that he has been going thru DEP on. Both of these issues have to be completed before he can do any development on his property.

Joyce Terrio asked if in their last correspondence with Mr. Borrelli, is he still planning on working on his Phase 1 development first? Bob Nicodemus said they don't know about

his timing, but they have been told he does expect to move forward with commercial development on the front phase, Phase 1. They haven't seen anything, nor heard anything; his consultant has only told them that it is his intent.

Jack McFeeley said let me repeat. He is not to proceed with any development in Phase 2 before he does certain infrastructure in Phase 1. Bob Nicodemus said the roadway system has to be infrastructurally complete. He can't do Phase 2 without Phase 1, because he would have no roads.

Debbie Robbins said she thought he was only approved for Phase 1. He is paying more taxes than he needs to.

Peter Chipman, Board of Health. They approved the discharge unit as of October 1. This was a huge hurdle for them to get over, and they did it. Jason Talerman asked if MEPA was involved? Did they require an IER? Peter Chipman said no.

JM said he heard that the commercial part of it was sold. The Board said that this is a rumor and wondered if it was true. Bob Nicodemus said it is a rumor. Joyce Terrio said that the last time Mr. Borrelli was before our Board, he referred to having something set in motion regarding the commercial property. Joyce Terrio said this Board is concerned; she is personally concerned that some arrangement was made for the commercial development, Phase 1, to be up and running before we saw any development proceed for Phase 2. That is still a great concern.

Jay Talerman gave his comments relative to the application. Jay Talerman said what generally happens is you see a project and the Zoning Board and other boards come in and start to think about what kind of conditions you want to impose on it, to make it work better for the Town. One condition would be to make it smaller. There is infrastructure – you may want to move a road around, etc. In 40B, you have to look for the money to do it. When you drive a developer below a certain profit point, usually somewhere between 12 and 15%, then you can't impose any more conditions under this particular statute. You then need to look at his pro forma. He has given a very preliminary one to MHFA. Right off the bat, the first issue they always look at is the basis in the property is inflated twice here. The first arms length sale he states as a million dollars. Mr. Talerman said he doesn't doubt that. This is the sale for the entire parcel. Then the pro forma says his site acquisition cost is \$1.8. He is allowed to attribute a certain amount of carrying costs going forward, and Jason Talerman said he would have to break them down to see if they are legitimate. He needs to prorate this by acreage or a qualified appraisal by a single portion of the property to see what it's worth. Jason Talerman thinks it would be \$300-\$400,000 maximum, and it is probably lower. Mr. Talerman said when you throw that kind of figure on there, and he is already showing profit, the Zoning Board can do the kinds of things they want, with a certain amount of impunity. Jason Talerman said he's waiving a number of zoning bylaws, and the goal is to keep zoning as much intact as possible. You want it aesthetically right, you want reduction in density, you want different kinds of units, materials, different road systems, more amenities to the units, such as air conditioning,

or whatever, and now this would be the vehicle to do this. Mr. Talerman said this was his major goal in reviewing this.

Bob Nicodemus asked if he only has to do 25% affordable? Jason Talerman said yes. That is the baseline. It's not really defined in the statute; it's defined in the program. He is not under a New England fund. If he were, Jason Talerman said he'd have more criticism. It is an MHFA fund, which is legitimate. MHFA is held to a higher standard of due diligence, and they don't always do it. Then the town is held liable for the due diligence. He feels the town can actually mold this project, because of the actual financial issues here. We can say there are too many units, or is too many stories, or do we not like the roadway.

Debbie Robbins asked is there any way to stop this altogether? She is concerned about this particular parcel because there is very little commercial property left, and we are losing it. Jason Talerman said there is a new regulation that says that any comprehensive plans, or Master Plans, or any other evidence of a real concerted direction of a town to zone things one way or another, is going to have a lot of evidence when you are making a decision. Jason Talerman said it's the Master Plan that usually helps guide it. Jason Talerman said the Master Plan wouldn't have a major impact because the committee doesn't care. Bob Nicodemus said they cared in 1998. The State overturned it. Jason Talerman said he doesn't believe the State overturned it. There have only been 11 cases overturned in 30-40 years. Under a Smart Growth Principal, people are going to say that there couldn't be a more ideal place for affordable housing because of the train.

Debbie Robbins asked about state owned property. Jason Talerman and Jeff Roelofs both answered that you can figure it in your calculations of how much affordable housing we have, but he would assume we aren't even close. We don't have any way near enough to have it make a difference. Attorney Roelofs said you would have to be 1 ½ %, or a certain percentage to be constructed within a calendar year. If we had two other 40B projects in the pipe right now, and the land mass of the projects was big enough, it might be that we would meet a third criteria, which allows us to say there is no real imminent need right now for affordable housing, because we are building so much in this coming calendar year. You do need to be sensitive to the possibility that this may not be presumed to be a project, because there are several similar projects in town now.

Aimee Dudley, who is also on the Community Preservation Committee stated 28 houses is .75%. Jason Talerman said people know that our figures are low and that the land is there, so Norfolk looks interesting to developers.

Jack McFeeley asked about limited dividend. Jason Talerman said a limited dividend organization is any entity that formally pledges to limit their profit. Mr. Borrelli has to create an entity that pledges to make a limited dividend toward the permit.

Joyce Terrio discussed the local initiative project (LIP) that was back in 1998. Jason Talerman said the 1998 issue was a LIP project. The criteria are totally different than this project. This is not a LIP project.

