

# BOARD OF SELECTMEN MEETINGS

## 2004 MINUTES

<b>REGULAR MEETING</b>	<b>JANUARY 12, 2004.....</b>	<b>5</b>
ACCEPTANCE OF MINUTES.....		5
ACTION ITEMS.....		5
JACK HATHAWAY, FINANCE DIRECTOR.....		5
PAUL ANDERSON, WATER SUPERINTENDENT .....		6
LIQUOR LICENSE VIOLATION – FORE KICKS.....		6
MARIE CHIOFOLO, TOWN MEETING WARRANTS.....		8
NORFOLK AIRPORT PROPERTY – CH.61A .....		8
ZONING BOARD OF APPEALS APPOINTMENTS.....		9
SUNDAY LIQUOR LICENSES.....		10
TOWN ADMINISTRATOR REPORT.....		10
OLD/NEW BUSINESS.....		11
<b>REGULAR MEETING</b>	<b>JANUARY 26, 2004.....</b>	<b>11</b>
OLD BUSINESS.....		12
AIRPORT PROPERTY.....		12
NORFOLK HOUSING AUTHORITY.....		13
TOWN ADMINISTRATOR REPORT.....		15
NEW BUSINESS.....		16
<b>REGULAR MEETING</b>	<b>FEBRUARY 9, 2004.....</b>	<b>16</b>
COMMUNITY PRESERVATION COMMITTEE.....		17
BUDGET PRESENTATION.....		20
TOWN ADMINISTRATOR REPORT.....		21
<b>REGULAR MEETING</b>	<b>FEBRUARY 23, 2003.....</b>	<b>21</b>
LIBRARY BUILDING PROJECT.....		21
ACTION ITEMS.....		22
COUNCIL ON AGING.....		23
COMMUNITY PRESERVATION COMMITTEE.....		24
DALEY’S SUNOCO STATION.....		25
TOWN ADMINISTRATOR REPORT.....		27
<b>REGULAR MEETING</b>	<b>MARCH 8, 2004.....</b>	<b>28</b>
ACCEPTANCE OF MINUTES.....		28
ACTION ITEMS.....		28
PERSONNEL BOARD.....		28
VERIZON POLE HEARING.....		30
JOHN OLIVIERI, TREES.....		30
COMMUNITY PRESERVATION COMMITTEE INTERVIEWS.....		31
INSURANCE ADVISORY COMMITTEE INTERVIEW.....		32
HOUSING AUTHORITY.....		32
TOWN ADMINISTRATOR REPORT.....		34
OLD/NEW BUSINESS.....		34
COMMUNITY PRESERVATION COMMITTEE APPOINTMENT.....		34
<b>REGULAR MEETING</b>	<b>MARCH 22, 2004.....</b>	<b>35</b>
INSURANCE ADVISORY COMMITTEE INTERVIEW.....		35
DONALD CRAWFORD, WSAB, 84 ROCKWOOD ROAD.....		35
ROAD SAFETY COMMITTEE.....		36
ACTION ITEMS.....		38

FRED PFISCHNER – CONSERVATION COMMISSION.....	39
TOWN ADMINISTRATOR REPORT.....	40
OLD/NEW BUSINESS.....	41
<b>SPECIAL MEETING</b>	<b>MARCH 29, 2004..... 42</b>
<b>REGULAR MEETING</b>	<b>APRIL 5, 2004.....44</b>
ACCEPTANCE OF MINUTES.....	44
ACTION ITEMS.....	44
HEART SAFE COMMUNITY AWARD.....	45
NEW BUSINESS.....	45
PAUL ANDERSON, WATER SUPT.....	45
JACK HATHAWAY, FINANCE DIRECTOR.....	46
PAUL WAZNIS, CALL & WAIT AUTO, INC., CLASS 3 LICENSE.....	46
CAPITAL OUTLAY COMMITTEE.....	50
<b>SPECIAL MEETING</b>	<b>APRIL 12, 2004..... 51</b>
FRED PFISCHNER.....	51
MARIE CHIOFOLO, TOWN CLERK.....	54
ACTION ITEMS.....	55
TOWN ADMINISTRATOR REPORT.....	56
<b>SPECIAL MEETING</b>	<b>APRIL 15, 2004..... 57</b>
<b>REGULAR MEETING</b>	<b>APRIL 26, 2004.....58</b>
ACCEPTANCE OF MINUTES.....	58
EMPLOYEE INSURANCE ADVISORY GROUP.....	59
FRED PFISCHNER.....	60
TOWN ADMINISTRATOR REPORT.....	61
OLD/NEW BUSINESS.....	62
<b>SPECIAL MEETING</b>	<b>APRIL 29, 2004..... 63</b>
<b>SPECIAL MEETING</b>	<b>MAY 4, 2004..... 64</b>
<b>SPECIAL MEETING</b>	<b>MAY 5, 2004..... 65</b>
<b>REGULAR MEETING</b>	<b>MAY 17, 2004..... 66</b>
JOINT POLE HEARING.....	67
LANCELLOTTI'S.....	67
MINUTES.....	68
LIAISONS AND GOALS.....	68
PETER CHIPMAN.....	69
<b>REGULAR MEETING</b>	<b>JUNE 7, 2004.....71</b>
PETER PETRUCHIK.....	71
ERIN HUGHES – ARTS COUNCIL.....	72
TISH DONOVAN.....	72
JEFFREY KANE.....	72
ANDY BAKINOWSKI- CONSERVATION COMMISSION.....	73
ERNIE ALIX – PERMANENT BUILDING COMMITTEE.....	73
CHRISTOPHER TIMSON, ESQUIRE – 84 ROCKWOOD ROAD.....	74
ACTION ITEMS.....	75
BOARD OF SELECTMEN GOALS.....	75
LIAISONS.....	76
TOWN ADMINISTRATOR REPORT.....	76
OLD/NEW BUSINESS.....	77

<b>REGULAR MEETING</b>	<b>JUNE 21, 2004.....</b>	<b>78</b>
CANDIDATE INTERVIEWS FOR BOARDS AND COMMITTEES.....		78
JUDITH ROSS, AFFORDABLE HOUSING.....		78
JANICE HEALY, AFFORDABLE HOUSING.....		79
JENNIFER THARRETT – MIRROR LAKE ADVISORY COMMITTEE.....		79
MICHAEL KULESZA – ZONING BOARD OF APPEALS.....		79
JAMIE MANN, ZONING BOARD OF APPEALS.....		79
PAUL PARRINO, CONSERVATION COMMISSION.....		80
ACTION ITEMS.....		81
OLD BUSINESS.....		82
NEW BUSINESS.....		82
REAPPOINTMENTS.....		82
TOWN ADMINISTRATOR REPORT.....		85
<b>SPECIAL MEETING</b>	<b>JUNE 24, 2004.....</b>	<b>86</b>
KOPELMAN & PAIGE.....		86
PLANNING BOARD JOINT APPOINTMENT.....		87
GEORGE A. HALL, JR., TOWN COUNSEL.....		87
<b>SPECIAL MEETING</b>	<b>JUNE 28, 2004.....</b>	<b>90</b>
<b>REGULAR MEETING</b>	<b>JULY 6, 2004.....</b>	<b>91</b>
NSTAR REPRESENTATIVES.....		92
JACK HATHAWAY, FINANCE DIRECTOR – UPDATE.....		92
ACCEPTANCE OF MINUTES.....		93
ACTION ITEMS.....		93
OLD/NEW BUSINESS.....		94
EDUCATION FUND COMMITTEE.....		94
CONSERVATION COMMISSION.....		95
OLD/NEW BUSINESS (CONTINUED).....		99
<b>REGULAR MEETING</b>	<b>JULY 19, 2004.....</b>	<b>100</b>
EARTH REMOVAL PUBLIC HEARING – CANTERBURY ESTATES.....		100
THEODORE REGNANTE, ESQUIRE – CHAPTER 40B.....		102
ACCEPTANCE OF MINUTES.....		102
ACTION ITEMS.....		103
TOWN ADMINISTRATOR REPORT.....		103
<b>REGULAR MEETING</b>	<b>AUGUST 16, 2004.....</b>	<b>104</b>
POLE HEARING – MAIN STREET.....		105
SENATOR SCOTT BROWN, LEGISLATION UPDATE.....		105
BILL O’DONNELL, REGISTRAR OF DEEDS.....		106
LYNN SAND, 495 CORRIDOR UPDATE.....		106
PAUL BORRELLI, EARTH REMOVAL HEARING CONTINUATION.....		107
JONATHAN SMITH, ADVISORY BOARD.....		108
FIRE CHIEF COLE BUSHNELL.....		108
ACCEPTANCE OF MINUTES.....		109
ACTION ITEMS.....		109
TOWN ADMINISTRATOR REPORT.....		110
<b>SPECIAL MEETING</b>	<b>AUGUST 24, 2004.....</b>	<b>111</b>
<b>REGULAR MEETING</b>	<b>AUGUST 30, 2004.....</b>	<b>113</b>
CAPITAL OUTLAY COMMITTEE/ROAD SAFETY COMMITTEE.....		113
EARTH REMOVAL PUBLIC HEARING – CONTINUATION.....		115
HIGHWAY SUPERINTENDENT.....		117
ACCEPTANCE OF MINUTES.....		119

ACTION ITEMS.....	119
TOWN ADMINISTRATOR REPORT.....	119
OLD/NEW BUSINESS.....	120
ALL TOWN MEETING WARRANT.....	120
<b>SPECIAL MEETING</b>	<b>SEPTEMBER 7, 2004..... 120</b>
<b>REGULAR MEETING</b>	<b>SEPTEMBER 13, 2004..... 123</b>
59 CLEVELAND STREET.....	123
POLE HEARING – PARK STREET.....	128
CONSERVATION COMMISSION WARRANT ARTICLE .....	129
OTHER TOWN MEETING ARTICLES.....	129
ACTION ITEMS.....	129
<b>SPECIAL MEETING</b>	<b>SEPTEMBER 15, 2004..... 130</b>
THOMAS CURRIER.....	131
JON COPPOLA.....	131
DAVID SMITH.....	131
BUDGET.....	132
<b>REGULAR MEETING</b>	<b>SEPTEMBER 27, 2004..... 134</b>
EARTH REMOVAL APPLICATION – 201 MAIN STREET.....	134
PARAMEDIC SERVICES.....	137
DPW UPDATE.....	140
REVIEW OF FALL TOWN MEETING WARRANT.....	142
ACTION ITEMS.....	143
<b>REGULAR MEETING</b>	<b>OCTOBER 4, 2004..... 144</b>
CHAPTER 40B NORFOLK LANDING .....	144
OVERSIZE LOAD .....	145
PARAMEDIC FUNDING.....	146
TOWN ADMINISTRATOR REPORT.....	148
ACCEPTANCE OF MINUTES.....	149
CONSENT AGENDA.....	149
REVIEW OF GOALS.....	149
<b>REGULAR MEETING</b>	<b>OCTOBER 18, 2004..... 149</b>
BOB BULLOCK, BUILDING FEES.....	150
SANTA PARADE.....	150
CLIFF’S CYCLE SHOP.....	151
OVERSIZE LOAD.....	152
UPDATE ON FIRE/POLICE STATION.....	152
PERSONNEL STUDY COMMITTEE.....	153
CONSERVATION COMMISSION.....	153
MISCELLANEOUS ITEMS.....	153
ACTION ITEM.....	153
NEW BUSINESS.....	153
WARRANT.....	154
<b>SPECIAL MEETING</b>	<b>NOVEMBER 16, 2004..... 155</b>
<b>SPECIAL MEETING</b>	<b>DECEMBER 2, 2004..... 155</b>
<b>REGULAR MEETING</b>	<b>DECEMBER 6, 2004..... 156</b>
BUILDING COMMISSIONER.....	156
NORFOLK AUTO – CLASS III HEARING .....	158
ARTS COUNCIL INTERVIEW.....	158
JACK HATHAWAY, FINANCE DIRECTOR.....	158

TOWN ADMINISTRATOR REPORT.....	159
ACTION ITEMS .....	160
OLD/NEW BUSINESS.....	160
<b>REGULAR MEETING</b>	<b>DECEMBER 20, 2004.....</b>
BUCKLEY & MANN PROPERTY.....	161
TAX CLASSIFICATION USE HEARING.....	162
BUCKLEY & MANN PROPERTY (CONTINUED).....	162
CAPITAL OUTLAY COMMITTEE.....	162
TAX USE CLASSIFICATION HEARING.....	162
FIRE CHIEF BUSHNELL.....	163
TOWN ADMINISTRATOR REPORT.....	163
LICENSE RENEWALS.....	164
OLD/NEW BUSINESS.....	166

**Regular Meeting** **January 12, 2004**

Present was Joyce Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:34 p.m. Bob Markel read the agenda contents.

**ACCEPTANCE OF MINUTES**

Jack McFeeley moved to accept the minutes of December 1, 2003, regular and executive session, and the regular minutes of December 15, 2003. Ramesh Advani seconded, and it was so voted.

**ACTION ITEMS**

The Board received a letter from Lorraine Rafferty-Altmeyer, requesting a street name for their subdivision off Park Street, Avoca Village. Ramesh Advani moved to approve the street name Analore Circle for the subdivision Avoca Village off of Park Street. Jack McFeeley seconded, and it was so voted.

**JACK HATHAWAY, FINANCE DIRECTOR**

Jack Hathaway was present to give the Board an update. Bob Markel and Jack Hathaway both gave the Board handouts.

Jack Hathaway reviewed with the Board some of the things that his office has been working on. He thanked employees and town officials for helping him get started in his new job becoming a town employee. He said it has been refreshing and enjoyable.

Jack told the Board that he has been working with departments and Bob Markel on their budgets. Munis is moving into high gear. Munis is coming in this week with a project team and will start the conversion process. Phase I will be done now, and Phase II will be July 1.

Jack said the tax rate was approved. He also reported that he has been working on free cash. Jack is going to put a power point presentation together of all the debt that

the town has. He has started working on that with Jane Lepardo, Treasurer, and he will try to have that together by the end of the month. He will probably present it at town meeting, to help the people understand debt.

Jack told the Board that he is working on the five-year plan. He said he is working with Bob Markel on this. Bob reviewed briefly what they are looking at.

Bob reported that he and Jack Hathaway went to the Retirement Board last week to understand how they do their assessments. They did a presentation with County officials.

Ramesh told Jack that he would like to do a monthly review of what departments are over in their budgets, and what departments are under. He said that he would like to be sure we are on top of it.

### **PAUL ANDERSON, WATER SUPERINTENDENT**

Paul Anderson said that the water main flushing program got about 80% of the iron and manganese out of the pipes. He gave the Board a bottle of water that contained the debris so they could see what the program was about. The next flush will be done in the Spring.

Paul presented the Board with a short video about the hydrant flushing, and how they did it.

John Olivieri asked Paul Anderson about the valves, and do they play a part in this? Paul said yes. He said it would take awhile to fix them. Some were paved over, some were in the wrong direction – he found all kinds of things. He said that he anticipated all kinds of problems, but he didn't find that.

John Olivieri asked if DEP makes you flush twice a year. Paul said it is recommended, but he doesn't feel that is necessary. He said that once should work after they get it all flushed out and working.

### **LIQUOR LICENSE VIOLATION – FORE KICKS**

Joyce Terrio opened the hearing on a liquor license violation by Fore Kicks, 10 Pine Street, Norfolk.

Present was Detective Leo Ethier and Detective Glenn Eykel of the Norfolk Police Department. Also present was Tom and Pat Teager of Fore Kicks.

Detective Ethier gave his report of what happened at Fore Kicks the night he performed the compliance check. Det. Ethier asked Officer Eykel to come because of MetroStar, an organization that was started after 9/11. Det. Ethier told the Board that Fore Kicks offers Metro Star their facility at no charge.

Joyce Terrio asked the Teager's to come forward. Tom Teager introduced himself as President of Fore Kicks, and introduced his wife, Pat, who is Vice President. Joyce said she assumes you've received a report and heard from the Detectives.

Tom Teager told the Board that he wrote a letter to Chief Stone, dated December 22, 2003, and presented a copy of that letter to the Board. He said it states their side, as well as their embarrassment of what happened. Mr. Teager said his employee was 36 years old, so there wasn't any peer pressure. He made a mistake. He didn't follow policy.

Tom said they have not fired him, but they have moved him to a different part of the organization. He is still part of their staff. Mr. Teager explained that the alcohol is more of a convenience for the adult players. It is not a large part of their business, and they do not advertise. He is glad it happened in a way, because he did not think it could have happened. It gave them an opportunity review their policy, and stiffen it up. He welcomes the "stings" and any inspections they feel necessary. Tom plans to do unannounced stings of their own, and check on their own people.

Jack McFeeley said that the Police Department conducts two compliance checks a year – July and December. They are advertised in the newspaper.

Tom said the employee has trouble remembering small details. He is physically handicapped, which is no excuse. He is a very good employee.

Jack asked Tom about his policy regarding out-of-state ID's. Tom said that they check photo ID's. Is there a problem they should be aware of? Jack said he isn't going to push it here, but he is concerned about false ID's, and the Identiscan. Tom said they do have a lot of people from Rhode Island, and they accept photo ID's. Jack asked how confident are you that you are getting valid ID's? Tom said they check the face of the person with the photo. They inspect the ID pretty well. He said it is very rare that they have young people under 30 in the facility.

Jack said he hopes this won't happen again. He said that they should review their policy so that it won't happen a second time.

Joyce Terrio asked Officer Eykel to discuss the program at Fore Kicks. Glen Eykel said that the task force uses the Fore Kicks facility. A few months ago the group was trying to do their physical fitness tests. They were supposed to do it outside, and it was bitter cold, and they called and asked Fore Kicks if they could do their activities inside the building. They offered it to them on several occasions, of which they have taken up the offer. They will do crowd control classes and other types of classes. He feels it was very generous of them.

Jack McFeeley said that a first offense is a one-day, Saturday suspension. Jack noted that we have been advised by counsel that we cannot force you to donate your profits,

as we have stated in our policy. Jack is willing to waive the one-day suspension since they have already donated their "profits" by their generosity to the Police Department in donating their facility. He feels this is a fair arrangement, and is willing to make a motion to this affect.

Ramesh said that he would be very supportive of what Jack is saying, since they have been very charitable already.

Tom Teager asked how an Identiscan helps with a fraudulent license? Jack explained that the machine would only recognize a valid license. It will not identify a fraudulent license. He said he did look at that system, but felt that there were flaws with it. He will still have to do the physical check to determine if someone is a minor.

Jack McFeeley moved to suspend the license for Fore Kicks for the next Saturday, January 17th, 2004 for one-day and furthermore suspend the suspension of the license for that day as well. Ramesh Advani seconded, and it was so voted.

### **MARIE CHIOFOLO, TOWN MEETING WARRANTS**

Marie Chiofolo, Town Clerk was present to have the Board sign the Special State Election Warrants for Senator.

### **NORFOLK AIRPORT PROPERTY – CH.61A**

Present was Andrea Langhauser, Planning Board; Bruce Simpson, Zoning Board of Appeals; John Robbins, Assessors; and Marie Chiofolo and Kevin Hughes, Community Preservation Committee.

Joyce Terrio noted that we have received a Chapter 61A notification for the Norfolk Airport. Because we have a P&S, the clock has started ticking for the 120 days.

Andrea Langhauser said that she would like to consider purchasing this property. She had a copy of the Open Space Strategic Plan and referred to it during her presentation.

Joyce Terrio explained that there is confusion in that there are two separate parcels of property. The property near Priscilla Avenue, near the hanger and the old road into the airport is already sold. That owner is hoping to purchase this property as well. Andrea told the Board that this particular property is wetlands. She suggested that this property could be used for municipal purposes. Joyce asked "other than an airport?" Andrea suggested that Mansfield has a municipal airport that is working very well.