Jeff Roelofs said there is criteria set forth in the Housing Appeals Committee regulations, which relate to the criteria that the State agency reviews in rendering project eligibility letters. These are criteria include that proposed housing design is appropriate in the site in which it is located. Realistically, the chances of making the argument that housing is just outright not appropriate for this site, especially where zoning allows some housing of street level, and some types of housing. If this is a concern that this is not a site that's appropriate for housing, it is a point that should definitely be made. It goes toward one of the factors that the State agency should be considering.

Jason Talerman said MHFA might not care. But it's still worth bringing to their attention. They may not write back in the eligibility letter and mention your concerns because they are overworked, and don't do the same amount of due diligence that we would like them to do.

Jack McFeeley said so far he has heard three points we should be including in a response: 1. Infrastructure has to be complete; 2. Inflating numbers are being used; and 3. This is part of a Master Plan, and it is contrary to that Master Plan.

Steve McClain asked if the TIP program, or the improvement of the existing roadways could influence the development of this site. The original decision from the Planning Board ties the developer to Phase 1, especially the development of Phase 2 to the roadway improvements. Jeff Roelofs said any limitations should be called to MHFA's attention, and reference it and request that they impose a condition that prior to any approvals take effect, that agreement be lived up to. Atty. Roelofs said because this is the center of town, you should request that a traffic study be done, if it hasn't already. Jack McFeeley said we have already done a number of traffic studies, and the TIP project is based on those studies. If this is going to then make those traffic studies null and void, we are basically putting ourselves back to square one with the TIP program.

Attorney Roelofs said he isn't sure how he could avoid those requirements in this process unless tying this project to those developments rendered the 40B project uneconomical. In other words, if he has already accepted those conditions, I assume he can appeal them. Those conditions would be deemed by him to be part of an economically viable package. Once you get into the ZBA process for this project, the ZBA will be considering conditions that they would like to impose on this project, and it can impose conditions, so long as those conditions don't render the project uneconomical. Jeff Roelofs said it's his understanding that they have already been deemed uneconomical for the larger project, so he doesn't know why any of that would change as a result of this, but it is worth pointing out to the state agency that the larger project, of which this is only one component, is tied to that program. He thinks there are other conditions in those permits, which relate to the larger project, and he

would assume the town would expect those conditions to apply to this component of the larger project, just as it does every other project.

Peter Chipman asked how many units are proposed? Jack McFeeley stated 36. Three buildings, three floors. Peter Chipman said originally it was planned out for assisted living. Mr. Chipman was told that assisted living is in addition to the 40B. It is not instead of.

Bruce Simpson asked Peter Chipman if they approved the package treatment plant based on this addition? Peter Chipman said they have already voted it, but would have to re-look at it to see if there is any language in it that would trigger a change. Bruce Simpson said he also thought there was also a difference in the type of intensity, as well. He said they asked what was housing, and what was retail, and what were the gallons per day, but we never at that time talked about affordable housing. Peter Chipman said they did not talk about residential. Peter Chipman said he only found out about this meeting this evening, so he hasn't had a chance to talk to his members or agent. Discussion centered on determining the sewerage for the amount of units.

Jason Talerman said that he has never seen a 40B project finish with as many units as it started with, because there is leverage. It won't be that much.

Bob Bullock said he figured it would be 136 units. What is that going to leave for the rest of the project? He is concerned that all the capacity will be used up.

Jason Talerman told Peter Chipman that one thing you can require is a study at his expense as to whether this will be doable within his permit. You can have him pay for engineering review, counsel fees, etc. Anything technical. Do not leave any technical stone unturned during the process. You should be depositing \$20-\$30,000 from day one to pay for the experts.

Jason Talerman said that he has making representation that he is going to do some commercial there, too. He feels that the town is getting closer to reasons to say no that qualify the kind of development that is going there. Peter Chipman said that the design flows are being required by the state. It is not a local requirement.

Jeff Roelofs said that the scope of the issues that the ZBA can evaluate or consider if it becomes part of the 40B process before it is very broad. The ZBA is acting as the representative for all the other local boards. The ZBA should consider all the issues that all the other boards would consider if this came before them in its review of the application. They should assess what potential impacts there may be such as traffic, health, environmental – the whole spectrum.

Jack McFeeley said because of the TIP program, we have made certain allowances on the traffic studies because we are alleviating part of the traffic concerns, which is not being borne by the developer. If we have a change or rescheduling of the TIP program, then we would have to go back and revisit with the developer as to how much

it is going to impact him on a cost basis to make all of the traffic changes that are necessary because of the existing patterns, let alone a new pattern. If we didn't have the TIP program, then what we would be asking of the developer would be a lot greater.

Allan Shaw asked if we are we trying to say no to this? Joyce Terrio said we do need affordable housing. Jason Talerma said that as 40B projects go, this 40B isn't the worst thing that could happen to the town. You cannot escape 40B. If it isn't this one, it will be another. This one can be banged into shape, and it's going to be difficult to say no. It may provide an opportunity to do some housing in the right part of town. This is a policy decision for the ZBA and the rest of the boards.

Allan Shaw said they have had concerns with Phase 2. The land is extremely intermittent, and is located in the back of the water tank. He provided the Board with copies of the Act.

Jack McFeeley suggested that Boards put something in writing if they would like it included. We are not here to get together a lynch mob. We are trying to work together to put our concerns in a letter to the State.

Bob Markel expressed concern about the configuration that the developer submitted. At what point is the developer locked into the configuration he presented? Does this letter do it, or is it when he goes to the ZBA? Jason Talerma said you would think so. If he changed his plan, then you need to be sure that MHFA approves this, because they will look at it. Bob Markel asked if in his opinion, once the eligibility letter comes out, with no other changes, would it be possible to change the number of subsidized units. With no dimensional changes, no other changes to any part of the project by the developer? Jason Talerma said it's possible, but it's up to the ZBA what they would require of the developer. If it changes the feasibility or the configuration of the project, it may trigger a new eligibility letter from MHFA. Then they would need a new letter from the Board of Selectmen as well. They need to be sure that this will work financially.

Jeff doesn't think there is anything that commits him to the ratio he is coming to the ZBA with, but it may make a difference with his funding source, and they may not approve it. His funding may fall through. Significant changes may be voluntarily or imposed upon him, but it may mean he has to go back to his funding source to get approval of the changes before the process can move forward from that point.

Brian Wolf mentioned that we have an affordable housing bylaw. Does this comply? Jason Talerma said that there will be some things that will be waived, but the big ones in zoning are the dimensional criteria. Bruce Simpson concurs with Mr. Talerma. The ability to stop these projects is very difficult. Mr. Simpson has been to seminars. Bruce Simpson isn't sure that this is a good project. If anything else, it would give us the time to use the Community Preservation Act money and try to look forward to the next

developer. What is the desire of the Town – do you want this to go forward with limited conditions through the ZBA, or do you want us to fight this tooth and nail?

John Burke said there are threats of 40B on both sides of town in the middle of commercial neighborhoods. In a central location with the train, this is probably one of the best places to put it. Joyce Terrio said that personally, we have been trying to develop this site for years, and for years residential housing has been discussed there. So this isn't out of the realm of what he has always tried to do.

Peter Chipman said they have 12,670 gallons per day and they are not even up to 50%. Most of the assisted living sites are underwater right now. Robert Nicodemus wondered if they could apply for another one after this one? Assisted living isn't really going anywhere right now.

Jason Talerman said when he heard this rumor; he assumed the top of the hill would be 100 units, in lieu of the assisted living.

Bruce Simpson said he didn't think commercial would ever happen. Bob Nicodemus said he differs. He has had over 6 developers who would take over that property for commercial if anyone owned the property other than the current owner. Jack McFeeley said that a few months ago, when he came to the Board of Selectmen, the first thing he said was that he has had no luck getting anyone to take the commercial end of it. Jack McFeeley feels he's trying to get around the mixed use. Jack McFeeley wondered if there is any type of compromise.

Jason Talerman had one counter comment. If this could be developed in a partnership or cooperatively, it is always better to do it this way. Joyce Terrio asked how would we proceed with that when we are trying to respond to this letter. Mr. Talerman said to get all the boards involved and work on parallel lines with Mr. Borrelli.

Jeff Roelofs said it is worth approaching the developer with respect to this particular 40B project, and try to iron out some of the issues, and start the negotiating process sooner rather than later.

Joyce Terrio asked that anyone with any other comments, please get them to the office in writing ASAP.

Joanne Smith said that they find themselves having to support anything that comes before us, because they desperately need low-income housing. Not just 55 and older, but they need housing for the younger members.

Bruce Simpson said he supports Joanne's decision that this comes from the town. Bruce Simpson said they have a very capable board, but feels it's beneficial to have Mr. Talerman's support and guidance to help assist them. ZBA will be looking for assistance.

Peter Chipman asked if this were to be not developed for mixed use and was only residential, how much commercial are we giving up? Bob Nicodemus - 90,000 square feet.

Jason Taleran suggests to MHFA that there are some very real concerns that there may be some scopes that they can't work within their permit, and they may take this into consideration.

Peter Chipman said by Phase 2 going forward, it may kill off Phase 1 entirely. This may nullify our original approval. If that's the case, it could compromise Phase 1. He's talking septage. Jack McFeeley agreed, and said this is the same thing he was talking about with TIP. It may nullify it.

Jack McFeeley asked where to go from here. Both counsels said you could draft from ground up. Jason Taleran said that his firm has offered to be special counsel at no charge since he is a resident here. He suggested that he represent the ZBA, and Jeff Roelofs represent the Board of Selectmen. They obviously would still talk; Jeff Roelofs should compose the first draft. Jeff Roelofs will take comments from anyone who has them, to draft the letter. Attorney Roelofs agreed that the Board of Selectmen would need counsel down the road as we move on.

The boards and committees will forward comments to the Board of Selectmen's office prior to November 15th.

BOARD OF WATER COMMISSIONERS

Debbie Robbins and Larry Kennedy, Water Commissioners were present.

Joyce Terrio asked Jack McFeeley to chair this session. Jack McFeeley said the Board would like to know what the next couple months would bring. There are desires of employees within the department to take early retirement. The Selectmen need help in that process. Another issue was compensation for a particular employee.

Debbie Robbins said that there is a meeting posted for November 12th. They will be reviewing the job descriptions then, and will have more information available.

Larry Kennedy said that Jim Martin went to the State, and was informed that because of the number of water takers, they must have on staff at all times two licensed maintenance operators. One is the Water Superintendent, and the second one is the maintenance operator who is not working right now. They hired some consultants to help get them through this period, and the department does not qualify. They are not in compliance. They should have 3 operators, and that way if someone takes a vacation, there are two bodies there at all times. We are now a medium water community, instead of a small water community according to DEP. Larry Kennedy said that they were surprised that DEP could dictate staffing. Bob Markel said he is surprised, too, that they could mandate the amount of staffing that you have to have. Debbie Robbins said there could be fines daily if we aren't in compliance.

Discussion centered on the surprise article at town meeting. The Board said that they didn't know about most of the \$305,000. It seems that the Advisory Board was aware, but the Board of Selectmen wasn't. Jack McFeeley said that their mistake was springing it on us at the last minute, and at the late hour (1 a.m.).