Ramesh Advani questioned the funding. He asked where the funds would be from? Andrea said that it is 168,000 acres. She said the Planning Board doesn't suggest that you buy it outright for that price. They suggested that we look at it. She said that if only the Planning Board is interested, then that says something. She would like to consider asking each Board if they could be interested in this property. She feels it is

developable land, and could be used for municipal departments. Do we need it for playing fields, or water protection, or a fire station? She would do the groundwork.

Ramesh discussed the funding with Andrea. He said that it would be \$2.4 million, plus the interest. He said he is not sure what the financial benefit would be. He is not clear how in this timetable we have time to do a study, and get a response.

Joyce questioned other departments here. Kevin Hughes said they are going to discuss this tomorrow night at their meeting. They are in discussion with another property owner in town who has offers on their property from other developers and they want to pursue it. It is property of similar size. Kevin said that most of this property is protected, and the purchase price seems very high for the size of land that could actually be used. He feels there is a high amount of study that would have to be done, and would take a significant amount of time to study this. They are going to look at this and compare it to other properties they have on their agenda. They do not have \$2.4 million to fund this project. Ramesh asked if there is a prioritized plan. Kevin feels it will be too much investigation for the strict timeline they are working under.

John Robbins, Assessors. He said they haven't seen the open space plan before. He said the most that could be developed would be 24 lots. He said you are talking 40 acres of land. That means there is 128 acres that can't be developed.

Joyce Terrio said that have you considered that this person may keep the property as a runway and not develop it? John Robbins said that they mention \$100,000 per lot, so they must be developing something. John Robbins can't see paying \$2.4 million for 24 more houses in town. He said he would consider purchasing something else. John said that they haven't discussed this as a board yet.

Jack McFeeley said he would like her to come back to us. The Board suggested that Andrea talk with the other Boards, and come back to us at the end of February.

## **ZONING BOARD OF APPEALS APPOINTMENTS**

Present was Bruce Simpson, Chairman; Martin Murphy, Associate Member, and Ellisa Flynn Poppey.

Bruce Simpson told the Board that unfortunately they have received the resignation of Brian Wolfe. They would recommend Martin Murphy be moved up to a full member.

Jack McFeeley moved to appoint Martin Murphy as a full member of the Zoning Board of Appeals through June 30, 2004. Ramesh Advani seconded, and it was so voted.

Bruce recommended Ellisa Flynn Poppey to the ZBA as an Associate Member. He introduced Ellisa to the Board. Ellisa is an attorney and does some zoning. Zoning is not the focus of her practice. She does deal with some town issues. She has lived in this area her whole life, growing up in North Walpole.

Jack told Ellisa that we are very lucky to have someone like her to volunteer. She told the Board that she has discussed this with Bruce, but hasn't been to a zoning meeting yet. She said that when she worked with Senator Sprague, she attended zoning meetings in Walpole, and has attended other zoning meetings.

She feels she can donate to our Board her skill for listening. She is used to dealing with people and making tough decisions. She understands each case is different. She has discussed time constraints with the Board.

Jack McFeeley moved to appoint Ellisa Flynn Poppey as Associate Member to the Zoning Board of Appeals until June 30, 2004. Ramesh Advani seconded, and it was so voted.

### **SUNDAY LIQUOR LICENSES**

Bob Markel discussed allowing package stores to remain open on Sundays. He said that some of the owners have sent written input of how they feel, and others have called the office.

Joyce Terrio said that she received many calls from both storeowners and customers at her home on Sunday. She said that she would like to discuss this and end the calls to her home.

Jack agreed that we should make a decision since it appears that the storeowners want to be open. He also said that the residents have indicated that we should be allowing this.

Ramesh agreed with allowing stores to remain open.

Jack McFeeley moved to allow the issuance of a package store license for the sale of beer, wine and liquor on Sundays. Ramesh Advani seconded. The Board discussed the hours, and agreed they could be open until the closing time on weekdays on their license. It was so voted.

### **TOWN ADMINISTRATOR REPORT**

Ramesh Advani moved to open the warrant for the Spring 2004 Annual Town Meeting, beginning January 12, 2004. Jack McFeeley seconded, and it was so voted.

Bob discussed the newsletter for the different departments. Bob said he has asked for short contributions from each department stating what is going on in their department and we will issue this each month.

Bob mentioned a Heart Healthy Community. He said that there is a defibrillator in the Town Hall, and 7 employees have been certified.

Bob mentioned cleaning up Route 115. He discussed the use of volunteers. The Board suggested community service of CCD students, or boy and girl scouts.

Bob told the Board the budget would be given to them on Thursday, January 15th. He said we don't have the state aid yet, and we hope to get that soon. Bob has requested a budget from both the elementary schools and King Philip or Tri-County. He has received nothing from any schools.

Bob reported that he has been in touch with MIIA to discuss health insurance costs. A meeting has been scheduled for February 5th.

Bob let the Board know that he responded to Kristina Ward regarding her issues on tree cutting by the Borrelli's.

Bob will follow up with Butch Vito on improvements to streets written by David Sterling.

### **OLD/NEW BUSINESS**

Jack McFeeley noted the letter from Charles Jones regarding Call & Wait Auto.

Jack McFeeley read a letter from a Franklin resident who received assistance from Officer Karlson. Officer Karlson went out of his way to assist them.

Jack noted a letter from Paul Berkel with respect to Christina Estates. Bob will keep up with the Conservation Commission regarding this issue.

Ramesh gave an overview of his first liaison meeting with the schools. The School is looking for a person to sit on the Superintendent Search Committee. We will send an email and see who is interested.

At 10:36 p.m., being no further business, Ramesh Advani moved to adjourn. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of January 12, 2004.

---

John J. McFeeley, Clerk

**Regular Meeting**

**January 26, 2004**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at 7:45 p.m. Bob Markel read the agenda contents.

## **OLD BUSINESS**

Ramesh Advani questioned the community newsletter and asked for an update.

Bob Markel discussed the Affordable Housing Committee, and a letter from Patrick Morganelli asking for a meeting to get started and elect a Chairman. Jack McFeeley offered to meet with them, and get them started.

## **AIRPORT PROPERTY**

Present was Chris Nation, Ron Nation, Joseph McQuade, Esquire, Paul Haverty, Esquire, Ted Regnante, Esquire, Jose Martins, George Connors, Connorstone Engineering, and John Winslow, Winslow Architects.

Attorney Ted Regnante, senior partner of Regnante, Sterio and Osborne of Wakefield was present. He told the Board they specialize in Chapter 40B proposals. They have been doing this kind of work for 2 ½-3 years. They try to come up with a proposal that makes sense to the Town. He stressed that they want to work with the Selectmen and the Town.

Atty. Regnante introduced his partners, and the other individuals who were present tonight.

Atty. Regnante said this a proposal of about 8 ½ acres. Ron Nation and Jose Martins have title to this property. He suggested 40 2-bedroom units done as duplexes. It is well within the state guidelines for density. Included would be a garage, parking, and guest parking. He feels there is a need in the town to address affordable housing. They will have 25% affordable, and the rest will be regular units. 7 of the 10 will be earmarked for local preference. It is usually town employees, town residents, relatives or children of people living in town. They are in the \$300-\$400,000 range. The price of affordables is determined by a formula; 80% of median income and cannot spend more than 30% for principal, interest and condo fees to purchase the unit. \$64,400 is the income at 80%. Atty. Regnante said affordable units would be \$150,000 to \$165,000. The affordable units will be done by lottery. Profit limitation of 20%. This is monitored by CHAPA. There is supervision to make absolutely sure that this is done correctly. They will be happy to work with developers and abutters. They will work with the Affordable Housing Committee.

George Connors from Connorstone Engineering came forward. Mr. Connors showed the Board on a plan what they propose to do. He actually had several different plans to show his presentation.

John Winslow of Winslow Architects spoke next. He is based in Cambridge. He will basically talk about the buildings, whereas George Connors spoke about the land.

There will be 40 units of housing on 8 acres of land. They will design buildings that are familiar to the area. They chose the form of a duplex because it masks a single-family house. They will probably be 1400-1800 square feet, although more 1600-1800 square feet. All have 2 bedrooms, attached garages. There will be no visible difference between an affordable unit and a market price unit.

Atty. Regnante wanted to explain why they are here tonight. He said you need a site eligibility letter from Mass Housing, before filing with the Zoning Board of Appeals (ZBA). They are required to appear before the Board of Selectmen prior to filing with the State for the site eligibility letter. The State will ask the Board of Selectmen for their comments.

Jack McFeeley asked when they planned to get started? Atty. Regnante said it would be 60-90 days before they issue the site letter. They then file with the ZBA, and that process takes 6-9 months. They are probably looking at a year to get started with construction. They have a vernal pool on the property, so they will be dealing with the Conservation Commission, as well.

Jack asked when our comments are necessary? Atty. Regnante said they hoped to submit their filing to the State within 30 days, maybe a little sooner. The State notifies the Selectmen after they receive the filing.

Jack questioned how many units have already been approved, as he was trying to determine if we are close already with what is allowed by the State.

Ramesh had no questions, but was interested in hearing any comments from the community.

## **NORFOLK HOUSING AUTHORITY**

Present was Jan Moore, Director; Scott Dittrich and Bob Shannon, Housing Authority members.

Jan Moore said that in September they came and asked for support, and the Selectmen, in turn, came to one of their meetings in the summer. These meetings were all regarding affordable housing. Habitat for Humanity inquired about a year ago, about coming to Norfolk, but they had to turn them down because we had nothing available to offer to them.

Jan explained that she worked with Jane Lepardo, Treasurer/Collector, and Bob Bullock, Building Commissioner to come up with some parcels the town may be able to donate to the Housing Authority.

Joyce said that Daisy Drive and Kingsbury Road have clear title, but the Lawrence Street property isn't clear. Bob Shannon suggested it be resolved tonight, and then they wouldn't have to come back later on. Jan Moore asked if there is a story behind

this? Bob Markel said that the town couldn't prove that we own this particular piece of property. The tax title attorney is researching it, but this will take some time. Jan Moore said that some of this parcel is in Franklin, and some of it is in Norfolk. Bob said that Jane Lepardo was not in the office today, but we can review this with her and ask her how long it will take for a determination.

Joyce asked what we would be looking at for a number of units? Have you done any preliminary work?

Scott Dittrich said that they need to obtain the land first. This would be premature. The land is in single-family zoning.

Jack asked what's the plan? Scott said first of all to get the land. They desperately need affordable housing. They are working with Borelli. They met with him recently. They are trying to get truly affordable housing in the town. They would like to build duplexes. They don't know whether they would even be able to build duplexes on these properties. Scott said that all these 40B developers are using the word "affordable", but they don't feel these are truly affordable.

Joyce asked are you looking at only one parcel, or are you looking at all three? Scott said they would like to have 10. Joyce asked if they could physically build on all these parcels? The Housing members said yes. Joyce said would Habitat for Humanity take some? Jan said yes, they are dying to come to Norfolk.

Ramesh said he feels it is a great idea to get more affordable housing in town. He is not familiar with previous projects the Housing Authority has done before. Scott said they have done the family units, but they have never done a single project or duplexes.

Scott said that they are taking in the \$150 to \$175,000 range. Bob asked if the Housing Authority would retain ownership? They have still been discussing that. They aren't sure yet. Scott said they are also working with the Community Preservation Committee to see what they can work out there.

Ramesh said he was trying to understand the taxes and how that works. Scott said they might even own the house, and rent it out. It was discussed what the house would be assessed at. Jan said she would assume the taxes would also be affordable. Bob Shannon said he didn't think it could be taxed more than what the house was sold at. There is a covenant that protects that.

Ramesh questioned the land – what would that be taxed at? Bob Shannon said he would assume the land is included.

Joyce asked Bob Markel to find out the assessed value of donated land. They would like a clear understanding.

Jack said his question hasn't been answered. Jack said there are 2 ways of looking at this. One is – give us the land and we will come up with a plan. Jack said he would like to see their plan before giving the land. We would be restricting it for this purpose, and if they can't agree what they want to do, then we are back to square one.

Scott said that they are here tonight because they don't have money to do architecture, etc. Jack said we own the land; we will reserve it for this particular use, and then get together and come up with an affordable plan.

Joyce said she is willing to turn the land over too, and that is what the Board has been willing to do all along. She said the town center development is further along than anyone thinks. The cranberry bog development the Board is not happy with. They have huge restrictions set by the State. The one we heard tonight is a very well thought out plan that would work. Joyce agreed with Scott's comments about affordable housing not really being affordable. Joyce explained the Board's feelings about what we would like to see from the Housing Authority, and what their plans are.

Joyce said that if we gave them property now, what would be their next step, and what have they got in the pipeline. Scott said he would like to build these, own them, and rent them. But they haven't discussed this as a Board yet. The Board's consensus is that they want to obtain the land and build affordable housing.

Scott said they would like to come into a meeting in March because it will give them 2 meetings to work on this before coming back to us. Jack said they should vote the two parcels, even the third. They are not deeding it over. Ramesh was not in favor of the third parcel.

Jack explained the comment about local preference. Jan suggested that maybe they could meet with the developer to get input. Joyce said they would welcome that.

Joyce said that she was going to be proactive and push the Board to donate these two parcels of property. Jack made the comment that we hold these parcels, and meet with them in March. Bob Markel will work on getting the Lawrence Street parcel resolved.

Jack will be the liaison for the Affordable Housing Committee. Jack will organize their first meeting on Tuesday, February 3rd.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel gave the Board a letter from Dan Shaughnessy of The Boston Globe regarding help he received from Chief Stone at a football game. Joyce read the letter to the public.

Bob told the Board that we are going to be one of three communities to be able to collect payments online.

Bob mentioned becoming a Heart Healthy community. We are trying to put a defibrillator in every town department.

Bob mentioned a 2% increase in health insurance. He has discussed this with MIIA. If we are willing to accept increases in our co-pays, then they will provide us with a 3%. If we accept a slightly higher increase, we can get a 5% cut. There will be a meeting on February 5th of employees and the Insurance Advisory Committee to listen to these proposals and make a decision.

Bob said he has been working with the Finance Director on the Long Term Financial Plan.

### **NEW BUSINESS**

Jack announced that the Permanent Building Committee is looking for a member. They have been awhile without a member.

Jack announced the Good Neighbor Energy Fund from Bay State Gas.

Bob announced that energy audits are going to be conducted soon.

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

This is a true and accurate report of the Selectmen's Meeting of January 26, 2004.

---

John J. McFeeley, Clerk

### **Regular Meeting**

**February 9, 2004**

Present was Joyce E. Terrio, Ramesh H. Advani, and Robert T. Markel, Town Administrator. John J. McFeeley was absent.

Joyce Terrio called the meeting to order at 7:52 p.m. Robert T. Markel read the agenda contents.

Ramesh Advani moved to approve the Norfolk Community League sandwich board signs at Independence Way and the intersection of Main and Boardman Streets for February 10th through 15th, and February 22nd through March 7th. Joyce Terrio seconded, and it was so voted.

Ramesh Advani moved to allow Girl Scout Troop #3284 to sell cookies at the Transfer Station, under the direction of the Transfer Station personnel; 2 children; 2 adults. Joyce Terrio seconded, and it was so voted.

Ramesh Advani moved to approve a Live Entertainment license for a band at Norfolk Rink Management on Saturday, February 21, 2004, from 7 to 9 p.m. Joyce Terrio seconded, and it was so voted.

Bob Markel brought up the issue of train whistles. Ann Marie Battistone was present. They discussed the rules and hearings of the train whistle ban. Ms. Battistone is trying to send a letter to get this extended. The Board will draft and execute this letter.

### **COMMUNITY PRESERVATION COMMITTEE**

Community Preservation Committee members present is Kevin Hughes, David Pimental, Richard Connors, and Betsy Pyne.

Kevin Hughes spoke on behalf of his committee. Discussion centered on the proposed airport property that the Town has the option to purchase under Chapter 61A. Kevin said that they still have a number of unanswered questions. The bottom line is that we have an April 1 deadline to buy the property. They would like to keep the options open for the townspeople, as to whether or not this property should be purchased. Kevin said they would ask the Selectmen to call a Special Town Meeting to purchase this property.

Joyce questioned if we have to call the Special Town Meeting tonight? Do we have to have it now? The Board reviewed the schedule drafted by the Town Administrator.

Ramesh Advani asked, before going into a town meeting, what is the process? Have you considered what the plan would be? Kevin said that Jane Lepardo, Treasurer, has given him the name of the attorney at the Department of Revenue who has drafted these articles before. Kevin said they need to know if the funds go to the Community Preservation Committee (CPC), or the General Fund.

Ramesh Advani said if we have a town meeting warrant, you need to be very specific of what you are going to ask the Town for. Ramesh said that this is a tight timeline and he said he would have many questions if he were a citizen. Ramesh questioned the Committee getting it all done. Kevin said that he could have bond counsel draft the article. The Town is assuming the debt.

Kevin said the CPC isn't ready to recommend that this is a good purchase. There is still a lot to consider. He said that he is afraid of giving up the chance to vote for this, if they don't do it by April 1.

Ramesh answered about the funding through CPC. He said that this is all new. He is worried about doing future expenditures. We can get advice from Town Counsel.

Ramesh said he wants to be clear that he is sure about what we are talking about with the warrant. It needs to be a complete job and thorough. If you aren't specific, the voters become confused.

Kevin sees this as the open space purchase. It doesn't give them flexibility for other big projects. As a Committee, they need to be sure they don't reduce their credibility. There are a lot of questions that need to be answered. They have to stay within the timeframe. They need to decide now.

They aren't sure yet if this is the best thing for the Town, or the worst deal the Town ever made.

Ramesh asked if by April 1, the town meeting vote has to be specific to the amount. Bob Markel said the Board of Selectmen has to match the offer exactly. The Board of Selectmen has to assure them that they can carry out their decision and have the financing. Bob said we need to discuss this with Legal Counsel and Bond Counsel. We will have to have several appraisals done, as well as other steps before this all comes together.

Ramesh is concerned about the funding – how can the Town do this in the cheapest manner? He is unsure about the balloon payment.

Ramesh questioned the funding – the Community Preservation Act (CPA) funds. Bob said that some of it has to be affordable. They can designate some of it affordable. It doesn't have to, but from our standpoint, we need to do that to meet the statute. Ramesh questioned if he can have 10 one-acre lots and sell them off, and pay off the debt. Can he do that? Kevin said they have not seen anything from statute or past practice that says he can't do that. They haven't made any assumptions about other sources of funding.

Bob Markel said they wouldn't be wedded to a 40B project. They have to comply with their affordable housing mandate in a number of ways.

Ramesh said he is trying to avoid a suit from a taxpayer who doesn't even live near there. Bob said we need to talk this over with Legal Counsel to be sure we aren't doing the wrong thing.

Ramesh said that the Selectmen pays the bills for any Legal Counsel costs for any department within the Town. We need to be cognizant of this. This needs to be considered.

Kevin said that they have a pool of funds that they can use for legal fees.

Richard Connors said that if they hadn't come to the Selectmen tonight, then it is all over. We wouldn't have time to answer the questions and come back to you in a week

or so. They may still come to the Board and say that it's not a good deal, but they want time to investigate it.