Debbie Robbins stated that the Board is very nervous about the next two months. Debbie Robbins said that they aren't going to get anyone for less than \$60,000, and Jim Martin is getting less than that now. They talked about getting the jobs posted and get someone hired by the beginning of December for those two positions. The two individuals have offered to come back and act as consultants for the new people. Debbie Robbins said they would like to have these people on board December first, but it doesn't appear that will happen.

Joyce Terrio asked if these two employees are leaving even without early retirement. Debbie Robbins said no. This changes the whole thing. Jack McFeeley said if there is a financial impact, then they cannot retire. He said that they have asked each department with a potential retiree to give us a financial impact statement. Debbie Robbins said this is the first she has heard of that. Jack McFeeley said the Board of Selectmen is still considering whether to allow retirement. The Water Commissioners will come in on November 18th.

ACTION ITEMS

Jack McFeeley approved a street opening permit for Lots 2 and 3 Campbell Street, L.H. Johnson, for a water service; and 169 Seekonk St, Michael Brumber for a water service. Both permits are issued providing work is completed prior to November 15th. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley approved a waiver of building, fire, plumbing and electrical permit fees for the Highway Building Expansion project. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley granted permission to Boy Scout Troop 80 for a fundraiser to sell candy bars at the Transfer Station on November 16th from 8:30 a.m. to 12:30 p.m., provided there are two adults for two children. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to grant permission to KP Music Association to sell wreaths at the Transfer Station on Saturday, November 30th from 9 a.m. to 4 p.m., provided there are two adults for two children. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley approved Garden Club signs for Route 115/Main Street; right-of-way in front of the H. Olive Day and Freeman-Centennial schools, if there is one. Permission granted to install signs immediately for the November 13th event and the November 23rd event in the right-of-way in front of the H. Olive Day and Freeman/Centennial schools. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley approved St. Jude's Women's Club request to install their Christmas Fair sign near the Town Gazebo on Town Hill from November 14 through November 16. Joyce Terrio seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel showed the Board a letter from Police Chief Stone. Rodman Ford is offering the Think, a small electric car, to the town free of charge. It's an electric car and they would like to donate it. It goes 25 mph max, and would be used around the center of town. It would be forever, and comes with a three-year warranty. As it is a gift, the Board of Selectmen needs to vote to accept it. The Board was impressed with the vehicle, and Jack McFeeley asked Bob Markel to look into the possibility of receiving more than one vehicle.

Jack McFeeley moved to accept any number of Think vehicles that Rodman Ford would like to offer us, all with three-year warranties. Joyce Terrio seconded, and it was **so voted**.

Bob Markel noted that many Boards are dormant, or in need of members, such as the Economic Development Committee (EDC), and Affordable Housing Committee. Bob Markel said he needs names from Planning Board and Board of Selectmen for members to the EDC. Bob Markel will contact the people and try to get it going. Joyce Terrio suggested soliciting on the Norfolk website.

Jack McFeeley moved to allow the No-Thru sign be installed on Timberline Drive. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio asked people to please VOTE, as tomorrow is the State election.

Being no further business, Jack McFeeley moved to adjourn at 10:03 p.m. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of November 4, 2002.

John J. McFeeley, Clerk

Regular Meeting

November 18, 2002

Present: Joyce Terrio, John J. McFeeley, and Robert T. Markel.

Joyce Terrio opened the meeting at 7:03 p.m. Bob Markel read the agenda.

ACTION ITEMS

The Board reviewed a request of the Garden Club to change the location of their sign from in front of the Freeman School to Rt. 115/1A. The Board wants someone to look at site distance, and the size of the sign.

The Norfolk Community League would like to advertise their Santa's Breakfast with a sandwich Board sign. They would like it at the corner of Rt. 115 and Main Street at Daley's Sunoco, from November 30th through December 14th and at the H. Olive Day school from December 5th through December 14th. The Board will determine a list of locations acceptable to them for all Boards or Committees to request.

COUNCIL ON AGING

Richard Connors and Harriet Fisher were present. They drafted a letter that they wanted the Board of Selectmen to place on their letterhead and send to our new Governor Romney. They have been trying to bring THE RIDE to Norfolk, and would like to have this become one of the first items Governor Romney works on. Joyce Terrio briefly reviewed the letter, and asked that revisions be allowed. Harriet Fisher said they would also like Rep. Brown and Sen. Jacques to view the letter and endorse it, as well. Richard Connors said they would like any input the Board has.

TAX CLASSIFICATION HEARING – BOARD OF ASSESSORS

Present was Debbie Robbins, Chief Assessor; and Assessor Patricia Salamone,

Joyce Terrio opened the hearing at 7:30 p.m. Bob Markel read the newspaper advertisement that was in The Sun Chronicle.

Debbie Robbins said the proposed tax rate is \$13.01. The tax rate was \$14.32 last year. She said that the reimbursement from the State for the H. Olive Day School addition is what helped us.

Debbie Robbins had a presentation that she showed the Board. She explained the split rates. The Assessors voted for the single rate.

Jack McFeeley moved to classify the tax rate for FY'03 as a single rate for both residential and commercial. Joyce Terrio seconded, and it was **so voted**.

On another matter, the Board discussed the Finance Director's position with Bob Markel. Bob Markel indicated his disappointment at the number of resumes we have had for this position. In speaking with other communities, they have had disappointing results, as well. Mr. Markel said he does not feel that this position is a desired position at this point.

TOWN ADMINISTRATOR REPORT

Bob Markel announced that Free Cash for the King Philip Regional School District has been certified for \$338,103.