Joyce asked if this won't impact the tax rate? Kevin said no, if we can do it through CPA funds. If not, then what? Kevin said then we would move forward with the bonding, and the Town would be taking on the burden of this. Bob Markel said the Town is the backstop if something goes wrong. Joyce asked about the Capital Outlay – where are we? Bob said the projects haven't been ordered, and the years haven't been picked yet. He listed some of the big-ticket items as a new Fire/Police complex, renovation/addition/replacement to the Fire/Police Station, Freeman/Centennial School, GIS system town wide, and a ladder truck for the Fire Department. These are big capital projects, up until now.

Joyce Terrio said that Andrea Langhauser came to us a few weeks ago. She was to come back to the Board after reviewing this matter thoroughly. Joyce stated that Andrea didn't do what she was supposed to do with the information from committees and residents. Joyce said you are asking us to call a Special Town Meeting, and we don't have all the information on this. You are saying that this is an open space purchase, but there is a possibility that it may be a 40B project. We have to make a decision tonight; there are so many questions and so many concerns. Joyce said this is a large amount of money. She stressed also that there are only two Board members here tonight, not three. That should worry you.

Kevin said that all they are doing is asking for the time to be able to work out the concerns, and get the answers to the questions. They are not asking the Board to endorse the property, nor has the CPC agreed that this property should be purchased. Joyce said that Andrea hasn't gotten back to the Board with her findings.

Joyce asked Kevin if he is paying \$2.4 million. Kevin said no, because there is a lot built in. Ramesh discussed the funding. We need to decide what we are going to borrow. Is the Town going to authorize us to borrow up to this amount?

Ramesh asked who is putting the article on the town meeting? Will it be the Community Preservation Committee, or the Board of Selectmen? Ramesh said that he would not be putting an article on with all these questions, if it were up to him. Ramesh said that the seller is expecting \$2.4 million. We need to pay him this, no matter how you do it.

Jack Hathaway said that this can be bonded. He said the Treasurer has looked into this. He said he is not familiar with the agreement, and he would need to look at this.

Richard Connors questioned the time line. He said they are opening the warrant, and what does that subject the Board to? Nothing legally. Bob Markel said the Board can even reject the article. We don't have to accept it. Richard said they aren't asking the

Board to endorse it. The CPC haven't even endorsed it. They are just asking the Board to allow them time to work on it.

Ramesh is more concerned about a warrant article that isn't worded correctly. He said it causes headaches on the town meeting floor. Richard said they need to have the time to get answers. Ramesh asked if it is a good thing that in this time frame they will be able to prepare a good warrant. They don't have a lot of time. Do we have enough time? Do you feel comfortable about being the sponsor of a reasonably good warrant article.

Joyce stated to Kevin - you are going to sponsor it and take care of the language. They will take care of this with guidance of our office. Appraisal costs and legal costs, and the fees of town meeting will all be borne by the CPC.

Ramesh asked that on February 23rd, they give the Selectmen all information that they have. Kevin will make a presentation on the 23rd.

Ramesh moved to open the Special Town Meeting warrant to consider a proposal by the Community Preservation Committee to consider the purchase of Chapter 61A property, location known as airport property. Joyce Terrio seconded for discussion. Joyce Terrio stated she is absolutely opposed because of lack of information, the financial picture of the town, projects we have, questions we have, if the Town is going to end up footing the bill, etc. She said she will not stand in the way of moving the process forward, but if it gets to town meeting, she will oppose it. She won't stand in the way, if it so moves to that end. It was so voted.

Jennifer Roe, an abutter, then spoke. She was angry with Joyce and Ramesh that they did not discuss any of the abutters concerns tonight. She explained that they had attended the recent neighborhood meeting and did not bring up any of the neighbors concerns or issues tonight. Joyce Terrio explained to her that it was because this meeting tonight was at the request of the Community Preservation Committee and not the abutters.

## **BUDGET PRESENTATION**

Present was Jonathan Smith, Advisory Board, and Jack Hathaway, Finance Director.

Bob Markel reviewed the budget briefly with the Board. New growth has been carrying the town throughout the financial crisis.

Ramesh questioned the "miscellaneous". Some of this was tax title monies, redemptions from liens, and other smaller items. These are one-time monies.

The Board discussed revolving funds, and if they are being used correctly.

The Board then discussed expenses. Schools are funded at what they requested.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel discussed the new performance evaluation. He gave the Board a copy of what has been completed and sent out to departments for their review. The Personnel Board is looking for their comments.

Bob Markel discussed tree cutting in town. He discussed some bylaws that we may need. Bob will draft bylaws for the Board to review.

At 10:28 p.m., being no further business, Ramesh Advani 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 February 9, 2004.

---

John J. McFeeley, Clerk

## **Regular Meeting**

**February 23, 2003**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:30 p.m. Bob Markel read the agenda contents.

### **LIBRARY BUILDING PROJECT**

Present was Bob Lowndes, Permanent Building Committee Chairman, and Harvey Boulay, Chairman of the Library Trustees.

Bob Lowndes told the Board they needed to discuss funding issues, and problems the Permanent Building Committee (PBC) is encountering with projects.

Bob Lowndes spoke to the Board and said that they cannot afford to delay. Nothing can go wrong at this point. It could compromise the project, and they could lose the State funding. They have to move forward.

Joyce asked if everything goes smoothly and there are no pitfalls, if it was mid-May and there was supposed to be a groundbreaking, would the State look at where we are? Harvey said that there are three stages of where funding is.

Bob Lowndes said that they had a very good meeting with the Planning Board. They told them they have to conform to the town center project. Bob Lowndes said they were not aware of what that involved. Bob Lowndes said it would be \$200,000+. He is afraid these figures may sink them. Butch Vito has been in touch with them, and the

cost may be \$47,500. This may be a challenge to them. If the project cannot find the funds, they are concerned. Can the Board give them any ideas of where to come up with this funding? Bob Lowndes said they were not aware of this, and there is an internal communication system that needs to be rectified for future projects.

Jack McFeeley asked what the \$47,500 would cover? Bob Lowndes said items such as benches, litter receptacles, an additional 11 trees, an additional 106 shrubs, architect fees, etc.

Jack said that he spoke quite a bit with Butch this morning. Most of these are exterior changes. With the TIP project being done at the same time; maybe some of these can overlap into the TIP monies. Butch agreed that this wasn't intended to be picked up by the Library. Consideration was given to the fact that the Town Hall and Library would be built. He was waiting to hear about access and lighting, etc. Infrastructure in the roadways will take care of some of this.

Larry Cheever objected to the fact that the architect fees were put onto them. There is not a funding issue with the list of \$47,500.

Bob Lowndes said he felt more comfortable now that he understands that the TIP program is picking up most of these items.

Joyce asked about decreasing the footprint. Has that had any impact on the original grant funds? Harvey said no, it hasn't. They did check with the Board of Library Commissioners, and they said the change was acceptable.

Ramesh brought up the fact that they mentioned a communication issue. How do you think this could be resolved? Bob Markel said it would make sense to have the Chair of each relevant Board to get together and discuss major projects as a whole, so that everyone is aware of what is going on.

Jack said that there is a roundtable meeting Thursday, and they are going to be discussing sidewalks, and agreed that a PBC and/or Library member may want to attend. Bob Lowndes asked to be notified of these meetings.

## **ACTION ITEMS**

Jack McFeeley moved to approve the request of the Norfolk Lions Club to install signs advertising Community Day from May 28th through June 12th at Main St. and Boardman St.; North St. and Pond St. and Needham St.; Pond Street Recreational Facility; and Main St. and Independence Drive. Ramesh Advani seconded, and it was so voted.

Bob Markel asked the Board to consider increasing ambulance rates per Acting Fire Chief Petruichik. Bob explained that the initiative was taken by Peter to put the rates in line where they should be. Jack McFeeley commended Peter Petruichik for doing this.

Jack McFeeley moved to increase the ambulance billing rates, effective April 1, 2004, as the rates recommended by Acting Chief Petruchik in his memo of February 12, 2004. Ramesh Advani seconded, and it was so voted.

Bob Markel relayed new information of the Fire Department budget. He said that it is not to discuss tonight, but relayed the information to the Board to review. It will be discussed in more detail at another time.

### **COUNCIL ON AGING**

Harriet Fisher and Georgia Jones, of the Council on Aging were present.

Harriet Fisher said that they are here tonight to discuss transportation such as The RIDE. She said that they have had no success, and it is still very much a need.

Harriet Fisher said that TRIAD has assisted with this. She presented the Board with a list of how the Board can assist.

She suggested that the Board look at the transportation companies that come into town to transport disabled or special needs children to the Town. She suggested informing the Governor how Norfolk is out of the loop, and it might bring changes. She also mentioned monies, and keeping funds in escrow.

Ms. Fisher said that at a recent Massachusetts Council on Aging meeting, they mentioned a Federal Transportation Initiative. She also suggested the Board might have some suggestions, or any of these ideas that would help.

Joyce asked if they have been in touch with the Franklin or Wrentham Council on Aging's. Georgia Jones said that she has been working closely with the Wrentham Council on Aging. They have discussed matching funds. Harriet brought pamphlets.

Joyce asked Bob Markel if he had any ideas. Bob said the MBTA has a wall of opposition regarding Para transit. The law makes us pay for this, according to their formula. Bob had hopes that the new Secretary would be least influenced by the MBTA, but it hasn't happened and they've taken the same hard line against it. He isn't saying to give up on it, but it is a monumental battle against one of the State's hardest departments.

Harriet has said that we have been paying for a service we aren't getting. Bob agreed it isn't fair, but we don't have much influence. She said it is Bill #1882 and we need to support it. It is still sitting in Committee.

Jack says we are being held hostage by the MBTA. We are too close to Boston to get out of it, but we are too far away to get The RIDE. Our assessment is \$214,000 a year.

\$20 per person of population, and they include the prisons. That is how they arrive at the assessment figure.

Ramesh feels we are wasting our time going after the MBTA. He feels there are other ways creatively to find another solution without wasting our time. He suggests that Bob work with the Council on Aging and work on something. He said reaching out to the MBTA wouldn't work for all the reasons that it hasn't already worked.

Bob said we need a local solution. Joyce told them we would all work with them.

### **COMMUNITY PRESERVATION COMMITTEE**

Kevin Hughes, Betsy Pyne, Richard Connors, Marie Chiofolo, Art Spruch, Andrea Langhauser, Dave Pimental of the Community Preservation Committee present. Kevin Hughes spoke on behalf of his Committee. He said they tried to meet and put this into context for the Board of Selectmen. They are talking 168 acres. He said the Committee voted to request that the Selectmen place this article on a Special Town Meeting.

He discussed the value of the property. Is the purchase price an appropriate price? They will get an appraisal, and have talked to developers. They feel that the \$2.4 is a valuable price for the property. They had talked about potentially using the property for recreation, affordable housing, etc. What they determined was that they can sell property that they used CPA funds for, but they would have to use it for reasons within CPA. What complicates this is that there is a borrowing from the Town involved as well. So they decided that they would only use this for open space. It's easier to treat it as a strict open space purchase.

What is really the purchase price, and what is the total cost to the Town? Jack Hathaway ran some costs for them. They would put up the \$500 down payment. Figures ranged \$1,639,000. \$2,139,000. \$2,837,000. This would not require all of their funds, or funds from the State match. This is a fairly conservative estimate. The P&S calls for financial stipulations – Wall Street Journal Prime, etc. Bonding is at a 4% rate - \$1,639,000.

The key question that the Committee struggled with is, what are we getting for this money? Are we protecting land that could have 18 houses on it? Are we protecting land that could have 200 houses on it? The question is that they don't know. It could be a waste of the money for 18 houses, but it could be a great buy for 200 houses.

Art Spruch, Planning Board discussed how developable this property is. There is big potential to subdivide this property into many parcels of property. This could be 75-100 lots of R2 property, for single-family homes. If he talked 40B, he is talking a whole different ball game because density requirements are different. He doesn't have a detailed plan or anything, because he didn't have time to really do anything.

Jack McFeeley asked how much of the property is in the 100-year flood plain? Kevin said about 68 acres. Art is not including that in the 100 lots. There are a lot of different approaches that a developer could take on this.

Joyce asked Jack if he had any questions, since he missed the last meeting. Jack said no, just wondered if an appraisal had been done? Kevin said no, but they are prepared to have an appraisal for town meeting. Jack said that we need to have a strategy and tactics prepared for town meeting. Who would be presenting this at town meeting? Kevin said probably him. It would be purchased under CPA funds, and they are the sponsors of the article. Jack asked if this is a unanimous vote, or a consensus? Kevin said it was a majority vote. The vote specifically said they would match the purchase price.

Jack said he is interested in what they are presenting, and he would like to hear more. Leading up to town meeting, he would like to hear more detail. He would like to hear numbers, cash flow, appraisal, and the property itself.

Art said we went through this before with Lind Farm. They can do the same as they did with that. How many members of your board were involved? Andrea was point person, but all of them were involved.

Joyce asked whose responsibility it is to take care of the buildings? Kevin said the buildings are not included in this parcel, only the runway.

Ramesh questioned the financing. Kevin explained to him. A Debt Service Analysis was handed out. Ramesh wanted to know how this all plays out. The question is what do you think we'll get for our money. The figures show that we can do some other things, as well. For example, purchase other properties we have been discussing.

We can use the cash flow to plan other things around that. They can continue conversations in structuring other deals with private entities.

Jack McFeeley moved to accept two articles for the Special Town Meeting, one to fund the town meeting, and another article to purchase the so-called Norfolk Airport property; the Chapter 61A property. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to close the warrant. Ramesh Advani seconded, and it was so voted.

### **DALEY'S SUNOCO STATION**

Present was Darren Daley of Daley's Sunoco and Butch Vito, Highway Superintendent.

Darren Daley told the Board that he is doing a renovation project. He said that he wanted to discuss the Water Quality Inlet. It is a tank that treats any water that is leaving their site and going into town system. It is a water/oil separator. The

petroleum and oil will go into the base of it, but it won't drain out into the town until the top of it completely separates the water and petroleum. Darren said that because of the size of their property being so small, there is frontage on three roads, so it is extremely difficult for them to fit it in underground on their site. Darren said they need permission to place this underground on the town surface. Darren showed the Board on a plan. Darren told the Board they will also have a canopy out there for fire suppression. He said that this is not unnecessary, but it is more of a precaution in the event of a spill. It is not mandatory.

Joyce Terrio said that Darren said this inlet isn't mandatory. Is it recommended?

Butch Vito told the Board it is mandatory. Butch said what this actually is, is relief from the business district. Many years ago when they corrected the drainage in center of town, one of the things they tried to do was help the businesses in town with drainage relief. Butch said that this is a very small site, and one of the things they couldn't handle on-site was the drainage. They would like to tap into the storm sewer. In order to do that, they have to show us protection; they won't spill any silts or contaminants from the site, i.e., gas or oil spillage. We will have to draft papers to this effect it will be in the right of way, that they will maintain the right of way. It will be maintained annually under DEP regulations. They want this to coordinate with the town's center project, because they want this in by April 1st, as that is when the town center project will begin. Butch Vito said he will have Town Counsel draft the maintenance agreements to be signed.

Ramesh Advani moved to approve the installation of a water quality inlet to be discharged into the municipal storm system below the surface of Carlson's Circle and Main Street, with appropriate maintenance agreements to be put in place working with the Highway Department. Jack McFeeley seconded, and it was so voted.

Darren asked the Board about their self-illuminated sign now there that is grandfathered. Because of the size of their lot, frontage on the road and setbacks, it is difficult to find a spot for their sign without putting it on top of the building, which they thought was gaudy. The best place to put the sign is on the strip of grass between Main St. and Rockwood Road. The strip of grass is town property, but they have maintained it for well over 20 years. He has discussed this with both the Planning Board and Butch Vito and they are okay with it.

Butch Vito said again, we would need to have an agreement in place for liability purposes drafted by town counsel, to protect all parties. Butch said he would have the appropriate documents prepared by town counsel.

Jack McFeeley moved to allow Daley's Sunoco to place the sign on town property in front of the station, subject to the liability agreement prepared by Town Counsel. Ramesh Advani seconded, and it was so voted.

## **TOWN ADMINISTRATOR REPORT**

Jack McFeeley moved to release the executive session minutes of December 1, 2003 with KP School Committee. Ramesh Advani seconded, and it was so voted.

Comcast has notified the Board that poles are installed on Holbrook and Baltimore Streets. Jim White of Comcast wanted to know what they can do for Community Day. The Board suggested Mr. White contact Barbara Snead.

Bob announced that on March 5th, at the Holliston Town Hall, Lt. Governor Kerry Healey would present an Informal Roundtable Discussion on the Governor's Budget.

The Board approved two Reserve Fund Transfers; one for Building Maintenance in the amount of \$1,686.00, and a Reserve Fund Transfer for Zoning Board of Appeals for \$750 as their Legal Advertising account is depleted.

Bob informed the Board of a telephone conversation he had with Delia O'Connor, President of Norwood Hospital. There is \$7 million into the state environmental bond for State cleanup. This would be used for Southwood Hospital. They want to move forward, but cannot until the money is released. They would like the Board of Selectmen to support their cause by asking Senator Kriss to release the money for this purpose. The Board agreed to forward the letter.

Bob discussed the Library relocation. Bob said they would like to consider moving the checkout desk and other services to Town Hall. They would pay to have the IT office finished. In exchange, we would give them space.

Bob touched on the DPW merger. The Special Act is now in third reading. There is some hope it will be enacted by next month.

Bob reported with respect to the Senior Center, the Council on Aging has a grand opening on June 19th. They would like the Board's support on who should be invited and to help with the program. They ask the Board to consider \$500 for this event.

Bob told the Board that the Housing Authority requests to do a vegetation study. The Affordable Housing Committee needs to work on planning, and do a 5-year plan. Bob said that it is encouraging for us to have this Committee. The State looks for it when we're doing the 40B letters. The Housing Authority owns and builds public affordable housing. The Committee would help the town with overall planning.

At 10:29 p.m., Jack McFeeley moved to go into executive session to discuss strategy with respect to collective bargaining. Ramesh Advani seconded, and it was a roll call vote: Joyce Terrio, aye; Jack McFeeley, aye; and Ramesh Advani, aye. The Board will not return to open session.

At 11:20 p.m., Jack McFeeley moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of February 23, 2004.

---

John J. McFeeley, Clerk

## **Regular Meeting**

**March 8, 2004**

Present was Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator. Ramesh H. Advani was not present.

Joyce Terrio called the meeting to order at 7:10 p.m. Bob Markel announced the agenda contents.

### **ACCEPTANCE OF MINUTES**

Jack McFeeley moved to accept the minutes of January 12 and January 26, 2004. Joyce Terrio seconded, and it was so voted.

### **ACTION ITEMS**

Jack McFeeley moved to approve the solid waste bag stickers at \$2.10 per bag, vehicle decals at \$50 per vehicle and vehicle decals for Senior Citizens at \$35 per vehicle. Joyce Terrio seconded, and it was so voted.

### **PERSONNEL BOARD**

David Wildman, Lori Hurley, and Julie Riddler of the Personnel Board were present.

The Board wanted to discuss the articles the Personnel Board put on the warrant for Town Meeting. The Selectmen discussed with the Personnel Board their reasons for approving an increase for the Chief Assessor. Dave Wildman said he had a conversation with Bob Markel that he thought meant everything was okay. However, he had subsequent conversations in which Bob indicated frustration.

Dave Wildman explained the articles they submitted for the warrant. They did pull the Chief Assessor's article, because it was indicated they did not want to do anything at this point. It was discussed that the Personnel Board approved a request from the employee, without knowledge of the employee's supervisor and/or department head. They were informed later on.

Dave discussed the wage adjustment. He said they recommended and voted on a 1% wage adjustment for the employees. This was not communicated back to the Town Administrator. Bob Markel indicated that they were trying to balance a budget, and the

Personnel Board was voting on things in February that would affect the budget, without their knowledge.