Bob Markel gave the Board a copy of a letter from Hilary Penlington, Animal Control Officer, responding to a recent letter the Board received from Charles Jones regarding a dog complaint. The Board asked that Hilary Penlington take action on this matter, and follow up. Bob Markel will inform Hilary Penlington that a recent bylaw change makes it necessary for her to accept Mr. Jones' letter as a valid complaint.

Jack McFeeley suggested implementing a hiring freeze, as of tonight. We will have limited resources, and said that why hire people and then have to lay them off? Bob Markel suggested having a set of guidelines go out with the budget sheets. It would give the department heads a realistic picture of what to ask for in their budget. It will be a year of austerity, and department heads have to keep in mind that it is a very tight year, and try to reduce personnel, as well as expenditures. Anyone retiring early, the position will be highly scrutinized. Bob Markel said that costs for early retirement are significant, but not a problem in new assessments vs. the savings we will get in hiring an entry level person, if we do. It would make sense to try to do without the person who is retiring early. Jack McFeeley said we should try to have flexibility in moving people from one department to another, in order to help staff an area without hiring. Bob Markel feels steps can be taken to preserve resources. Jack McFeeley said we should put together a coaching plan beginning January first. The Board will put their thoughts on paper, and discuss them at their next meeting.

Bob Markel gave the Board a copy of a letter from Town Counsel regarding his opinion on the King Philip building fees.

OLD/NEW BUSINESS

Jack McFeeley discussed a letter from Charles Jones regarding his commentary regarding use of the old Town Hall. The Board asked we send a letter that we received his comments, and thank you.

Jack McFeeley discussed a letter from Charles Jones regarding what he felt were parking issues at St. Jude's during services. Jack McFeeley said that there are no restrictions at that time, and suggests Mr. Jones submit more specific information.

Jack McFeeley discussed the letter from the State to Steven Peterson regarding his comments about the Sealer of Weights & Measures. \$579 salaries and \$31 expenses. We only have one gas station and one grocery store in town. Jack McFeeley asked how do we do things better? How much will it cost for the State to do this? We have no supermarkets. When we get one, we will charge more. How much will it cost to certify the inspectors? Bob Markel will send a letter.

At 8:15 p.m., Jack McFeeley moved to go into executive session for the purpose of land acquisition. Joyce Terrio seconded, and it was a roll call vote: Joyce Terrio, **aye**; Jack McFeeley, **aye**. We will return to open session.

BOARD OF WATER COMMISSIONERS

Debbie Robbins, Donna Putt, and Jim Martin present.

Jack McFeeley said that we met with the Water Commissioners a few weeks ago, and asked the Board to get some more information.

Jack McFeeley said we are concerned about what will happen with the Water Department in the next few months, both short term and long term with the pending two early retirements within the department.

Donna Putt said she has been away so long, she is turning this over to Debbie Robbins. Debbie Robbins said we have talked to Jim Martin and he has said he would come in and help train a new person. Jim Martin asked if there is an issue with people retiring? He said that is the Board allowing people to retire? The Board responded yes, they would retire.

Jack McFeeley said that he does not anticipate replacing any position vacant by an employee retiring. Donna Putt said she didn't know how they could not replace the Water Superintendent.

Jack McFeeley said we are having people leaving, whether it's early retirement, or whether it is a reduction in staff due to budget demands. Jack McFeeley said they talked about staffing problems because DEP is requiring more licensed operators, per number of water takers in town.

Jack McFeeley said that he was concerned that we will have to hire another full time employee. Debbie Robbins says that most communities have two licensed operators and a Superintendent. We do not have that. We have one licensed operator. Right now the licensed operator is not working, and our Water Superintendent is doing all the work.

Donna Putt said that the Water Department tried to keep rates down, and played cheap. They didn't keep up staff levels where they should have, and now they are playing catch up. Jack McFeeley said that come December 31st, he is concerned.

Debbie Robbins said they are still waiting to hear on the early retirement. Joyce Terrio said that was answered already.

Donna Putt said that they will be putting an advertisement in The Beacon for a Superintendent.

Donna Putt said that they need funding. She asked if we are having a Special Town Meeting. Debbie Robbins said that they hired consultants because of the Operator being out. They need funds to pay the consultants. They also said that they need to pay Jim Martin 9 weeks of vacation time. Jack McFeeley questioned why he was allowed to carry 9 weeks of vacation.

Jack McFeeley said we will be exploring many options. Debbie Robbins said she isn't sure of the DPW and doesn't that have to be voted by town meeting? Bob Markel said an Asst. Superintendent, a Superintendent, and replacing Marilyn's position. Bob Markel suggested contracting for the Superintendent, and compare that before you submit a final.

Jack McFeeley suggested that the Board meet with Bob Markel during the day, and explore these options to get something for the Board as soon as possible. Jack McFeeley expressed that it doesn't have to come to closure at a meeting. We need to be sure we are covered through any transition and the short term.

KP PROJECT

Present was Superintendent William McAlduff and George Cronin, School Committee Chairman.

Joyce Terrio told them that she received their proposal. She asked for a quick synopsis for the Board.

Bill McAlduff said they queried the architects and asked them to provide an average range for the number of hours for past school building projects that the local building inspector spent monitoring and supervising the project. Their response was 2-4 hours per week. In addition, he talked with Plainville and Wrentham Building Inspector regarding projects they've been involved in. They both indicated that the proposal they were working on, they indicated that the 10 hours per week was very reasonable. They based this proposal on the fact that the building permit fee would cover the cost of services, as well as a factor that would cover other costs. They have calculated the hourly rate, and multiplied it by 1.5 (office costs, mileage, etc), and determined that during the life of the project, that the inspector might spend 10 hours per week and came up with the proposed fee of \$36,960.

Joyce Terrio made it very clear that we are only talking about the building permit fees. We are not talking about electrical, plumbing, gas, or any other fee. Joyce Terrio also wanted to make it clear that at no time did they request a waiver of any other fee other than the building fee. It was agreed by George Cronin and Bill McAlduff.

Jack McFeeley said that their attorney stated "reasonable" fees. Jack McFeeley said he is trying to reconcile whether this is a reasonable fee. Jack McFeeley said he does not feel the \$36,960 is a reasonable fee. He feels more that \$260,000 is more of a reasonable fee.

Bob Markel said that the Wrentham Selectmen have come up with a formula and asked if they had a copy. Bill McAlduff gave the Board a copy of Wrentham's policy.

Jack McFeeley mentioned different ways of coming up with ways of figuring the fees. Jack McFeeley said that the Building Inspector has a budget of \$151,000. Jack McFeeley said he started with Bob's base salary that is \$50,000. The two

administrative aides salary comes to \$40,000. The asst. inspector salary is \$18,000. Add 1/3 for benefits. Now add in 20% for lights, heat, etc. Now overhead – 10% - \$200,000 without the other inspectors added in. This is what it takes to run the Building Inspector's office. Bob Bullock did get an estimate of 10-12 hours. He conferred with another Inspector in another town. One-third of the year is going to be devoted to this project. Assume 1/3 of \$200,000 times 3 years is \$200,000. George Cronin said that he disagrees with this. George Cronin said that the cost is identical if KP did not do the project.

Jack McFeeley said that we are talking about \$200,000 for 3 years – so that would be \$70,000. George Cronin said he doesn't dispute the numbers, but he disputes the method. George Cronin would like to see a committee formed to hash this over and try to come up with something. He understands that we won't come to an agreement tonight.

Much discussion centered around how to come up with a reasonable fee. Joyce Terrio said that she did not agree with Jack McFeeley's figure. She felt it was too high. She felt that George Cronin's (KP's) was too low. She would like to review these figures.

Jack McFeeley said we may have to lay people off, and doesn't want to waive building fees and then find out that we could have saved salary monies. He would like to review this further.

Joyce Terrio asked him to not use the word "waive". We are not waiving fees, but yet come up with a reasonable fee for all.

Bill McAlduff requested that the Board consider to possibly decide tonight on moving full speed ahead, as they need to have a permit issued so that the contractor can begin and keep on schedule. He would like us to give permission to the Building Inspector to go ahead and issue the permit while we continue to negotiate and come up with a figure. Bill McAlduff said that if for some reason we disagreed and can't resolve this issue, it is clearly within the Building Inspector's authority to stop the project at any time. Bill McAlduff said he thinks Bob Bullock is ready to release the permit, subject to payment of the fee. Joyce Terrio asked Jack McFeeley if he would do that.

Jack McFeeley didn't know if they could do that. He didn't know if we could dictate to the Building Commissioner what to do. Bob Markel said it is within his job description to oversee the daily operations of the Building Department. He also would like to see another group formed to discuss this fee situation.

Jack McFeeley said that he would like to know the schedule of the building permit. When will another be issued? George Cronin said that once a permit is issued, it covers the entire project.

Discussion got into finances and if the high school project would be affected, and the percentage the residents would receive on the tax rate because of this. Bill McAlduff explained the cuts that may take place.

Supt. McAlduff mentioned a Financial Workshop on December 11th. This is not a good date for Norfolk officials, so Bill McAlduff will try to find another date and contact us.

At 10:23 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of November 18, 2002.

John J. McFeeley, Clerk

Regular Meeting

December 16, 2002

Present was Joyce Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:05 p.m. Bob Markel read the agenda contents.

NORFOLK AUTO – CLASS 3 LICENSE

Joyce Terrio opened the hearing at 7:10 p.m. As Mr. Roche was not present, Jack McFeeley moved to postpone the Class 3 hearing for Norfolk Auto until January 13, 2003, until we reconvene. Norfolk Auto will be without a Class 3 license until then. Joyce Terrio seconded, and it was **SO VOTED**.

Bob Markel gave the Board a copy of the Finance Director interview schedule, and copies of resumes of the five candidates. Mr. Markel explained that he is interviewing someone from the private sector with CPA experience, even though a representative from the Dept. of Revenue advised that we hire someone with municipal experience for this position.

Bob Markel explained to the public that we would be hiring a new Finance Director. It was voted with the authority of a town meeting, and under a Special Act. Although we have enforced a hiring freeze, this is one of the exceptions, and we had already started the hiring process months ago.

Jack McFeeley moved to reconsider the vote to reconvene the public hearing for the Class 3 license for Norfolk Auto until January 13th. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to adjourn the public hearing for Norfolk Auto until 7:30 p.m. this evening. Joyce Terrio seconded, and it was **so voted**.

NORFOLK FOOD MART – CHANGE OF MANAGER

Present: Michael Duggan, Esquire; Anil Patel – proposed new manager; and Sangita Patel, present manager.

Attorney Duggan requested a change in manager from Sangita Patel to Anil Patel. There have been no problems to date that he's aware of. Mr. Patel has been very involved in the operations of the Food Mart. The store will be operated in the same way it has been the last two years.

Attorney Duggan asks that the Board transfer the change of manager. Jack McFeeley said he has no problem with this change. Joyce Terrio had no questions or concerns as well. The Board wished them continued success. There were no questions from anyone in the audience.