Dave said they have always done wage adjustments in February. However, they will now do wage adjustments in December, to coincide with budgets.

The Personnel Board will develop a policy that they will not accept anything unless it is in writing from the supervisor and has the Town Administrator's approval. If it does not, it will not be accepted.

Bob Markel said that in the meeting they had last week, they have decided how to curb the communication problem.

Jack McFeeley said that he heard that the Personnel Board was going to leave the percentage up to the Advisory Board's recommendation. Dave said that based on the information they had, they felt the 1% was still okay. Dave said that their charter shouldn't worry about whether the budget is balanced. They look at it according to prevailing wage. They have always been unanimous on the wage adjustment. They realize it doesn't fit in with the budget requirements, but they feel this is their vote.

Jack said that for the warrant at this stage, they usually don't put numbers fixed in print. The difficulty with this is that it leaves it open to a strict interpretation on town meeting floor, and prevents it from being changed. He would like to see the 1% removed from the article, and that way the amount can be changed.

Lori Hurley said she disagrees with taking the 1% out. She said that is the article the Personnel Board wants, and she doesn't want to see another figure put in there.

Dave said that the BOS has the final say, so if they believe that is how it should be. He said they would accept that. Jack stressed that this is only his opinion. The Moderator may disagree. Jack said he would ask the Moderator and George Hall, and get his opinion before this goes to print.

Joyce said she agrees with Lori, that we could make changes on the floor. Bob will check with both the Moderator and Town Counsel.

Dave Wildman said another item Bob came forward with was 2 managers had passed exams and got the minimum requirements for their job. He was looking for some reward for those employees. Dave Wildman said that if these people got their certifications after they were hired, it was something they should have already had. It doesn't merit a reward. Dave thought that it was made clear that they weren't going to do anything. Apparently, the Town Administrator misunderstood. There was discussion about different employees, and what is and isn't required.

Bob said it is apparent that we want to get into a merit-based system. He feels that an employee, who goes and gets schooling and certification on their own time, should be recognized.

Jack said that there are some misconceptions between the two Boards about the merit systems, about the steps, about a memo from Gail regarding "cracks" in the system. We need to address these in an overall friendly way. Jack said he isn't sure exactly what to do, but it needs to be done now – an overhaul done over the next year. He looks at the current structure as a pre-cursor to the merit system. It won't be easy to implement. Jack said we are a service organization, and the employee is our asset. We need to take care of the employee. We have problems. Jack would like to form a study committee, where we can look at everything. Maybe we need a new Personnel bylaw. Perhaps we need a new Personnel system. That way we can seal the cracks and fix the system.

### **VERIZON POLE HEARING**

Paul Schneider from Verizon. There were no abutters present. The Highway Superintendent had no issues pertaining to this request.

This is a request from Boston Edison to Verizon. They are upgrading a new service along this street. They need to have poles closer together. This will be on Myrtle Street, on the easterly sideline, approximately 363 feet south of the intersection with Hanover Street, place new pole #8.

Jack McFeeley moved to allow Verizon and Boston Edison to install a new pole on Myrtle Street, 363' southeast of the intersection of Hanover Street. Joyce Terrio seconded, and it was so voted.

### **JOHN OLIVIERI, TREES**

John Olivieri was present to discuss trees. He has researched the Tree Warden and his duties, and a bylaw that is already in place in Lexington. He would like someone to sit down and digest this bylaw and really look at it. Mr. Olivieri said the Cape is doing the same thing. We need some information that hits the person coming to obtain a permit, whether they are a private resident, or a developer. Lexington has a tree maintenance manual. It tells the developer what to do, the resident what to do, the Tree Warden what to do, the Building Commissioner what to do, etc.

The Tree Warden is not in charge of private properties, and trees that are down. He follows Chapter 40, Section 15. John Olivieri said there should be some overseeing of trees being cut down, especially by developers. They need to have some type of permit.

He would like to see some type of supervision on private properties and scenic roads. He doesn't see a file and a trail anywhere to be sure the trees are being preserved – on

a private level. The Planning Board should be having some control on what trees should be preserved. They could help on major developments.

Mr. Olivieri said he would like someone to review the materials he left with us, and decipher it and do something with it. Joyce explained to John that we have an article on the warrant that will protect some of the trees in town, and come up with guidelines for developers. Bob Markel had information from the Attorney General including this information from Lexington, and may possibly develop a Tree Committee. This was drafted by Town Counsel.

## **COMMUNITY PRESERVATION COMMITTEE INTERVIEWS**

Cyndi Andrade, 17 Worcester Road, was present.

Jack McFeeley asked her why she had an interest in this Committee.

Cyndi Andrade said that when she stepped down from the Conservation Commission, she always had an open mind to get involved with something else. Her background is in finance and investments, and she feels that can help. She attended a Community Preservation Committee meeting, and found out there that this vacancy existed. Cyndi does like the fact that the funds have a broader base.

Jack McFeeley did ask if she had any preconceived notions or an agenda. Cyndi said no, she is just interested in making the best use of the funds. Cyndi did say that she is not looking at this from a Conservation mind, or open space. She has an open mind.

Jill Hindley-Lawrence, 17 Chickadee Drive, present.

Jill Lawrence said that she is a friend of Jason Talerma, and he told her and her husband about this vacancy, thinking they would be interested.

Jack McFeeley asked why she is interested. Jill said she is very interested in open spaces. She said she understands that they focus on three areas, open space, affordable housing, and recreation.

Jack asked her what she knows about the Community Preservation Committee and what they do and the process? Jill said she doesn't know a lot about the process here, but her father is involved in Rhode Island.

Jack asked her if she has any agendas, and this is the reason she is doing this. Jill said she is always interested in the development that occurs, and when homes start going up, and how the town controls those permits. She knows very little about here and her agenda is to serve the town and she has a vast interest in open space.

Joyce Terrio asked her if she has had an opportunity to attend a CPC meeting. She said no, that she heard about this vacancy right before the deadline. She is not familiar with

the Community Preservation Act. Jill said she works part time as a teacher and has time to devote.

### **INSURANCE ADVISORY COMMITTEE INTERVIEW**

James Dyer, 14 Quail Run Road, present.

Jim Dyer told the Board he has lived here 5 years. He has a wife and two children.

Mr. Dyer is an attorney who deals with insurance. He said he wasn't familiar with what their charge is, but talked briefly with Jack Hathaway.

Bob Markel described the charges of the committee to him. Bob said the committee is struggling, and needs active members.

Jim Dyer said he would like to get involved in the community, and wants to devote some time, as this is an area of interest to him.

Jack McFeeley moved to appoint Jim Dyer to the Insurance Advisory Committee. Joyce Terrio seconded, and it was so voted.

### **HOUSING AUTHORITY**

Present was Housing Authority members Scott Dittrich, Bob Shannon and Tom Collins. Also present was Jan Moore, Executive Director, and Paul Carey of Strata Bank.

Scott Dittrich said that they established Hillcrest Village in 1974. There are 64 one-bedroom units. Resident's rent is 30% of their adjusted gross income. They then built Pine Knoll in 1991, which are 2 and 3 bedroom units. These are low-income housing units, with 17% of adjusted gross income for rent.

Now their goal is to build single-family homes, and sell them to first time buyers. They are looking at modular designed homes. The Housing Authority has a working relationship with Strata Bank, and would like the Town to give land to them so they can build affordable homes.

Bob Shannon said they came before the Board before for a parcel, but has now found a parcel that is better suited for their needs. He said they would like to consider Cottage Court, Lots 25A and Lot 6. They had a vegetative wetland study done. They paid for this study themselves even though they don't own the property, because they wanted to come before the Board knowing if this is buildable. Jack McFeeley asked if he checked with the Conservation Commission. Bob Shannon said yes. Joyce asked if he appeared before the whole Board. Bob Shannon said no, he spoke with Marie Simpson.

They told the Board that this house would be sold to an existing Norfolk resident, or someone with a Norfolk connection.

Paul Carey, of Strata Bank told the Board that the bank would help put this together. They would help with financing. Strata Bank would work directly with the Housing Authority with below market financing. They would also work with the end user as well. There would be a deed restriction on this. The house would be sold back to the Housing Authority, and they could resell it to someone within the guidelines.

Joyce Terrio asked Mr. Carey his position. Mr. Carey responded Senior Vice President in charge of lending.

Bob Markel mentioned the Community Reinvestment Act. Paul Carey said that this program fits under this. Jack said that when he sees something like this, his next answer is "I'll take two". Jack noticed we are looking at two lots, but talking one house. Bob Shannon said that is because they will need the two lots in order to build one house. You have to consider septic and everything else. Scott Dittrich said that Bob Shannon spent a lot of time on the other parcels they inquired about at our last meeting, and determined that they are unbuildable.

Scott told the Board that they would like to have these parcels deeded over to the Housing Authority. They showed the Board a model of a modular home; that they feel will be acceptable to everyone. It is also acceptable to the bank.

Jack said last time they were here, he told them they needed a plan. He feels they now have a plan. Scott said yes, they have a plan. Their first step was to find a buildable lot, which they have. Secondly, they need the deed. Then they need a building permit. Bob Shannon said that once they were issued a building permit, he would estimate 6-8 months to be built and occupied.

Joyce Terrio said that let's say we make a decision. What's the next step? Bob Shannon said to have the engineering plan done and survey the lot and design a septic system. They need approval of the site plan through Conservation Commission. The Housing Authority is an independent, self-sufficient committee. This would all be funded through the Housing Authority funds, which is a totally separate entity of the town. Bob Shannon explained that affordable housing is not a subsidized program. It is solely on income. This is different from low income. They have designed a beautiful colonial home

Paul Carey said it is based on 80% of median income in a local community. So the median income in Norfolk would be different than that of another community of the same size. The income would be about \$64,000 or under. Someone buying this home would have to have these income requirements. This is no way local income housing, but affordable housing. There is a difference.

Jack thanked all the members for taking the effort and doing this. Jack and Joyce were both thrilled with this presentation, and wanted to proceed. Bob Markel said he would

have the Treasurer's office prepare the necessary documents. Jack McFeeley said as soon as the documents are prepared, the Board will take a vote on this.

### **TOWN ADMINISTRATOR REPORT**

Bob Markel reported that he finalized Fire Chief interviews today. He had a screening committee, and asked them to give him their comments. He will reduce the field to two, and will have second interviews. He is enthusiastic as there are two very good candidates.

Bob told the Board that the Highway Superintendent has requested that we ban activities on town hill and town center. Bob mentioned that the Recreation Committee would hold concerts at their facility. Due to liability and public safety reasons, he would recommend the Board vote to ban all events until July 2005.

Jack McFeeley moved that until further notice, all use and activities on town hill and town center should be prohibited. The Police and Highway Departments shall be directed to enforce this order. The Selectmen will assist organizations in rescheduling their events. Joyce Terrio seconded, and it was so voted.

Bob Markel discussed the relocation of the public Library. He gave the Board a copy of the Relocation and Services plan. They will use NCTV's old offices, and we will have children's services in the old Finance Office. Officer Plympton, the DARE officer, will be relocated here in the building. Trailers containing books may be parked at the Highway Department, if they can't be housed in our parking lot.

Bob mentioned that there are a lot of boards/committees with vacancies. We will set up a special area of the website with this news. We hope people will view this and apply. We are getting concerned that we will not meet quorums, if we don't get members.

Bob reviewed the Warrant with the Board.

### **OLD/NEW BUSINESS**

Joyce Terrio wants a written response sent to Mr. Creedon with respect to the drainage issue.

The Board again commended Officer Kevin Roake for an outstanding job in the robbery at Daley's Sunoco Station recently.

### **COMMUNITY PRESERVATION COMMITTEE APPOINTMENT**

Jack McFeeley moved to appoint Cyndi Andrade to the Community Preservation Committee. Joyce Terrio seconded, and it was so voted.

The Board would like to find a Committee for Jill Lawrence. Bob Markel will draft a small letter to Jill, thanking her for her efforts, and we would like to involve her in something else.

At 10:05 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 March 8, 2004.

---

John J. McFeeley, Clerk

**Regular Meeting** **March 22, 2004**

Present was Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator. Ramesh H. Advani was not present.

Joyce Terrio called the meeting to order at 7:12 p.m. Bob Markel read the agenda items.

**INSURANCE ADVISORY COMMITTEE INTERVIEW**

Jennifer Burke, 9 Cresson Avenue, present.

Jennifer Burke told the Board she has worked in the insurance group over 10 years. She currently works in Boston as a manager in the underwriting department. Joyce asked her if she had a chance to speak with Bob Markel about what the Committee is doing.

Jack asked about committee members and how many we have. We have 4 current members; Jennifer would make five. Jack told her that her resume speaks for itself, and she appears perfect for this committee.

Jennifer said that she has extensive knowledge of policy forms, and is very versed in where we have coverage and where we don't. She has reading knowledge and can tell you what can and can't be done. Jennifer claims she has a very broad sense of what the insurance industry is.

Jack McFeeley moved to appoint Jennifer Burke to the Insurance Advisory Committee. Joyce Terrio seconded, and it was so voted.

**DONALD CRAWFORD, WSAB, 84 ROCKWOOD ROAD**

Donald Crawford was present to discuss his Class II license with the Selectmen.

Joyce Terrio explained the process where this went before the Zoning Board of Appeals for a Special Permit. Mr. Crawford said that he would lose his dealers' plates at the end of the month, without his Class II license. Donald Crawford asked the Board if they could even grant it for a couple vehicles, until he is through with the Zoning Board of Appeals.

Jack McFeeley explained to him that they decided to allow one vehicle only, to fulfill the requirement to keep his plates.

Joyce read the memo from the Conservation Commission. They ask that the Board of Selectmen include a condition on the license that the vehicle not be parked where the wetlands are.

Joyce Terrio asked if anyone wanted to speak. Bob Boucher asked how many cars could be on the property? There has been 10-15. Joyce Terrio said one. Only one vehicle can be there now until we get a ruling from the Zoning Board of Appeals.

Jack McFeeley moved to issue a Class II Used Car Dealer's license to Donald J. Crawford, d/b/a WSAB, at 84 Rockwood Road. 3.5 acres of land consisting of one building, 100 ft. x 30 ft. One car only to be maintained on the property. Hours of operation: 9 a.m. to 5 p.m., Monday through Saturday. Any and all vehicles are to be parked in the front of the building outside the designated wetland area, as depicted on the site plan. Joyce Terrio seconded, and it was so voted.

In other business, Jack McFeeley made an announcement to the public that he will be running for the democratic nomination for State Representative.

Bob Markel read a letter to Joyce Terrio from the Library Trustees appreciating her and thanking her for her time on the Board.

Jack McFeeley spoke on behalf of Joyce Terrio, and said that people don't see the work she has done behind the scenes, and the quickness of which she has caught on. She will be sorely missed by everyone.

## **ROAD SAFETY COMMITTEE**

Joe Sebastiano, Chairman, Jim Leonard, RSC member, and Remo Vito, Highway Superintendent.

Joe Sebastiano discussed sidewalks. One avenue to get sidewalks is developers through the Planning Board. Joe mentioned that he has been to the Capital Outlay Committee three different times to try to get funding. Jack asked if Capital Outlay has heard there is matching funds. Butch Vito said yes. He sent them the costs. Jack said the only thing that showed up was \$50,000 from the Sidewalk Study Committee. Butch said he was surprised. He thought they would get at least \$20 or \$30,000 to fund at

least one of their projects. Jim Leonard had paperwork showing that they submitted this to Capital Outlay. Jack reviewed an email he had sent regarding this.

Joe said last year they asked for \$10,000. They have a plan that is about four phases, and would like to link the town center to different places. They need design money. They can't bring the project home without funding. They would like to have some money flowing through over several years, and this would help them get rolling, but no funds at all have come through. The total for Medway Branch, plus the town center would be approximately \$80,000. Butch said that they have about \$200,000 committed for sidewalks to Planning Board now. Can they match funds with Christina Estates and Grove Street, or something like that? They had very defined linkage when they went to Planning Board, but it hasn't gone any further. Butch applauded this Committee for their work, and he said they have gone above and beyond. He said they researched Community Preservation funds, and got turned down there. Butch said he doesn't blame this Committee for being frustrated. Butch said they are opening avenues, but they really need to sit down and seriously look at funding. Butch said North Street was done in the 80's, and the sidewalk at H. Olive Day School was in the 90's. Nothing else has really been done.

The Board wants to schedule in the Capital Outlay Committee. Jack feels there are enough developments that you can find the connecting street. We don't have to search too far. Most developments are near the primary roads.

Joe would like advice from the Board on how to get this plan documented, so that they can go after funding. Jack said he feels they are very close. He isn't second guessing the Capital Outlay Committee; he feels they have done a great job. Jack was suggesting putting this on the Advisory Board, and seeing if they want to take money out of free cash to fund this.

Jack told them that the Board of Selectmen is very supportive of this, and doesn't want them to get discouraged. They will try to obtain the first stage of funding for them.

Joyce asked the status of the Master Plan. Bob Markel said we received the EO418 grant, which was given to the Planning Board. They have contracted Gino Carlucci to update the Master Plan. You submit this to the State, and they tell you what is acceptable, and what needs to be changed, etc. We have done that. We are now well on our way into this. Hopefully, the work will be completed sometime in the summer.

Joyce said the Planning Board has heard this from you, and are well aware of it? Butch said yes, they do support it, and he is hoping they will include this in the Master Plan. Joe said that the Planning Board said there would be workshops on the Master Plan. Butch said that he will make sure Gino knows that this is included, when he speaks with him tomorrow.

Jack said the actual implementation would be up to Butch. He will have to take it and discuss design, hearings, etc.

Butch said the Medway Branch is \$80,000, and we have \$19,000 from the developer. He has used \$15,000 roughly in design, etc., so take that off of the \$80,000. Jack said the problem with Capital Outlay is that they are looking at an omnibus bond that will take care of vehicles, etc. Right now isn't the time to go through something like this. Butch said that with developer's money, they are trying to work forward, such as begin design, but they will hit a patch where they will run out of money. Jack said this is why it isn't a good idea to not do anything as far as funding this year.

Joyce questioned did they really want to tweak this anymore than they already have? Wouldn't you prefer this plan go to Gino for insertion to the Master Plan? Joe said he agrees that they are grouped very well. He looks at it as a menu. He had input from the Police Chief, a liaison from Planning Board, Butch and others. He said he wants to be sure that everyone has reviewed it and made his or her comments. Joyce said she doesn't want to hold it up going to the Master Plan.

Jack asked Butch if he has mapped out what road improvements would be done this year? Butch said he is working on that now, but will have something concrete in probably 3 or 4 weeks.

### **ACTION ITEMS**

Jack McFeeley moved to allow the Library to dispose of an obsolete card catalog. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to approve the traffic pattern for Myrtle Street for the 2004 Community Day as requested by the Norfolk Lions. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to allow the Friends of the Council on Aging to provide refreshments for both town meetings; the Special Town Meeting on March 30th and the Annual Town Meeting beginning May 11th. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to allow Jim Lehan permission to campaign at the Transfer Station during operating hours to campaign for office from April 1 through May 4th. Joyce Terrio said per designation of transfer personnel. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to allow the Norfolk Airport Neighborhood Committee, as requested by Sarah DelMastro, to solicit at the Transfer Station on March 27th from 8-4 to raise awareness of the matters relating to Norfolk airport and STM with 4 adults under the guidance and instructions of Transfer Station personnel. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to approve a street opening permit for John Tsimortos, C & N Construction Corp., Foxboro for a new water line installation for Spruce Road. Joyce Terrio seconded, and it was so voted.