Jack McFeeley moved to allow the transfer of management for Norfolk Food Mart from Sangita Patel to Anil Patel with the approval of the ABCC. Joyce Terrio seconded, and it was **so voted**.

ACTION ITEMS

Jack McFeeley moved to award the following DPW contracts as recommended by SERSG: Traffic Lines to Markings, Inc. of Pembroke, MA; Random Crack Sealing to Crack Sealing, Inc., of Raynham, MA; Catch Basins Cleaned to Lloyd Truax & Co., of Foxboro, MA; Cold Planning to T. L. Edwards, Inc., of Avon, MA; Tub Grinding to New England Recycling Co. of Taunton, MA; On-Call Patching of Bituminous Roadways – Pavement Maintenance Systems of Peabody, MA. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint Bonnie Dittrich and Tom Elder to the Arts Council per recommendations from Shirley Boulay. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow Girl Scout Troop #4739 to sell Girl Scout cookies at the Transfer Station on January 4, 2003, from 10 a.m. to 1 p.m. with 2 adults and 2 children, subject to usual regulations. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to release the following street opening permits as recommended by Butch Vito: #01-27 – Pine St.; #01-38 – 35 Holbrook St.; #01-30 – 38 Miller St.; #01-28 – Gordon Rd. subdivision; #01-23 – Across from 40 Everett St.; #01-15 - #15, 16 Stop River Rd.; #01-13 – 83 Main St. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow a municipal exemption and waiver of fees for a street opening permit for test borings for ledge by the Water Department on Fredrickson Rd., Grove St., Shirley Lane, and Briarwood Lane. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to award the EPA Phase II Storm water Management Consulting Services to Guertin, Elkerton & Associates of West Springfield for \$21,600. Joyce Terrio seconded, based on the recommendation of Butch Vito, and it was **so voted**.

NORFOLK AUTO – CLASS 3 LICENSE

Present was Paul Roche and Kevin Roche.

Paul Roche stated that the vehicle in the stream has been removed. It did not have a motor or an engine, so nothing could leak in the stream. However, that was removed.

Kevin Roche questioned the registered cars. They were customer's cars. The seven (7) cars under the Class 2 license were customer's cars.

Paul Roche questioned a fence needing to be installed all the way around? Jack McFeeley did not feel this was necessary, but wanted a chance to address this with the Building Commissioner.

Jack McFeeley moved to approve a Class 3 license to Norfolk Auto for 2003, with the same conditions as 2002. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow Eagle Brook, Tyler's, and Horse 'n Carriage to remain open an extra hour on New Years Eve. Joyce Terrio seconded, and it was **so voted**.

LICENSES FOR 2003

Bob Markel asked the Board to approve the annual licenses for 2003.

Jack McFeeley moved to renew the following liquor licenses: Eagle Brook Saloon, Tyler's Family Restaurant, Horse 'n Carriage Restaurant, Norfolk Fine Wine & Spirits, Norfolk Food Mart, Provo Discount Liquors, Linda's Variety Store, and Fore Kicks. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to renew the following Common Victualler licenses: Eagle Brook Saloon, Tyler's Family Restaurant, Horse 'n Carriage Restaurant, Norfolk Town Pizza, Bourque's Restaurant, Dunkin' Donuts, Crossroads II, and Fore Kicks. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to renew the following Entertainment licenses: Eagle Brook Saloon, Tyler's Family Restaurant, Fore Kicks, and Norfolk Rink Management Co. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to renew a Class I license for Cliff's Cycles. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to renew the following Class II licenses: Mitch's Repair, Norfolk Auto Repair, Dave Lind's Tire & Auto Center, WSAB, Eddy Ray's Auto Body Shop, R & D

Automotive, Call & Wait Auto, National Auto, Inc., and Action Motosports. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to renew the Taxi Licenses to Foxfield Taxi, of Foxboro, MA. Joyce Terrio seconded, and it was **so voted**.

Bob Markel asked for guidance on how the Board felt about a Sealer of Weights and Measures. Joyce Terrio would prefer to see what the Assistant Sealer and Mark Kantzer have to say.

Bob Markel is meeting with School Supt. Marcia Lukon for a continuing conversation on interaction between the School Financial Office, and our Financial Office. They will be looking at ways to improve bill payments. Jack McFeeley agreed that there is a better way of doing things, but not sure that everyone agrees on what that is. Dr. Lukon said she would like to see things work better, because it would be a time saver. Bob Markel said that there is a lot of double entry. Schools must report to the Dept. of Education.

PROVO LIQUOR LICENSE TRANSFER

David Murphy, Esquire for Lesvos, Inc., who is Bruno Formato, and Nicholas Papakyrikos; Peter Harrington, Esquire, representing David Fruci; and Jonathan Braun, current owner of Provo Discount Liquors.

Mr. Murphy said that Mr. Hall retired. Mr. Murphy introduced Bruno Formato and Nicholas Papakyrikos. This will be a transfer from BWJ, Inc., Jonathan Braun. Business is done as Provo Discount Liquors. They would like to approve the change of manager, pledge of license, and pledge of stock. Two or three promissory notes will be secured. Mr. Murphy said that presently there is a similar arrangement. When BWJ bought the business from Mr. Fruci, there is a pledge of license. They would like to make the purchase, pay off what Mr. Harrington's client is owed, and then they would be lien holder. The closing will happen after the approval by the ABCC.