Jack McFeeley moved to allow Norfolk Baseball to hold their annual parade on Saturday, April 17, 2004, at 12 noon, beginning at the H. Olive Day School, and proceeding down Boardman Street to the Freeman Centennial School. Joyce Terrio seconded, and it was so voted.

### **FRED PFISCHNER – CONSERVATION COMMISSION**

Fred Pfischner, Conservation Commission member was present. Joyce Terrio told Mr. Pfischner that we sent a Certified Letter and asked you to come in because of ethics. We invited you, by law, to choose either open or executive session and to bring an attorney. You opted to open session.

Joyce Terrio said she would like to point out that this requires a public hearing. Joyce told him that he could consider this a public hearing, or we can hold another session at another time and have other individuals here, if he preferred. It is his choice. Fred said he had no idea why he is here. He told the Board that the letter he received did not explain why he was asked to come in tonight. Joyce told him that when he was hired as a Conservation Commission member, you were asked how you were going to balance your engineering positions with being a member. Joyce read minutes from the Selectmen's meeting when he was interviewed for this position, where Fred Pfischner specifically stated that he would not be doing any work within Norfolk. Joyce said it has come to our attention that there is a situation that has come before the Conservation Commission where he may have been an active participant in a case that came before his Commission. The Board wanted to discuss dialogue that he may have had with Town Counsel, and that his wife may have stepped in, in his place, and he did not recuse himself.

Fred said he would prefer to go with this tonight. Fred said he has already dealt with this in writing to the Selectmen. Fred said he wrote a letter to Jim Giebfried, with a copy of this to us, and that took care of the situation. Bob Markel had a copy of that letter dated January 29th.

Fred Pfischner explained that he represented the owner of a piece of property on Everett Street. It went through the Board of Health and Conservation Commission, and was subsequently approved. He thought that project was dead, and thought the property was sold. However, it was only under agreement. The Board of Health found a problem, and called him. Fred said that was their mistake; they should have contacted the owner. Being the nice guy, he tried to take care of it, but couldn't. He was advised to talk to Town Counsel, and Town Counsel told him he couldn't represent himself against the Commission; however, his wife could. Fred made the decision to have his wife represent him. He didn't participate in the decision, but did sit in the audience. The Conservation Commission approved his request.

Jack McFeeley asked Fred, did it occur to you that even sitting in the audience was a problem with being in the same room with the Board that you're on? Fred said no, because other members of the Conservation Commission have recused themselves, and sat in the room. His understanding was if you recuse yourself, you just couldn't participate in the vote. Fred said he didn't know that you had to leave the room. Fred said that Mr. Giebfried spoke to him that he should have been further back in the room. Fred said he couldn't hear what was going on, because the Board was mumbling amongst themselves and he couldn't hear, so he sat close. Joyce agreed that the members themselves have recused themselves and stayed in the room. But Jack said that there have also been times where members have left the room, so that there was no doubt of their involvement.

Jack read the letter from George Hall to the Board. He suggested that Fred not be present at the meeting. He said he suggested the attorney be present. Fred was given a copy of Town Counsel's letter. He asked for time to read and review George's letter.

Fred asked what the issue is here? Jack said the ethical behavior here, as you did not completely leave the room. Jack said also a difference of what George Hall said, and what you said to Jim Giebfried.

Fred wanted to bring up other unethical matters. Jack said it would have to be brought up under other circumstances. Fred said he would like to complain about others. Jack said this is not triggered by a complaint. It was a review of facts.

Fred said the letter he received said "complaints" would be discussed. He felt that we should have told him exactly why he was coming in, instead of putting him through mental anguish. He said that is why he would like to issue complaints against other Conservation Commission members because he is upset.

Jack McFeeley moved to continue this public hearing to Monday, April 12th at 7:30 p.m. Joyce Terrio seconded, and it was so voted.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel reported that we received a letter from the Metropolitan Boston Emergency Medical Services Council, Inc., informing us that we are now a Heartsafe Community.

Bob Markel noted that we are now getting requests through our website posting of individuals interested in committee vacancies.

Bob informed everyone that the Library move would happen the last week of April. They have tried everywhere in Norfolk for space. They came to the Town, and after considerable review, it has been decided they will use the former NCTV studios as the new location for adult services. All books will be housed in trailers at the Highway Department. Books will be shuttled back and forth, based upon demand. We will

house the Library Director, and the Children's Library here at Town Hall. This will happen for approximately 14 months.

The Information Desk here at Town Hall will actually begin Wednesday, March 24th. The staff will be volunteers. The objective is to provide a full range of information on town government, our website, and information on Town Hall.

We will permit residents to pay their excise, tax, water bills, etc., online beginning this spring. They will also be able to pay for Recreation programs online.

Bob said that with the TIP project about to begin, Mass Highway is looking for space to rent. We are hoping to find space for them perhaps at the old Town Hall. They are willing to pay market rate rents so we can earn money, and they will be available to monitor the project daily. We hoped rental money might be earmarked for basic improvements at the old town offices, such as fire alarm protection or the basic systems being brought up to code.

### **OLD/NEW BUSINESS**

The Board discussed the Regional Dispatch from the County Commissioners. It doesn't make economic sense for us to join.

The Board received a letter from Charlie Jones regarding the parking, and ice and snow during elections at the H. Olive Day School. It is difficult to park there, and we need to review what Charlie is talking about. Is the back of the H. Olive Day school capable of handling the vehicles on election day? There is also a concern about ice, snow and people walking.

We will send Charlie Jones a thank you letter, and advise him we will look into your concerns. Forward this letter to Marie Chiofolo's office, and time to mull it over and through town meeting and the election, and then have her in to discuss this sometime at the end of May, beginning of June for some changes for the fall. Jack said we also want a light for the police.

Joyce discussed the dirt bike track letter from residents of Seekonk Street. They mention a zoning violation. It does not violate our zoning bylaw. Although it is offensive, the bylaw doesn't take this into account and we need to amend the bylaw. Joyce questioned how far we want to go to restrict a homeowner's use of their property. Bob said if there were a complaint of noise, it would make sure something could be done.

The Board noted the letter of resignation from Nancy Lancellotti of the Zoning Board of Appeals, effective June 30, 2004. We will advertise for a replacement.

At 9:42 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 March 22, 2004.

---

John J. McFeeley, Clerk

## **Special Meeting**

**March 29, 2004**

Present was John J. McFeeley, Ramesh H. Advani, Robert T. Markel, Town Administrator, Police Chief Charles H. Stone, and Lieutenant Jonathan Carroll. Joyce Terrio was absent.

This was a special meeting called by the Board of Selectmen to meet with concerned residents in town about a residential home run by the State at 59 Cleveland Street. This home houses four residents who are mentally retarded, and two are classified as Level II Sex Offenders.

Jack McFeeley opened the meeting at 6:00 p.m. Bob Markel gave a brief overview of what he knows about group homes, and his conversation with the Department of Mental Retardation. Bob Markel said he did ask them to be present this evening to answer questions, and their response was that they don't do that. He spoke with a Gail Gillespie who was not cooperative. Bob Markel did post Gail Gillespie's phone number on the board, and suggested residents call her direct with any questions. 781-314-7501.

Chief Stone and Lt. Carroll were available, and tried to answer questions and relay information to residents the best they could. Chief Stone said that on March 9th the individuals came into the station to register (the sex offenders). Chief Stone said that if residents fill out a form, they could get the information. On a Level 2, they cannot provide the information. They can do it on a Level 3. Chief Stone did say that in town, there are three Level 2 offenders, and one Level 3 offender.

From what Chief Stone has been told, this house was purchased in January. It houses four residents; two are listed by the SORB (Sex Offender Registry Board) as Level 2 offenders, and two are just residents (Dept. of Mental Retardation). Chief Stone did say that you can get classifications off of the SORB website. It is also on the Police Department website. The State delayed enactment of the sex offenders. Chief Stone said a Level 1 couldn't be revealed. Level 2 you can get by filling out a form at the PD. A Level 3 will be put out to residents with a photo, crime description, etc. The Police Department does have a plan in place. They get information out through schools, post office, web site, town buildings, etc. Level 1 is low degree of dangerousness to the public. Level 2 is re-offense is moderate, and public safety interest is served. You can fill out paperwork, and the police can release information regarding this individual to

you. They are not allowed to go out publicly and talk about them. Chief Stone said there are 4, maybe 5, Level 2 sex offenders within Town. Level 3 is if the degree of dangerous is high, and if they are a public threat to the public. We currently have one in Town.

Someone asked why there are mentally retarded adults in with sex offenders. Lt. Carroll said that all four residents meet the guidelines of needs under the Department of Mental Retardation. Lt. C said he did not feel that he could appropriately answer this.

Residents have asked about the impact to the budget. Chief Stone said that it wouldn't be an enormous impact to his budget yet. He said because there was a backlog in the SORB due to a court action that took 6 years, names are still being released. They don't know if it will be in Norfolk, or not. Chief Stone said that there could be people living right next door to you that you don't realize is a sex offender, because his/her name hasn't been released yet.

A woman has asked about why the schools are disseminating the information to residents. She has a problem with that. She also has a problem with having to go to the Police Department to fill out a form in order to get the information. Chief Stone explained that the schools are only one form of communication. It gets the word to parents the fastest and most effective way. Chief Stone said that the policy to come to the Police Station to obtain information is not his rule. It is a policy set by the SORB, and he has to follow it.

Someone asked if this is considered a business. Bob Markel said the State could do what they wish, without giving any information. Bob Markel said he also talked to the Town Counsel and he said that is true. People noted that ADA needed to be involved because the residence is not handicapped accessible. They complained that the Building Inspector needs to be out there because work is being done illegally. They asked about septic needs, and the Board of Health.

Chief Stone said that there is a supervisor for 12 hours and one person doing overnight. The residents cannot leave without supervision of the staff. Two of the residents work - one of the Sex Offenders and one resident.

Residents asked questions for approximately two hours. The Selectmen, Bob Markel and police representatives attempted to answer many of them, but it was decided that another meeting needs to be established in order to have Senator Scott Brown and hopefully other representatives from these State agencies present who can provide information.

Jack McFeeley read the letter from Delta Products. They are the agency that is running the residence. We will try to have representatives from there present at the next meeting.

Allan Shaw of the Conservation Commission said that expansion is impossible. He said the Conservation Commission asked them if they planned to add on. The septic system is designed for 3 bedrooms only.

Kevin Roake, a resident who is also a Norfolk police officer, spoke to parents briefly about RadKids, a program he is working on that will help young kids with this type of situation. Officer Roake also stressed to parents that they need to educate their kids. It is up to them to make them aware.

The Board of Selectmen will try to schedule another meeting for next Thursday with State officials and representatives who can answer our questions.

At 8:43 p.m., Jack McFeeley moved to adjourn. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of the Board of Selectmen of March 29, 2004.

---

John J. McFeeley, Clerk

## **Regular Meeting**

**April 5, 2004**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at 7:10 p.m. Bob Markel read the agenda. Two executive sessions were added to the agenda.

### **ACCEPTANCE OF MINUTES**

Jack McFeeley moved to accept the minutes of February 9, 2004; and regular and executive session minutes of February 23, 2004. Ramesh Advani seconded, and it was so voted.

### **ACTION ITEMS**

Ramesh Advani moved to allow the Friends of the Council on Aging to conduct a fundraiser at the Transfer Station to obtain funds to purchase Lifelines for Senior Citizens in need. Fundraisers will be held on Saturday, September 11, 18, and 25 from 9 a.m. to 12 noon. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to allow Norfolk Community League to place a sign on the grassy strip at Independence Drive from April 6th through April 15th to advertise Campaign Night. Jack McFeeley seconded, and it was so voted.

Jack McFeeley moved to allow the Cleveland Street residents to solicit at the Transfer Station to inform residents concerning the upcoming meeting to be held on April 15th. They wish to do this on Wednesday, April 7th, Saturday, April 10th, and Wednesday, April 14th from 8 a.m. to 4 p.m. Ramesh Advani seconded, and it was so voted.

### **HEART SAFE COMMUNITY AWARD**

Present was Richard Clancy, EMT/FF; John Guidara, Executive Director of Metro Boston EMS Council, Region 4; and Derrick Congdon, Asst. Director.

John Guidara said he is pleased to present this honor to the Board. On behalf of the Commonwealth of Massachusetts Dept. of Public Health, Metro Boston EMS Council and American Heart Association, they are honored to give this award to the Town of Norfolk. To achieve this designation, Norfolk was asked to complete self-assessment and an inventory of the community's readiness to provide emergency cardiac care. Norfolk is being recognized for taking some simple initial steps to greatly improve health care. Norfolk was asked to conduct CPR classes with a minimum of 6 participants. All EMS first response designated vehicles have been equipped with automatic external defibrillators and AED trained personnel within the last six months or longer. This is mandatory. Mr. Guidara presented the Board with a Certificate designating Norfolk as a Heart Safe Community, along with road signage designating the same.

Joyce said that this is because of the fantastic and wonderful EMT/Paramedic group that we have in Norfolk. Richard Clancy said that Bob Markel was instrumental in getting the Town Hall certified; as did Norma Shruhan with the Senior Center. He said the Norfolk Community League helped purchase defibrillators as well as Chief Stone provided each cruiser with a portable defibrillator. They also had Mike Findlen and Pat Bixby come forward, who assisted in training the employees. Bob Markel noted to the Board that it was Richard Clancy who was responsible for setting this whole program in place.

### **NEW BUSINESS**

Ramesh Advani moved to approve a live entertainment license for Norfolk Arena for Saturday, April 10, 2004 from 7 p.m. to 9 p.m. Jack McFeeley seconded, and it was so voted.

### **PAUL ANDERSON, WATER SUPT.**

Paul Anderson, Water Superintendent was in to update the Board.

Paul told the Board that the big change is that they are not going to flush the system in the spring. They are going to add sequestering agents to the system, a chemical that ties up the manganese. They don't want to add this and flush at the same time, because they won't know if this chemical did what it was supposed to or not.

Paul said that he had nothing else, except to see if the Board had any questions he could answer.

Paul asked about the DPW. The Water Department is still in limbo because they are utilizing the old DPW garage, and they don't know if they can count on still using it. Bob Markel said that they call often trying to get an update. He said unfortunately, all business in the legislature has been postponed while they work on the gay marriage issue. He said basically everything is at a standstill. Bob Markel said they missed the deadline for the May election ballot, so we will not be able to put it on the May ballot. We could either call a special election, or we could piggyback it with the state election in the fall. Bob said we might have a problem with this, because it is very difficult to get the Secretary of State to agree that we can put a town question on with a state election. He considers it impossible.

### **JACK HATHAWAY, FINANCE DIRECTOR**

Jack Hathaway, Finance Director, was present for a monthly update with the Board.

Jack started with an update on MUNIS. He said they have had much activity with MUNIS, and classes to teach the employees what they need to do. The new system will have about 100 funds. Jack gave the Board a detailed summary of where they are now in MUNIS. They have set up the Chart of Accounts, Employee Codes and Payroll.

They discussed the budget briefly.

### **PAUL WAZNIS, CALL & WAIT AUTO, INC., CLASS 3 LICENSE**

Present was Theodore Koban, attorney for Paul Waznis, owner of Call & Wait Auto, and John Burke, attorney.

Bob Markel presented the Board with correspondence from the Conservation Commission that had come in that they had not yet seen.

Joyce said we are considering the Class 3 license. She asked Atty. Koban if he was familiar with the conditions put on the license in January 2004. She asked if he was aware of their intent on setting the conditions? Atty. Koban said he is aware of the conditions, but not why they were placed on the license. He said that he was here last year, but noted there are new issues.

Joyce said that these issues are not new. When the license came up again, we had the Building Commissioner and the Conservation Commission give their input based on site inspections they did on the property. The Board was concerned that a lot of these issues were open-ended. They thought that by placing time frames on the some of the conditions, it might help Mr. Waznis throughout the year.

Jack McFeeley said that basically what happened was, we gave him a list of conditions last year. When we called him back in this year, most of what we had asked him to do was not done. Mr. Waznis' comment was "You're right. I haven't done anything."

Atty. Koban said that is not true. The pile of tires that was a concern, he got rid of. It was probably \$20 or \$30,000 worth of tires. Jack said he was summarizing. Joyce agreed, and said that with all they dealt with, when it came time to renew his license, they felt that it would help Mr. Waznis to set time frames on certain conditions that needed to be done. These are the five conditions mentioned in the January 14th letter.

Atty. Koban said he was led to believe that the Conservation Commission went out to the site, and Atty. Koban said he went out to the site today, and he thinks #1 and possibly #2 are done. Joyce asked Jim Giebfried, Chairman of the Conservation Commission to speak.

Atty. Koban said that last year, there were a lot of doors and metal parts there. There were fiberglass noses of trucks that need to be removed. He doesn't feel there will be runoff from the fiberglass. Atty. Koban felt the hay bales had been fresh and installed. With respect to #3, they engaged a company to install an oil separator and the Conservation Commission is not happy with the firm they've hired. The granite markers cannot be installed until the work is complete. There are no markers there.

Joyce asked if the LSP (licensed site professional) has been hired. Atty. Koban said they have people in Illinois who have given them a proposal. He paid them \$3,500. The Conservation Commission came to them and said we don't want you to use them; we want you to use ours and pay \$5,700. Atty. Koban said that he finds this a bit awkward, as the Conservation Commission has never charged them with anything.

Joyce asked if the stage container bodies have been replaced. Mr. Waznis said he would take care of it. He told Atty. Koban that today. Joyce Terrio said there are certain issues that we have been dealing with both of you on for five or six years. She said she does not find this awkward, as you put it. She said that Mr. Waznis has conditions that had to be met in order to uphold a certain standard in this town. Joyce said that is why we have asked the Conservation Commission and Building Commissioner to be here tonight. We felt that we were helping Mr. Waznis along, with the 12 items that were on the original list. We would try to set forth some conditions in which we felt we would work with him on, and that's when they set time frames. Joyce said they asked Mr. Waznis himself which conditions he thought he could do, and what the time frame was.

Joyce then asked Mr. Giebfried to review the five conditions with Atty. Koban. You had an inspection yesterday at the property. Jim said yes, the owner has pulled out a lot, but he also has parts in there that he isn't supposed to have there. Jim said that he has

had plenty of time to get this area cleaned, and he's had over a year, and he hasn't done anything. Jim agrees that the time frames need to be adhered to, and if not, there needs to be some action. On the hay bales, Jim said they have been in place, but they are not all staked, and there is some duplication. A number of the hay bales have rolled or been kicked inside, and they need to come out. There is a trailer there that Jim doesn't remember seeing there before. There are no granite markers there. Jim can't speak as to the engineer, as he wasn't chair last year and didn't participate in discussions. Jim said that they did put the LSP out to bid, and gave them a list of 5 things they wanted them to be involved in. The bid price came to approximately \$5,700. Jim said there are all kinds of parts – axles and drive shafts that are not in enclosed trailers, but are sitting out in the environment, and as it rains the oil and what not are running off into the environment. That is why they want an LSP working with Mr. Waznis, to be keeping an eye on this and advising him.

Jim said that the oil separator and the infiltration system are there, but they are not in place. They are not where they should be, and have parts in them, that shouldn't be in them. These should be in place by now. We have been asking him for years to do this.

Jim then brought up the fact that there are batteries. They are all over the site, strewn in all different positions. You can see them leaking, and the acid running out. Put them in a specific location, and get rid of them! Jim said he knows they have talked about this many times, and nothing's changed.

Ramesh Advani asked if the letter that went out, went out as a first page only or with all the conditions attached. Bob said he wasn't sure, but had to check with Marian Harrington, who sent it out.

Ramesh said he only came on the board this year. He was startled to realize that every year the same conditions were put on, as well as new conditions. Ramesh said he asked Mr. Waznis why he isn't adhering to any of these conditions. Ramesh told Atty. Koban exactly the conversation he had with Mr. Waznis. Ramesh said that we are just continuing the dance from 1997, and he is not in favor of renewing this license. He doesn't understand why we would discuss minor little details of violations that have continued to go on and he really doesn't plan to do anything different.

Atty. Koban said a Class 3 license is governed by statute, which is Massachusetts laws. Legally, there are two requirements. Is the person qualified to run the business? And the junkyard license can't be an automobile chop shop, and when the police come in you don't want felonies running junkyards and chopping up cars, and is the site suitable? Mr. Waznis bought this junkyard from the person who had been running it, for at least 10 years. Technically, the only thing you are here to consider is whether he is qualified, and is the site suitable? You have not arrested him, he is not a felony, and the site hasn't changed. The law also says that these types of proceedings are not to be used as enforcement proceedings, and that is exactly what you have done here. The procedure has gotten out of line. Atty. Koban said that how this happened is that a few

years ago; someone decided that he should have a swale built on his property to catch water. Mr. Waznis came to this board and said he would do it. He built the swale, and he has oil separators, and he got an engineer. And he paid a lot of money to have that done. When he went to get his license the next year, the list expanded and the swale was suddenly no longer good enough. He's come here and said he'd solve the problem by putting sides on the building. You told him no, you don't want sides on the building. Conservation then complained that water was coming in the sides. From a legal point, he doesn't think Mr. Waznis had to do that. He has not been cited by the DEP for anything, nor has the Conservation Commission cited him. No one has ever taken a water sample to show there is anything on the site. But we have tried to comply. He built a fence; he got rid of most of the tires. He spent \$2 a tire to have them removed, and he spent tens of thousands of dollars.

Atty. Koban said that part of their frustration is that the board members change, and over the years different members have different ideas. He spends money doing something required, and then the next year, he is told that isn't good enough, do it this way now. It depends on who is looking at it. He doesn't have the money to keep doing it.

Jim Giebfried said that he is not environmentally friendly, and they are trying to work with him to become environmentally friendly, so that they do not have to issue any cease and desist orders.

Atty. Koban said that an environmentally friendly junkyard would probably never happen. They don't want to be forced to be the model junkyard in the United States.

Jack McFeeley said he is asking you to be a responsible junkyard and work together cooperatively with this Board and this town, as we proposed four or five years ago with or without counsel. We thought we had an agreement that we would go along with. Jack said he was willing to cut Mr. Waznis a little slack, and he was willing to forego the LSP. Jack said that Mr. Waznis explained to him all kinds of things that he would do. Jack was skeptical, and sure enough, to this day none of this has been done. Jack said he has not removed any of the vehicles from outside the fence. We want you to define the boundary with the markers. We want him to move the stuff running down the hill.

Ramesh agreed that only one and a half of the five conditions have been done. He would like to see some more of these done.

Jim Giebfried explained the process they used to secure an LSP.

Joyce asked Atty. Koban what he is looking for from the Board? Atty. Koban said that time, for one thing. They discussed the conditions. Atty. Koban asked Jim Giebfried how would they know when they've complied? Jim said by working with their engineer. It will be monitored. Jack said that for the property to be suitable, he does not consider it suitable if contaminants are running along the property, toward the Stop River.

Joyce read Chapter 140, Section 50 regarding Class 3 Licenses. After reading that, she feels they are within their rights to suspend the license if they want to. She said they haven't cited him; they have tried to work with him instead. She feels she would want to suspend his license.

Ramesh would be in favor of suspending his license until the five conditions are met. And once these are met, he would like to go back to the other seven conditions. Jack said he would like to ask Atty. Koban what their plan is at this point? Atty. Koban said he still questions #4 – what is required by the Conservation Commission? There is no enforcement order. They would like some input as to who the LSP is. They don't particularly like someone who is under the Conservation Commission's control? Joyce asked if Jack is willing to suspend the license? Jack put it back in Atty. Koban's lap. He commented on the different conditions. He asked if they could come back in 4 weeks and present the name of an LSP. The engineer they hired in Illinois is not an LSP.

The Board will give him until April 26th to come in with a list of LSP's, and show progress on the other 4 conditions.

Jack McFeeley moved that they would come back with a list of LSP's for the Board's review and approval and essential completion on the remainder of that list by April 26th. Ramesh Advani seconded, and it was so voted by Jack McFeeley and Ramesh Advani. It was voted no by Joyce Terrio.

### **CAPITAL OUTLAY COMMITTEE**

Present was Butch Vito, Jim Tomaszewski, Art Spruch, Jim Giebfried, Tom Poppey, Arlie Sterling and Kathy Lovell.

Tom Poppey was spokesperson. They discussed the capital process, which was the capital recommendation, and then recommendations of debt funding.

He gave the Board a list. He said it was a thorough process. He said they interviewed and met with each department that had a request, and considered each request offline.

They had a considerable discussion with Art Spruch, Jim Giebfried, and Butch Vito regarding the GIS applications.

Following the Capital Outlay Committee discussion, Bob Markel presented his Town Administrator report.

At 11:10 p.m., Ramesh Advani moved to go into executive session to consider the purchase, exchange, taking, lease, or value of real property. Jack McFeeley seconded, and it was a roll call vote: Joyce Terrio, aye; Jack McFeeley, aye; and Ramesh Advani, aye.

At 11:18 p.m., Ramesh Advani moved to go into executive session to consider strategy with respect to litigation. Jack McFeeley seconded, and it was a roll call vote: Joyce Terrio, aye; Jack McFeeley, aye; and Ramesh Advani, aye.

At 11:32 p.m., being no further business, Ramesh Advani moved to adjourn. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of April 5, 2004.

---

John J. McFeeley, Clerk

## **SPECIAL MEETING**

**April 12, 2004**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at 7:34 p.m. Bob Markel read the agenda contents.

### **FRED PFISCHNER**

Present was Fred and Charlotte Pfischner, 5 Cleveland Street. This is a continuation of the March 22nd meeting that was postponed until tonight.

Joyce Terrio asked Fred Pfischner if he had reviewed the correspondence given to him on the evening of March 22. Fred said yes, and told the Board that he responded in writing. He asked that his wife be allowed to read his response into the record, due to his voice problem. He presented the Board with copies of this response. Charlotte Pfischner read the response aloud. After reading this, Mrs. Pfischner then left the table and went and sat in the audience.

Ramesh Advani wanted to talk about his overall working with the Commission. Ramesh said he is concerned about Fred doing work in town. He said he finds conflicting events – one described by George Hall, and one described by Fred Pfischner. Ramesh said he sees it in a broader sense, such as conflict of interest. He is trying to decide if this is the case.

Fred said he doesn't think there is any disagreement of it being a conflict of interest. That is not an issue, and that is why he recused himself. The issue is that he did recuse himself, but didn't leave the room during deliberations. Ramesh asked if there are other things he has been involved with that could put things in jeopardy in terms of operating effectively as a Conservation Commission member? Fred replied no.

Jack said he needs to absorb some of what Fred has said. He may want to talk to George Hall. Jack told Fred that some of the things he just said disturbed him. Jack said that he needs to get the facts straight. There are some inconsistencies between what Fred has said, and what George Hall has said. Jack said Fred said there would have been a conflict of interest, that's why he recused himself. He questioned whether he should have removed himself from the room. Jack said the issue is a little bit greater than that. There are times when you should and shouldn't remove yourself. Jack said that in this particular case, not only did you not remove yourself from the room, but by your own admission, your wife was there presenting your case for you. Your wife spoke on your behalf, and you were coaching her as she was presenting your case. Fred said there was questions asked that she couldn't answer. Jack said that falls far short of recusing yourself. Fred said he could have helped her answer the questions while I was in the meeting room, or she could have left the meeting room and met me in the foyer and I could have answered them, and then come back. He doesn't see the difference.

Jack said that in your letter, #3, you state that you told George Hall that you were not acting as an agent or attorney for the property owner. You were acting on your own behalf without compensation. Jack read from a letter from George Hall wherein George said that yes, this conversation happened, but he did tell him that while he might have an interest in fixing the problem, he was not the owner or applicant, and that for purposes of the State Ethics Act, he would be considered to be acting as agent for the owner and applicant, not himself. George said they argued back and forth on this point several times, and George offered to write Fred a formal opinion, and he declined the offer saying that he was going to go to the hearing anyway because he felt he had no choice.

Fred says George's opinion is why he recused himself. Jack said that that is what they are determining. Did he really recuse himself?

Jack asked if they got permission to call George Hall? Bob Markel said that Marie Simpson questioned if Fred would be allowed to call George Hall? Bob said yes, and called George and advised him that Fred would be calling. He said he wanted to be sure George would take his call.

Fred said that Matt Watsky suggested Fred talk to Town Counsel. Jack asked how Matt Watsky played into this? Fred said he is a friend, and an attorney. Fred said he never talked to Marie Simpson about this. Fred said he was never a party to any of what Jack is reading from George Hall's letter.

Fred said he told Jim Giebfried prior to the Conservation Commission meeting that he was going to recuse himself. Matt Watsky told Fred he is not Hallett's attorney. Jack asked Fred if Mr. Watsky appears before the Conservation Commission on other issues. Fred said yes. Jack asked Fred if he recuses himself when Matt appears before the Conservation Commission? Fred said no. He said he never recuses himself when

friends appear before the Commission. Fred said he doesn't work for Matt, nor does he work for him.

Jack read a comment Fred made in his letter to the Board. "It was my professional obligation to brief anyone that represented me, extensively, and be available to help answer any questions." Jack said he disagrees, that does not mean that you recused yourself. Fred said that you couldn't send someone to a meeting blind, and expect them to know the facts in order to represent him. They have to be prepared. Fred asked how you prepare someone to represent you, without telling them what the issues are?

Jack then asked Fred what does recuse mean? Fred said to not participate in the discussion. Jack said that you did participate. Fred said he didn't. He answered questions. Fred said you weren't there.

Fred said the Board should define to all Boards/Commissions what "recusing" yourself means. Do you leave the room? Do you not? Jack says there are times when you leave the room, and times that it is not necessary to leave the room.

Ramesh said he would like to be clear. What is your definition of recusing yourself from proceedings, and what does participating in a discussion mean?

Fred said recusing yourself means you cannot vote. You don't have to leave the room, but you can't participate in the discussion unless you are personally involved in the situation. Participation means sit and listen. Ramesh asked how you describe discussion with someone who is representing you. Is that participation in the proceedings? Fred said he wouldn't do that.

Ramesh said he doesn't feel that him not leaving the room is the end of the world, but he feels that active participation is not recusing yourself. Ramesh said that when someone is representing you, and they are not fully prepared, and you are aware of the ethics law, isn't it your responsibility to prepare the person completely to have any question answered. The person should have been prepared adequately ahead of time, and that responsibility is yours.

Jack said we do have these minutes and he assumed they were voted on by the Conservation Commission. Marian Harrington explained that they are not complete minutes, but was done as a draft for the Board's use in tonight's meeting. Jack mentioned the third paragraph of the second page of minutes referring to the State Ethics Code. Fred said he never heard that, and didn't participate in that discussion. Joyce said that Mr. Pfischner was not able to see the minutes of that Conservation Commission meeting. Fred was given a copy of the draft Conservation Commission minutes that the Board was referring to. Joyce told Fred that we have a very different opinion of recusing yourself at a meeting. We also have comment and dialogue from George Hall where he says that it would be better for you to avoid a personal

appearance before the Commission regarding any ethical issues. What is the pleasure of the Board?

Jack would like to continue the hearing, so that he can check some of Mr. Pfischner's comments either in person, or in correspondence. Jack would like George Hall to respond to some of Fred's comments.

Ramesh would like this continued only if we can do this and resolve it before Joyce Terrio goes off the Board, because he knows the Board is changing its composition at the annual election in May. Ramesh also feels that we should have George Hall present at this meeting.

Ramesh and Jack both read excerpts from George's letter. They would prefer George here to respond to his comments.

Fred said he would like someone from the Commission here to answer, as well, most probably the person who filed the complaint against him. He said he doesn't need to be here.

Ramesh disagreed and said that although he doesn't have to be here, he should be here. Ramesh said you are sending a message and Ramesh certainly hears the message. Ramesh was uncomfortable meeting without Fred here.

Fred said that he asked specifically that Jim Giebfried (Chairman of the Conservation Commission) be at the meeting. He was not present. Fred said he expected Jim Giebfried to be here tonight, as well as George Hall. He cannot schedule his meetings around them. Joyce said that Jim Giebfried was invited to both meetings, and chose not to attend. George Hall was not invited, because we had his letter.

Joyce Terrio asked Fred if he could attend on April 26th? She said that at the prior meeting, he indicated that he had a previous engagement on April 26 and could not attend. Is that still true? Fred Pfischner replied that he would be in Canada on April 26th. Ramesh asked Fred if he is okay with the Board meeting without him? Fred said he couldn't tell us what to do.

Jack McFeeley moved to adjourn this hearing to April 26, 2004 at 7:30 p.m. Ramesh Advani seconded, and it was so voted.

### **MARIE CHIOFOLO, TOWN CLERK**

Marie Chiofolo was present.

Joyce Terrio explained that there were some changes made to her budget, in the salary account, and Marie wasn't advised.

Marie said she met with Bob Markel earlier today. She thought they had come to an agreement. Then she talked to Jack McFeeley, who suggested she come to the

meeting tonight. Marie wants to be sure that the lines of communication between her office and the Board of Selectmen's office be open. This is not just budget issues, but any issues. She thought that the discussions went well.

Joyce Terrio asked where the budget sits? Bob Markel said it sits with the Advisory Board, with the recommendation of the Board of Selectmen. He said there are occasionally some last minute decisions, and said that the first budget given to the Advisory Board in January was \$19,000 short of being balanced. In the meantime, Jack Hathaway worked on some of the numbers on the revenue side. With some work on the indirects charged back to the Water Department and other accounts, there is a surplus of \$13,000.

Joyce said that the Advisory Board meets Thursday evening, and hasn't voted the budget yet.

Jack McFeeley said the issue was that all budgets get collected and reviewed by the Board of Selectmen, Town Administrator and Finance Director. They then try to make a budget that will work for everyone. He said that in passing everything through, they reduced the Town Clerk's salary line. It was more than the 2-3% that the rest of the town was receiving. Jack said that the issue is that Marie was never notified. It's not too late. The Board of Selectmen was not aware that this reduction was made in the Town Clerk's salary line, either.

Ramesh asked if all the changes made in the other departments have been made aware. Does everyone know? Bob and Jack responded yes. They said the big hits were made to the Highway budget, and Jack said he informed Butch Vito himself. Bob said that the only department he is aware of that wasn't notified is the Town Clerk. He did admit that he was going to advise Marie, and neglected to.

Marie explained that she has three budgets. She is an elected official, and depends on town meeting to set her salary. She doesn't have the luxury of going to the Personnel Board or Town Administrator to negotiate a salary, or get a job reclassification. Jack McFeeley said that she depends on the process.

Joyce Terrio asked her what was the bottom line? Marie said that Bob couldn't promise her anything. He did say there was a surplus and he would discuss it further.

Marie said that the big picture isn't the money. The problem here is that no one bothered to tell her. She did not expect to have to sit here at a meeting on TV, in front of everyone and discuss this. The Board apologized, and promised better communication.

## **ACTION ITEMS**

Jack McFeeley moved to allow the Garden Club permission to install three sandwich board signs from April 24th through May 8th, at Main Street at Boardman St., North

Street at Pond and Needham Sts., and Main Street at Independence Drive. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to allow the Norfolk Lions Club permission to setup a trailer truck box in the Highway Department parking lot to be used for Lions Club storage, subject to Butch's understanding and agreement to their letter. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to grant the Norfolk Community League permission to conduct their 8th Annual Run/Walk on June 12, 2004, prior to the start of Community Day beginning at 9 a.m., contingent on Chief Stone's approval of the route. Jack McFeeley seconded, and it was so voted.

Jack McFeeley discussed cleaning up trash around town. Jack suggested the Lions Club clean trash around the Town Hall. Joyce said that is a discussion for the Lions Club, not the Board of Selectmen. Ramesh wanted to bring this up on a larger note, and perhaps have a certain day that is declared as "clean-up day" or whatever, and reach out to all residents in town to become involved. He is thinking beyond the Lions Club.

### **TOWN ADMINISTRATOR REPORT**

Bob Markel reported that Legislation for the Special Act to have a DPW in town has been stalled in the Legislature. Bob has found out that everything has taken a back seat to the Gay Marriage discussion. He said that gay marriage has stalled state legislature. He said that it is in the third session. There really isn't any opposition; it is just that we need to get the wheels in motion. It is too late to put a question on the ballot. We would either need a special election, or we will have to wait until the elections in the fall. Bob doesn't know when this will be approved. He checks with Greg Casey of Senator Brown's office weekly.

MBTA agreement is in George Hall's hands. Ramesh would like to set a target date to get it approved and out. The Board would like to review the Agreement.

Bob discussed the position of Fire Chief. He gave the Board a name, and said he would like to recommend this person to the Board. Jack asked if they have discussed salary. Bob said no, but feels they are in the ballpark. Bob asked if you have discussed living arrangements. Bob said yes, he does not think this individual would have a problem. He said it would be impossible for this individual to commute, as it is 101 miles. This candidate is a unanimous decision of the screening committee. Bob contacted his references, and he received strong references.

Jack doesn't feel he needs to meet him. Ramesh and Joyce both indicated they would like to meet with him. Bob will pick a particular day, and the Board will meet with him one on one, and then Bob can discuss negotiations.

At 9:17 p.m., Ramesh Advani moved to go into executive session to discuss strategy with respect to collective bargaining. Jack McFeeley seconded, and it was a roll call

vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye. The Board will return to open session briefly.

Jack McFeeley moved to award the bid for two (2) Ford Crown Victoria's to A and Silver Auto Sales of South Boston for a total bid price of \$1,406. The 1995 Ford Crown Victoria was \$628 and the 1996 Ford Crown Victoria was \$778. Ramesh Advani seconded, and it was so voted.

At 10:57 p.m., being no further business, Jack McFeeley moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of April 12, 2004.

---

John J. McFeeley, Clerk

## **SPECIAL MEETING**

**April 15, 2004**

Present was Joyce E. Terrio and Ramesh H. Advani. John J. McFeeley and Robert T. Markel were not present.

A brief meeting was held in the H. Olive Day School parking lot at 6:16 p.m. Ramesh Advani moved to reconvene this meeting to 7:30 p.m. in Town Hall. Joyce Terrio seconded, and it was so voted.

Joyce Terrio opened the meeting at 7:30 p.m. in the Selectmen's Office Conference Room. Present was Joyce E. Terrio, Ramesh H. Advani, Robert T. Markel, and Coleman Bushnell, Fire Chief candidate.

Bob Markel reviewed the process of applications, screening committee and interviews up to the ultimate recommendation. The Board had an informal session to get to know the potential future Fire Chief.

The Board executed the reimbursement paperwork for King Philip. The Board also executed MAPC nominations.

Ramesh Advani moved to allow signs to be installed for Stony Brook's Earth Day event. Joyce Terrio seconded, and it was so voted.

Sen. Brown – update on Delta House and DMR. We hope to have finalization from them possibly on Monday.

Ramesh Advani moved to waive the construction permit fees for the expansion of the Norfolk Library project. Joyce Terrio seconded, and it was so voted.

At 8:10 p.m., Joyce, Ramesh and Bob then attended the Advisory Board meeting in Room 214.

At approximately 8:50 p.m., John J. McFeeley joined the meeting.