Mr. Formato has the most experience. They are both 50% owners. They are both 36 years old, and both live in Watertown. Both graduated from high school in 1984. Mr. Formato managed Gordon's liquor store for about 10 years – 1987 – 1997. He has been with Acton Wine & Spirits since 2000. Bruno Formato is familiar with the TIPS program and graduated from the program. Nicholas Papakyrikos is not as familiar with dealing with alcohol, and understands he needs to take courses.

Atty. Murphy stated that there is a provision on the application that states "was there ever a conviction" and that was marked yes. He explained that Nicholas Papakyrikos had been arrested, but since that time, the conviction has been overturned, and that needs to be changed. The Board requested a statement of details. Atty. Murphy said he would send it.

Joyce Terrio questioned how they would spend their time at the store. Bruno Formato said he would be working the majority of the time. They will keep the same hours of

operation. Joyce Terrio asked if Mr. Papakyrikos would obtain training before working. Yes. The employees will be required to take the course in order to work there. Joyce Terrio asked if they are aware of this Board's position on zero tolerance. They both answered yes.

Joyce Terrio asked if there was anyone in the audience that would like to speak.

Attorney Peter Harrington told the Board he finds himself in an unusual situation. He represents the current pledgee. He has not heard one word from the current pledgee about this sale, or how he intends to pay off the loan, etc. He has spoken with the attorney for the new owners. He is concerned about a sale, and a pledge. Atty. Harrington has not been involved in this within 4 years. He would assume they have rights and make demands on the license. Atty. Harrington says that the decision be postponed in order to give Mr. Braun an opportunity to contact him and discuss how he plans to pay off this loan. Atty. Harrington said that there seems to be a lot of players here, and this should have been resolved before it came this far.

Atty. Harrington asked if this has come before the Board before. The Board stated no.

Atty. Murphy said that this is like a closing. If you purchase property, the previous loan is paid off. He assumes that this works the same way. He would figure out what is owed to Atty. Harrington's client, and he would cut a check at the closing and pay Atty. Harrington's client off. He thinks the problem is that no figure has been arrived at as to what is owed. Atty. Murphy said that tonight we are only looking for a ruling. He asked that we not postpone it, but to put a condition on it that this is paid off. Atty. Harrington said that if this were part of the record, he would have no problem. Prior to the transfer, they had to clear up the previous pledge, and then he would have no problem. Atty. Murphy said that he would assume Atty. Harrington would be at the closing.

Jack McFeeley said that he would move to continue the hearing, as there is some paperwork and other things that we need to have.

Jack McFeeley moved to adjourn the hearing until January 13th at 8 p.m. Joyce Terrio seconded, and it was **SO VOTED**.

CALL & WAIT – CLASS 3 HEARING

Paul Waznis, present. Mr. Waznis submitted a letter from his attorney, who couldn't attend.

Jack McFeeley said he's seen positive action on the part of Mr. Waznis. Mr. McFeeley does agree with a lot of what is said in the letter. He would like to see a little quicker movement on certain items.

Jack McFeeley would agree with taking #3 off the list. Paul Waznis said he noted a memo from the Building Commissioner regarding car tires in a pile in an area that he

never goes. These were left here from a previous owner. These are car tires. Mr. Waznis said that he wouldn't be able to remove them until spring.

Allan Shaw is not satisfied with the consultant. He is not licensed in Massachusetts. At least by NPDES, you need to be licensed in Massachusetts, and the plans are not stamped by him. Allan Shaw said that they have had limited time to review this. The Stop River is ¼ of a mile from the boundary. If that were true, Mr. Shaw wouldn't be here tonight, because he has no jurisdiction. Allan Shaw said that if there is an aquifer there, then he would assume the water would need to be tested. They would like to see a water consultant hired and paid for by the applicant. Allan Shaw said it costs around \$1,200. At this stage of the game, he would probably add some requirements. He would assume this would be \$3,300. Mr. Waznis said he hired this firm to do the work for him, and thought he did the right thing.

Mr. Waznis bought the oil separator tanks. The consultant recommended he not do it. He asked Mr. Shaw what he recommended. Allan Shaw said that he would have to get back to him on that one.

Jack McFeeley asked about the consultant, did he need to be licensed in MA to satisfy ConComm's needs? Allan Shaw said yes, because they need to know MA law. Paul Waznis said that this person has someone work with him that is licensed in MA law. He said some of these answers need to be given by his attorney.

Jack McFeeley said that we need to move on. We need to work toward a license. He did not feel that what Allan Shaw was asking was unreasonable. Joyce Terrio asked if our consultant could work with Mr. Waznis'. Allan Shaw said yes. Paul Waznis said he believes his consultant can work in MA, but would like his attorney to answer because he is not sure.

Paul Waznis said that in working with the swale, he needs to abide by the recommendations. Jack McFeeley said fine.

Item 3 can be removed. The extra tires in the northeast corner can be cleaned up during the year. ConComm site review has to be done and paid for by an engineer of the Conservation Commission's choice.

Jack McFeeley moved to renew the Class III license for 2003 to Call & Wait Auto with these above mentioned conditions, and the previous conditions for an entire year. A meeting will be scheduled in January with Atty. Koban to discuss selection of the engineers. Joyce Terrio seconded, and it was **so voted**.

Bob Markel asked about the process to do a special town meeting in February. Do you want to? Jack McFeeley said yes, we are expecting you to do a game plan. Let us know.

Jack McFeeley stated that in spite of the hiring freeze, we do expect people to be replaced, but we also have to reduce people. We need to have less revenues, so we need to have less employees.

Jack McFeeley moved to open the warrant for the Special Town Meeting for February 11, 2003. Joyce Terrio seconded, and it was **so voted**.

At 8:55 p.m., Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of December 16, 2002.

John J. McFeeley, Clerk