Jack McFeeley moved to open the warrant. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to accept three (3) new articles. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to close the warrant. Ramesh Advani seconded, and it was so voted.

The Board then continued on at the Advisory Board meeting with discussion on budget issues and updates.

This is a true and accurate report of the Special Meeting of April 15, 2004.

---

John J. McFeeley, Clerk

## **REGULAR MEETING**

**April 26, 2004**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:33 p.m. Bob Markel read the agenda contents.

Jack McFeeley moved to reopen the hearing on Fred Pfischner, Conservation Commission member. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to adjourn the hearing on Fred Pfischner, Conservation Commission member, until 8:15 p.m. Ramesh Advani seconded, and it was so voted.

## **ACCEPTANCE OF MINUTES**

Ramesh Advani moved to accept the minutes of March 8, 2004, March 22, 2004, March 29, 2004 – special meeting, April 12, 2004 – special meeting and executive session, and April 15, 2004 – special meeting. Jack McFeeley seconded, and it was so voted.

Jack McFeeley moved to approve Gasoline Storage Licenses for 2004 to G. Cronin & Sons; Daley Service Station, W.T. Holmes Transportation, Camger Chemical Company, and Norfolk Highway Department. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to release the following street opening permits per the Highway Superintendent's recommendation: #02-44, 10 Campbell St., Lot 2; #02-45, 14 Campbell St., Lot 3 and #03-04, 33 Holbrook St., Lot 5. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to waive the applicable permit fees for the construction of the shade structure at the Pond Street Recreation Facility. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to allow the Norfolk American Legion Post #335 to conduct their annual poppy drive at the Transfer Station on May 22, 2004, from 8 a.m. to 4 p.m., with 2 adults present. Jack McFeeley seconded, and it was so voted.

Jack McFeeley moved to allow the Norfolk Airport Committee to raise awareness of the Norfolk Airport property as it pertains to Town Meeting, at the Transfer Station on May 8, 2004 from 8 a.m. to 4 p.m., with 4 adults present. Ramesh Advani seconded, and it was so voted.

### **EMPLOYEE INSURANCE ADVISORY GROUP**

Margaret Smith and Anne McKenzie were spokespeople for the group.

Anne McKenzie said the employees are picking up 45%, and the town is paying 55%. Anne said they would like the town to pick up 60%, and the employees will pay 40%. They are comparing themselves with other towns. She said that most towns are paying at least 75% or more. Anne said that employees are willing to increase our co-pay to get a cheaper premium. The difference between 55% and 60% is \$26,000. Margaret Smith said that we are talking \$26,000, and you are probably wondering where this funding will come from. They are now billing for Medicaid, and should be bringing in \$40,000. Margaret introduced Steve Corder with Mass Billing Services. He discussed bringing in Medicaid revenues, which is based on special education population, and students under Mass Health (recipients of Medicaid benefits). They can bill on these students. We have 26 students on special ed that receive Medicaid benefits. This is about 10%. There are about 260 special ed students.

Another phase of administrative activity claiming? He feels this program will generate about \$40,000. Steve said that it is rare that you find a town that doesn't do the Medicaid billing. Most towns do it.

Joyce asked what extra personnel would be required to take care of this? Margaret replied one Medicaid clerk for about \$9,000 a year. Ramesh asked if this is such a

great thing, why haven't we done it in the past? Margaret didn't know. Bob said that most communities do the Medicaid billing, and have since the early 1990's.

### **FRED PFISCHNER**

Jack McFeeley moved to reopen the hearing on Fred Pfischner. Ramesh Advani seconded, and it was so voted.

Joyce said that we had the hearing. Mr. Pfischner wanted time to read documentation we gave him that he had not seen. Fred came back in on April 12th, and gave us his response to a lot of the documentation. Fred knew it was adjourned until tonight, and told the Board that he would not be here, but said twice that it was okay to go ahead without him.

We did ask the Chairman of the Conservation Commission to be present tonight to offer any comments he may have. We have also asked for Town Counsel's written reply, which just came in today.

Jim Giebfried came forward. Jim said that they have submitted minutes, emails and correspondence on this matter. They asked Town Counsel for his opinion on how he thought this should be handled. Jim said the correspondence we gave him tonight seems to reflect the way he recalls it happens. Jim said that in speaking with Fred, he was under the assumption that the way he was acting was appropriate. He later found out that this was not true.

Jack asked Jim if there is anything in George Hall's letter that he disagrees with. Jim said no. He concurs with it.

Ramesh asked Jim about the minutes and it said that he asked Fred to stay away from the table. What happened at that point? Jim said Fred came up to the table and took out a pen and drew a mark on the plan. He asked him to step away and told him he couldn't act like that in the meeting. Jim said he went back and sat in his chair, after he was finished drawing.

Joyce asked if there was anyone here that was representing Fred, or wanted to add to the conversation? No. Jack asked if there was anyone here that wanted to contribute to anything that's already been said? No.

Jack said that he regards Fred as a good friend, and finds it difficult because he has known Fred for more than 20 years. He said that more importantly, he has a greater responsibility here, to make sure that board members that the Selectmen appoint, to be sure that their behavior and their conduct conforms to certain expectations. The Conservation Commission is one of the special boards in town, and we have to hold them to a higher standard than other boards, because of the nature of what they do. That is why there is a state law applicable relative to enable this Board to remove a member for cause upon a proper investigation and a public hearing.

Jack said that there were times in the past when we sought Town Counsel's opinion on a subject. There have been times when Town Counsel did not give him the opinion he thought he would get. Jack always said that if he is not going to follow Town Counsel's opinion, we are not paying him to not be heard. He puts great trust in George Hall here, and relies on his opinion. Jack read from George's letter.

Jack read the last paragraph of George Hall's letter, and is ready to make judgment now.

Ramesh also said he has known Fred for a very long time. Ramesh thought when he appointed him that he would give us the expertise that we needed on this Commission. Having gone through the minutes and procedure that took place that day, Ramesh said that Fred what he regrets to see is that Fred understands and agrees that there was a conflict. He recused himself, and that he came up just to explain things to his wife. Ramesh said after reading George Hall's description of his conversation with Fred before the meeting, Ramesh feels that Fred was quite aware of the nature of the hearing, and was well aware of what was going to happen. He knew exactly what was happening. Ramesh is sorry that we have had to come to this pass, but knows what he would like to see happen.

Joyce is disappointed. She has known him for years, too. Had great hopes when we appointed him. This is a blatant misinterpretation, and a blatant violation of state ethics.

Jack said this prevents the matter from going before the State Ethics Commission, where he could be in more serious trouble and/or fined.

Jack McFeeley moved to remove Fred Pfischner from the Conservation Commission for cause, and so notify the Commission that a vacancy exists. Ramesh Advani seconded, and it was so voted.

At 8:47 p.m., Jack McFeeley moved to close the public hearing. Ramesh Advani seconded, and it was so voted.

The Board revoted: Jack McFeeley moved to remove Fred Pfischner from the Conservation Commission for cause, and so notify the Commission that a vacancy exists. Ramesh Advani seconded, and it was so voted.

## **TOWN ADMINISTRATOR REPORT**

Bob stated that the Information Desk is up and operating. He explained that there is an Information Desk to the left as you walk in off the parking lot. He said that there is a need for volunteers to help hold down the fort.

Bob said that with respect to the Fire Chief, he is at the point of concluding negotiations. Bob will be sending off a contract for the Board's approval. He is hoping to have a Fire Chief by the third week in May.

The Library is in the process of relocating in order for the construction project to begin. Route 1A, former cable studio will house the adult library. The children's library will be in Town Hall. Books will be kept in trailers at the Highway Dept. garage, and books will be shuttled back and forth. By state regulations, the Library must remain open during the construction project.

### **OLD/NEW BUSINESS**

Butch Vito agreed the traffic study will be submitted by the Board of Selectmen, not the Road Safety Committee.

Butch Vito said he has ordered the pole for the light at the HO Day School. The light should be in June 1. It will be tied into the school and paid for by them. The light will have a switch, and can be controlled by us. Jack suggested he run this by the School Committee, because it's their property. Butch said he talked to Toby Lyons at the School. Jack doesn't think the light will work, as he thinks the light will blind the cop. Butch talked to NSTAR. You might want to put the light on the side where the cop isn't looking at traffic exiting the school.

Jack McFeeley read Charlie Jones' letter. Jack found his opening line offensive regarding his tax bill letter.

The Board discussed the parking at H.O. Day School during elections. Marie Chiofalo said that with the November election, she talked to the School Committee, and they have closed the school for that day. That will increase parking, and there won't be staff parked there. Also, she has extra police details on duty. Jack mentioned that there hasn't been a presidential election at that facility yet.

Marie said that wherever we have it, there would be a parking issue on that day. Butch Vito agreed, and said that they are trying to see about more parking. Butch said we should look at the Medway Street access. Butch said it is gated, but we could use it. He said that way traffic could enter one way and exit another. Traffic would flow more smoothly. Marie plans on a 90% voter turnout of 5700 voters in November.

The Board discussed the Malone's. Butch will send a letter, certified mail, to Mr. Malone informing him that he will go with the original plan to cut trees and provide access to Stony Brook.

The Board agreed to respond to the Country Gazette article. Jack will draft it, and give it to the members to review.

At 10 p.m., Jack McFeeley moved to go into executive session to discuss contract negotiations. Ramesh Advani seconded, and it was a roll call vote: Joyce Terrio, aye; Jack McFeeley, aye; and Ramesh Advani, aye.

At 11:12 p.m., Jack McFeeley moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of April 26, 2004.

---

John J. McFeeley, Clerk

## **SPECIAL MEETING**

**April 29, 2004**

Present was Joyce E. Terrio and Ramesh H. Advani. John J. McFeeley recused himself from this entire discussion, and Robert T. Markel was absent.

Joyce Terrio called the meeting to order at 8:30 p.m.

There was a discussion regarding the existing medical insurance premium costs for the Town of Norfolk employees to consider changing the split of cost sharing between the Town and the employees.

The current split is the town pays 55% and the employees pay 45%. The data presented by the Finance Director and the suggestion made by the Insurance Advisory Committee was discussed in detail. After consideration, Ramesh Advani moved to raise the existing share of the Town's portion of premium from 55% to 58% for the coming year, assuming the rate reduction includes a credit of 5% from the carrier, based on the new co-pays of \$15 for office visit, and \$25 for emergency room. Joyce Terrio seconded, and it was so voted. Jack McFeeley was not part of the vote.

The following points were raised in consideration before arriving at this decision:

The Board of Selectmen thanks the Insurance Advisory Committee for the effort and time spent on discussing medical costs and coming in to present their findings and suggestions. The Board is sympathetic to their cause, and agrees that we should find ways to increase the share of the Town portion of insurance premiums to reduce the burden on the employees.

The Board supports the idea of doing so gradually over time, keeping in mind available funds in a given year, insurance costs and available sources of revenue.

The source of revenues suggested by the Insurance Advisory Committee could provide funds in the future years, but until the program (Medicaid Mass Health for SPED) is set

up and running by the School Business Office and the Town, this is an uncertain source of funds for the coming fiscal year to fund an increase beyond a 58% share. Going up to 58% will be possible by the Town passing on its entire share of savings from this one-year credit proposed by MIAA, to the employees in order to fund this increase.

For the next year, it will be important to factor in any different considerations or alternatives that the Insurance Advisory Committee may propose after their review of existing providers and others that they are planning to do. The Board is looking forward to the recommendations for our consideration.

At 8:57 p.m., being no further business, Ramesh Advani 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, 2004.

---

John J. McFeeley, Clerk

## **SPECIAL MEETING**

**May 4, 2004**

Present was Joyce E. Terrio, John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator.

Joyce Terrio called the meeting to order at H. Olive Day School Library at 8:00 p.m.

Ramesh Advani moved to accept the Patrolman's Agreement tabled by Dr. Markel starting in Fiscal 2005 (July 1, 2004) to cover the period 2004-2006. Joyce Terrio seconded and it was so voted.

The Board discussed the Town Administrator contract. Ramesh Advani moved to approve the Town Administrator contract with changes as discussed in Section 4 and attached a new Appendix that provided milestones required to be achieved. Jack McFeeley seconded, and it was so voted.

The Board took a recess to check on the election results. Jim Lehan, who was sworn in by the Town Clerk, was present and the meeting reconvened in the Library. Jim Lehan was present for this portion of the meeting.

Ramesh Advani moved to reorganize the Board of Selectmen, and nominated Jack McFeeley as Chairman. Jim Lehan seconded and it was so voted.

Jim Lehan moved to appoint Ramesh Advani as Clerk. Jack McFeeley seconded and it was so voted.

At 9 p.m., with no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded and it was so voted.

This is a true and accurate report of the Special Meeting of May 4, 2004 of the Board of Selectmen.

---

Ramesh H. Advani, Clerk

## **SPECIAL MEETING**

**May 5, 2004**

Present was John J. McFeeley, James C. Lehan, and Robert T. Markel, Town Administrator. Ramesh H. Advani was absent.

Also present was Advisory Board members James Ward, Jonathan Smith, Nina Roe, Arlie Sterling, James Tomaszewski, Clerk Dotty Strohl, and Marc Waldman and David Benton came in late. Capital Outlay Committee Chairman Ed Melanson, Town Clerk Marie Chiofolo, and Finance Director Jack Hathaway.

Jack McFeeley opened the meeting at 7:08 p.m., and stated that it was a Mock Town Meeting only.

Bob Markel announced that we now have a new Fire Chief, to start on May 17, 2004. His name is Coleman Bushnell.

Jonathan Smith, Advisory Board Chairman, presided over the Mock Town Meeting, as Frank Gross would be late, if he attended at all.

Jonathan told the Board that they would start town meeting at 7:30 p.m. At 7:35 p.m., it would be suspended to begin the special town meeting that was adjourned from March 30th to this date and time. This would be for the airport discussion, however, Jonathan has heard that they would like to move it to Thursday evening because Kevin Hughes cannot be present Tuesday evening.

The Board reviewed articles. Bob Markel said that with respect to the IT Coordinator position, the Selectmen recommend to IP this, and bring it up in the Fall. Highway salaries will be deducted by approximately \$15,500, spread across salaries. This will make a lower influx from free cash.

Bob Markel said he and Jack could give a quick revenue picture at Town Meeting, since they are always asked.

The Annual Capital Budget will be broken down into 4 articles – 7.1, 7.2, 7.3. and 7.4. Ed Melanson will speak for the school septic issue. Jack Hathaway will speak on 7.2, regarding the Transfer Station vehicles. 7.3 are for the fire truck. Acting Chief Peter Petruchik will speak to this article. 7.4 is the Phase II Storm Water article. Capital Outlay and Butch Vito will speak to this article.

The Board discussed back and forth the article to settle a lawsuit for the School. Is this considered an unpaid bill? It would be settled as an agreement. Bob will discuss this with Town Counsel.

Bob said he already checked the Planning Board revolving article with Town Counsel, and they are fine.

Jack McFeeley suggested we have a more general discussion on Article 24, which is Personnel Authority with the Town Administrator.

The group had a discussion on Article 25 – the tree protection bylaw.

The group had a discussion on Article 26 – purchasing the “boy scout” property. Jonathan Smith doesn’t feel we can force the Community Preservation Committee to spend money. It has to be done through an article by them. Jonathan said he feels this could be hostile, because the owner does not want to sell and is already before the Planning Board. He feels it’s at least over two million dollars. Jonathan said the Moderator questioned whether eminent domain could be used for open space?

With respect to Article 36, Jack McFeeley said we would be transferring to the control of the Housing Authority with covenants and restrictions. Bob Markel will get a copy of the Housing Authority’s list of restrictions.

At 8:52 p.m., Jim Lehan moved to adjourn the meeting. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of May 5, 2004.

---

Ramesh H. Advani, Clerk

**REGULAR MEETING**

**May 17, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley had to leave the meeting briefly, returning at the start of the discussion with Mr. and Mrs. Lancellotti.

Ramesh Advani opened the meeting at 7:37 p.m. Bob Markel read the agenda.

### **JOINT POLE HEARING**

Chris Parella, Verizon representative was present.

The petition is for Boardman Street: On the easterly sideline, approximately 195 feet north of the intersection with Main Street, relocate Pole No. 2 approximately 20 feet south of existing location. Then approximately 110 feet north of the intersection with Main Street, relocate Pole No. 1 approximately 8 feet east of existing location. Verizon to transfer ownership of Pole No. 1 to Boston Edison Company. Main Street: On the northerly sideline, approximately 450 feet east of the intersection with Boardman Street, relocate Pole No. 84 approximately 4 feet south of existing location. 3 JO poles to be relocated, 5 old JO poles to be removed, and one old JO pole to become sole property of Boston Edison Co.

Mr. Parella explained that this is a joint request of Verizon and Boston Edison Company for Main and Boardman Streets. As curb line changes, they need to change the poles. They will cleanup the current location. Five poles are impacted, but will be replaced with three.

There were no abutters present.

Ramesh questioned the timing. Chris said they are behind the eight ball, and the project has been looking to get underway. Weather is a factor. They will get this on the schedule as soon as they can.

Jim Lehan moved to approve the joint petition for joint pole relocation and transfer of ownership of one of the pole from Verizon to Boston Edison. Ramesh Advani seconded, and it was so voted.

### **ACTION ITEMS**

Jim Lehan moved to approve the FY'05 DPW Supplies and Water Chemicals, as per the attached documentation. Ramesh Advani seconded. It was so voted.

Jim Lehan moved to award the paper contract to W.B. Mason. Ramesh Advani seconded, and it was so voted.

### **LANCELOTTI'S**

Anthony and Nancy Lancellotti, Lake Street present.

Anthony Lancellotti explained that they need a response from the Board regarding litigation against the Conservation Commission. He said the clock is ticking, and he needs to know where to go. Mr. Lancellotti explained that they are trying to build a single-family home. No depositions have occurred and they need to get this done. They have tried to get this resolved. Their date is June 17th. Anthony said they would like to settle with the town, and prefer not to go to the trouble of depositions and discovery. It is time consuming and costly.

Jack said that town counsel told him you don't do depositions in a case like this. Anthony said that you do need depositions, and discovery.

Jack said that they were going to appeal, but they did not. Anthony said that they thought the Conservation Commission was going to comply with DEP, but didn't.

Anthony asked if he or Nancy could answer any questions for them. Ramesh questioned the streams. Indirectly it is hindering them, and shows up on the USGS map. The stream is dried and doesn't show if you view the property. It is not running all the time. DEP visited the site and saw first hand that it was dry. This was during a non-drought period. Jim asked if the Conservation Commission is still disputing this fact. Bob said that it is still being considered.

The Board will investigate this further with Town Counsel, and get back to them with a reply immediately.

## **MINUTES**

Ramesh Advani moved to accept the minutes of 12/29/03 special meeting, March 30, 2004 executive session, and April 29, 2004. Jim Lehan seconded, and it was so voted.

## **LIAISONS AND GOALS**

The Board will look at the liaison lists and make a list of what committee they would like.

The list of goals will be discussed on June 7th. Jim suggested categories for the goals, such as Communications, Finances, etc.

The Board started discussing the goals. Bob said that the first goal was reached by forming the Roundtable Committee. Jack said in his contract, a goal was put in for Bob to take charge of the Roundtable project. Ramesh feels we should continue to do more in the upcoming year and look at economic development in town as the economy improves. Jack suggested the Keeney Pond project, as well. Jim attended several roundtable meetings, and thought that they were a very useful tool. Jim said if they were meant to be shared with the townspeople, it isn't working. Jack said that wasn't the goal of these meetings. Ramesh agreed that the townspeople should be informed. The objective of the roundtable was to clear roadblocks rather than going from committee to committee.

Item #2 was to initiate an internal roundtable. Improve communications with and between town government and town boards. Jack stated that many projects are being worked on together, but separately. In other words, two boards could be working on the same project, but not communicating with each other, so they aren't aware that this is happening.

Jim wanted a post-mortem on the Library project and see what went wrong, what went right, etc., as it's a disaster. He said we need to learn our lessons when the time is right.

Ramesh said that we have done the Information Desk. Our website has significantly improved. We have improved communication in print. The Board can do more with communicating between boards.

### **PETER CHIPMAN**

Present was Peter Chipman and Butch Vito.

Jack said we are here to discuss the 201/220 Agreements. Jack said there is a long history that he won't get into. Jack mentioned an email he received from Peter from last Friday that listed conditions. Jack asked if anything came in today. Everyone replied no.

Peter listed three conditions that he feels are outstanding. One is earth removal application date waiver. Jack read this condition that Peter asked for.

Jack said in Rev. #2 – Jan. '03? Peter asked for copies of what we were referring to, so that he could follow discussion.

The Board discussed what type of answer Peter would want. Peter said that we should go forward from here and hammer out an agreement, and have George work out the legalese. Jack said in a contractual term, we could not say that we will issue an earth removal permit for 100,000 yards for five years. We cannot put that in a contract. Peter said you could put contingencies on any type of contract. This is a property transfer. Peter said it is a contract. You can put any contingency in it you want. Ramesh asked if we have ever given out 100,000 yards for five years. Will this be precedent setting, and is he violating any laws? What are we afraid of, if we are precedent setting? Jack said yes, it is precedent setting. Jack said permits were granted for one year, and they could put conditions and be sure that they were met. Ramesh asked Peter's rationale and reasoning for why he wants this. Peter said: have any of you ever gone through site plan review in this town? The average time is multiple years. Throw that in with contingency planning, transfer with Weddleton and the MBTA. The reason for the 5 years is that it is going to be chewed up like nothing. The time and dealing with so many other boards. He doesn't want to have to deal yearly with a Board who could be completely different, and have a different agenda.

Jack said we couldn't impose our will on a future board. We cannot take away the responsibility of a future board. Peter said that is not true. You vote it now and they won't be voting it later on. Ramesh said he agrees we shouldn't bind a future board, but he agrees that on a practical basis and if someone were going to develop that area, wouldn't it make sense to do this for a 5-year period? Jack said yes, but we do it when he applies for the permit. It doesn't happen in a contract. Ramesh said Jack is willing to consider a multi-year permit, but not in a contract. Ramesh suggested putting it in the contract, but with specifications.

Peter said that Jack has a problem with this. Jack agreed that he does have a problem with this. He said that you couldn't bind a future board.

Butch said that he spoke with George Hall, and George said that you couldn't put this earth removal in a contract. You have to go through the process. You cannot tie up another Board. You can do this in the permit, but you can't do it in the contract.

Jim said everyone is willing to do a permit that would allow you to remove 100,000 yards for five years. It cannot legally be done through a contract, but the Board will agree it can be done through a permit.

Peter is requesting a waiver of the fees that go with the permit. He doesn't feel that he should have to pay for this, since it is a land transfer deal, of which we are a part. Jack said that this was already agreed to this. The Board will agree to all fees having to do with earth removal fees.

Hearing, advertisement, engineering and inspection associated with the earth removal permit.

Jim and Ramesh agreed that they would support the earth removal permit when it is submitted. He will try to get the application and plans to the Board no later than August 1, 2004. The town will waive all fees. The Board has assured Peter that if his application comes in with the conformity of what we discussed, then they will support his application.

With respect to Storm Water, Butch said that we are right in the numbers. We are talking 98,000 square feet after the taking. The system will take this. There is plenty of capacity. Butch said he needs to finish the drainage project.

Peter would like all eminent domain rights surrendered on both 201 and 220 Main St. Bob talked to George, who said that these rights couldn't be surrendered to bind a future Board. Jack asked if that is a showstopper? Peter said he would have to speak with his attorney. He doesn't always necessarily agree with George Hall's opinions. In other matters, the Board discussed the dugouts at the school fields. Should we wait for 2 weeks? Bob Bullock will give his recommendation as to safety. The Board agreed that if there is any danger at all, it should come down immediately.

Jack asked that we start scheduling Butch in on a monthly basis, same as we do the Finance Director and Water Superintendent. The Board will try to schedule all department heads at least once a month, or every other month for updates.

Bob Markel announced the DPW legislation, and the pending election.

Contingent on the Governor signing the legislation, Ramesh Advani moved to ask the Town Clerk to hold an election to put on the ballot for September 14th, the formation of the DPW of the Town of Norfolk. Jim Lehan seconded, and it was so voted. Jack McFeeley abstained.

At 10:45 p.m., Ramesh Advani moved to go into executive session for contract negotiations. Jim Lehan seconded, and it was a roll call vote: Jack McFeeley, aye; Ramesh Advani, aye; and Jim Lehan, aye.

At 11:41 p.m., being no further business, Ramesh Advani moved to adjourn. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of May 17, 2004.

---

John J. McFeeley, Clerk

## **REGULAR MEETING**

**June 7, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

At 7:04 p.m., Jack McFeeley opened the meeting. Bob Markel read the agenda contents.

### **PETER PETRUCHIK**

Present was Lt. Peter Petruchik, Fire Chief Coleman Bushnell, and Deputy Fire Chief Stephen Wood.

Jack McFeeley, on behalf of the Board of Selectmen, acknowledged Lt. Peter Petruchik's service to the Town as Acting Fire Chief during the months between Chief Kelley retiring in December, and Chief Bushnell being hired in May. The Board expressed sincere thanks and appreciation from the Board and the residents to Peter for his efforts, and most importantly, his sacrifices to his family in order to get the job done. He was given a Certificate of Appreciation from the Board.

Peter thanked everyone for their confidence in him and assistance while he performed the duties of Acting Chief.

Chief Bushnell said the transition for his coming aboard has been seamless. He said the foundation that Chief Kelley laid was superior. He thanked Peter for his help when he came to Town, and for all he did to help pave the way to a successful transition.

Deputy Chief Wood thanked Peter for all his help in the department on behalf of the entire Fire Department. Deputy Chief Wood said the department is proud of him.

Bob Markel said that Peter showed him more than he ever knew about the Fire Department. He also thanked him for the assistance he gave the Town, and sacrifices to his family.

Ramesh Advani said his presentation at town meeting, and at Chief Kelley's retirement party was outstanding. He expressed his thanks for a job well done.

Jim said he didn't go through the process with him, but said that he has seen the end result.

### **ERIN HUGHES – ARTS COUNCIL**

Erin Hughes as a music interest. She graduated from Skidmore, and her family is full of artists. She does dabble in photography. She has 2 children and feels art and music is very much a part of life. Erin is very interested in helping with the Arts Council. She has attended two meetings and is aware of what they do.

She hasn't any hard-core ideas yet, but she is involved in fundraising and has some music programs and things in mind. Ramesh questioned conflict resolution and how she would resolve it within the Committee.

### **TISH DONOVAN**

Tish Donovan is a resident of Maple Street. She is involved with Special Needs kids and works as a teacher. She is very interested in ADA compliance. She said she doesn't know a lot about the Committee. The Board suggested she contact Tom Terpstra or Barbara Ward to see when they meet, and what they are currently doing. They meet mostly when there is a project going on.

### **JEFFREY KANE**

Jeffrey Kane told the Board that this is the first Town he has owned a home in. He has over 11 years of construction experience. Has attended several Conservation meetings and is impressed with what they are doing.

Jim asked what his understanding of the ConComm's mission is? Jeff stated to protect the wetlands. Protect the watershed with all the development going on. He discussed mediating between personalities and developers.

Ramesh explained that Norfolk has been very protective of its natural resources. This is a board that's very active. Jeff said he would like to learn, as well. Ramesh asked how his style of work is. Mr. Kane said he is very up front. You know where he stands, and there are no questions later on. Ramesh asked him about working for the town, or doing what's right for the homeowner. Jeff said it would depend on what the mission of the Commission is.

Jack liked his comment on the resume, and said he is impressed with his credentials.

### **ANDY BAKINOWSKI- CONSERVATION COMMISSION**

Ramesh thanked him for volunteering. Looking back and now moving forward, how do you see yourself operating any differently? Andy Bakinowski said you learn from each experience. You learn from your mistake, past experiences and your successes. He said that the technical stuff is what he likes, and he will pursue that more than other stuff. He has been consulting for the Commission for the past two years. A has gotten some new licenses in public water supply and others. He has gotten them for professional reasons, but yet they will work with the Conservation Commission as well. Ramesh asked about the mission of the Conservation Commission – if there were questions that were subject to interpretation, what would you do? Andy agreed that if you come prepared, and what you are doing is defensible, there shouldn't be any questions.

Jim said he spoke with Andy Bakinowski for awhile this afternoon. It was mostly a discussion. It was regarding the Conservation Commission's mission, lessons learned, etc. Jim asked what would he do from prior experience that might change. Andy said he can't give specifics, but in any business, you are always learning. You need to think out of the box, and he feels that this is a dynamic board. Some people consider them too flexible. He has worked with and for people who have given him compliments and want to know when he will be back on the board. Jim said other things they discussed were Andy's background. Jim said his perception is that the Conservation Commission is one of the most difficult boards to participate in.

Jim asked why he wants to get back on? Andy said he likes the technical part, and the regulatory part. There is satisfaction in how you can see what you've accomplished.

Jack told Andy Bakinowski that he is impressed with his qualifications.

### **ERNIE ALIX – PERMANENT BUILDING COMMITTEE**

Ernie Alix, North Street. Jim Lehan asked Mr. Alix why he is interested in the Permanent Building Committee? Mr. Alix told Jim that he has been on this Committee before, but resigned. Ernie said that he was the Clerk of Works for Town Hall, and the H. Olive Day School. He said he is seeing things around Town that he doesn't like. Ernie said that the PBC members are anxious to have him return to the Board. He said that he knows a lot about things with this building that haven't been corrected. He

mentioned problems with architects, state laws, etc. Ernie said he resigned previously because he had no cooperation with prior individuals in the Board of Selectmen and office.

### **CHRISTOPHER TIMSON, ESQUIRE – 84 ROCKWOOD ROAD**

Present was Atty. Christopher Timson; his client, Jim Gagne, and Bob Bullock, Building Commissioner.

Attorney Timson introduced himself, and his client, Jim Gagne. Atty. Timson said that the property in question tonight is 84 Rockwood Road which is owned by Mr. Gagne. He said that the used car sales use should have come with the property when Mr. Gagne bought it. He said that as long as the use is within the framework or within reason, you shouldn't put a number on it. Atty. Timson needs to make a decision on whether to go to court or not because this is a business decision. He doesn't feel Jim Gagne is getting the "bundle of rights" that he bought with the building. Atty. Timson said he would like to resolve this and open up avenues of discussion to see what decision they can come to. He said that one of the rights Mr. Gagne is entitled to is a used car sales use. He researched it and found that there were around 10 vehicles being sold there, according to people they got affidavits from.

Jack McFeeley described the various licenses issued from Vi Ingraham through 1999.

Jack McFeeley said that we just received a copy of the Zoning Board of Appeals' (ZBA) decision. The decision clearly states that they have a limit of five (5) vehicles on the property. Jack McFeeley read the decision. Jack gave Atty. Timson a copy of the decision, which was mailed to him today.

Atty. Timson said that five is not a figure they feel is appropriate.

Bob Bullock said that he feels since the Zoning Board has had a hearing and made a decision, it would have to go to court to have their decision changed. With the zoning, it states that with a non-conformance use, you can only extend that use by 50% over the lifetime of that property from whenever it became non-conforming. We have to go back prior to 1968. In 1971, we added 47% to the non-conforming use. That only leaves 3%. Bob Bullock said that he grew up in this town, and he recalls only 2 or 3 vehicles being for sale there at any time. They were usually vehicles Vi used for his business and then sold. Bob Bullock said that this discussion came up during the ZBA public hearing. Bob Bullock said that at this point, he feels this would have to go to the Appeals Court to be overturned.

Attorney Timson said that they are prepared to do that. However, he feels that it can be resolved between the parties, and not go to court. He said they would need to file an appeal. He hoped this meeting could happen before the ZBA decision came out. Jack McFeeley said that his expectation from the time you wrote me the letter on April 26th to scheduling this meeting up to this point, was that was exactly what we would

be doing. We will check with our Town Counsel, however, he feels that Bob Bullock is correct. Jack said he thinks that both of their expectations as a result of that ZBA meeting was that they were going to toss this back to the Selectmen, and that was the purpose of the meeting tonight.

Atty. Timson said he had hoped to have this discussion prior to the ZBA ruling coming out. He doesn't think that the fact that the decision has come out, negates their ability to discuss the matter.

Jack McFeeley said that at the last meeting, you suggested to the ZBA that even 10 cars was a sufficient amount. Now the decision has come at 5 cars.

Bob Bullock said that this is an ancillary use for the businesses that are there. Not just the car dealership. The car dealership is a new business. Jim Lehan pointed out that there can be no advertisement whatsoever of the car dealership. Bob Bullock said that Mr. Gagne's landscape business could sell off some of the vehicles he has over time, and put up to 5 vehicles out there and sell them, but for him to have another business there as a used car dealership, that's not under this ruling.

Atty. Timson said that there has been a used car dealership there, and as he recalls a former Selectwoman (Helen Cleary) said that it was always known that if you had a vehicle to sell, you could take it to Mr. Ingraham, and he would sell it for you.

Bob said that under this decision, a used car dealership is not allowed. Atty. Timson said he would appeal that.

Jack said his understanding that the requirements of a Class II business is that it has to be their principal business. This is not Mr. Gagne's principal business.

## **ACTION ITEMS**

Jim Lehan moved to allow the Norfolk Community League permission to place a sandwich board sign at the entrance to the Pond Street fields and Main St. at the intersection of Independence Drive through June 12th to advertise their Run/Walk Road Race on Saturday, June 12th. Ramesh Advani seconded, and it was so voted.

The Water Department requested all electrical and building fees be waived, associated with the Gold Street Pump Station Renovations and Water Facilities SCADA System. The Board took no action on this request pending further information.

## **BOARD OF SELECTMEN GOALS**

Bob Markel read the 2004 Goals of the Board of Selectmen.

Jack McFeeley questioned the Internal Roundtable. It will be whatever key people have on their plate. This will keep all departments involved and knowledgeable about what

each is doing, as it may involve more than one dept. working on a project. This was a goal the Board gave Dr. Markel for the coming year.

Jack felt that the Board had made good progress on these goals. Ramesh agreed, but said a lot of work can still be done.

Ramesh felt the completion and finalization of the DPW Consolidation, and establishing an office for grant writing and a grant writing program are key.

Jack McFeeley and Jim Lehan both submitted written goals for FY'05. Ramesh had nothing to add, but liked both Jim and Jack's goals. He said we should categorize again like we did last year, and pick 4 or 5 goals as main goals to strive for during the year.. The Board agreed.

Jim felt we are very consistent on the goals in terms of broad definitions. He would like to see specific benchmarks under each goal. This would help measure them. There should be a bullet under here that applies to Leadership. He thinks it is a critical component of the role of this Board.

Ramesh will categorize a list of goals and forward it to the Board for review.

## **LIAISONS**

The Board agreed on the following liaisons: Jack McFeeley: Advisory Board, Affordable Housing Committee, Board of Assessors, Building Department, Capital Outlay Committee, Cemetery Commission, Charles River Pollution Control District, Charles River Watershed Association, Finance Department, Highway Department, Permanent Building Committee, Road Safety Committee, Treasurer/Collector, Town Hall Offices, Veterans Graves Officer, Water Department; Ramesh Advani: ADA Compliance Committee, Cable Committee, Community Preservation Committee, Conservation Commission, Council on Aging, IT Coordinator, King Philip School District, Norfolk Schools, Recreation Commission, Southwood Development, Tri-County Vocational School; Jim Lehan: Animal Control Department, Zoning Board of Appeals, Communications (dispatch) Department, Department of Corrections, Fire Department, Fire Station Project, Board of Health, Insurance Advisory Committee, Legal Counsel, Library, MAPC, Personnel Board, Planning Board, Police Chief and Lieutenant Contracts, Police Department, State Senator/Representative, Zoning Bylaw Study Committee; Bob Markel: Kingsbury Pond Committee, MBTA, Mirror Lake Study Committee, Norfolk County Advisory Board, SWAP.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel noted that because we are a heart-safe community, we now have the defibrillator in Town Hall hooked up to the Fire Department once the case is open. Once the door opens, it automatically rings at the Fire Department and the ambulance is dispatched.

The Permanent Building Committee asked Bob Markel to sign a contract for the contractor for the Library, so the project is underway. Jack questioned if there will be a groundbreaking.

Building Commissioner has determined that the dugouts at the Freeman/Centennial School must come down. Highway Department will remove the dugouts.

Bob Markel will get the Personnel Study Committee underway. The Board of Selectmen should be thinking of members they want on this Committee.

### **OLD/NEW BUSINESS**

Jim Lehan questioned a Committee to do the trees. Marie Simpson may have names to consider.

Jim would like to see more on the Town Center project on cable, as per the show Butch Vito recently did.

Jim discussed the sidewalk plan. He would like to see this progress. They are being scheduled for August.

Ramesh wants us to put the liaison list on the website.

Globe West had a community brief on the new DPW department. She quoted Bob incorrectly, and said that after the vote on 9/14, it will go back to town meeting. That is not true.

Ramesh Advani moved to appoint Ernest Alix to the Permanent Building Committee, the unexpired term and subsequent term, expiring June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh would like to open up for discussion possible candidates for town counsel.

At 9:23 p.m., Ramesh Advani moved to go into executive session for contract negotiations. The Board will not return to open session, except to adjourn the meeting. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye.

At 9:37 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of June 7, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**June 21, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

At 7:34 p.m., Jack McFeeley called the meeting to order. Bob Markel read the agenda contents.

### **CANDIDATE INTERVIEWS FOR BOARDS AND COMMITTEES**

Alyssa Flynn Poppey – Zoning Board of Appeals

Ramesh questioned some of her comments at town meeting. He said he wanted to get a sense of where she was with development, especially the town center. Ramesh said he is quite concerned after her comments at town meeting that we have this moonscape, and he really would like to see some commercial development just to improve our tax base. Alyssa said one concern she had at town meeting is that it affects the whole town, not just the moonscape. She was concerned about increased litigation for the town by not including loading docks on a footprint. She said if the footprint isn't included, it changes the build-to line. She was concerned about one project, because she didn't think it met criteria for a special permit. Alyssa was concerned about increased traffic congestion.

Jim questioned her input. Alyssa said she looks at ways to work with things. The downtown development is happening. What will happen to the rest of the downtown once this goes in.

Alyssa said that she puts personal visions aside and thinks about what is the best for the town.

### **Judith Ross, Affordable Housing**

Ms. Ross has been a school teacher in Norwood for 33 years. She is an elementary science specialist. Judith does professional development, and is a volunteer for Purrfect Cat Shelter. She has lived in Norfolk 19 years.

She is interested in the Affordable Housing Committee because of the Norfolk airport issue. She would like to be part of the process and be prepared. She would prefer to be in control, rather than have the developer be in control. She feels it is important that we have something in place.

Her accomplishment would be to adhere to the Planning Board's guidelines. She sees the value of multi-cultural, and would like to see it done in the proper way.

### **Janice Healy, Affordable Housing**

Janice Healy is a relatively new resident to Norfolk. She is involved in the Norfolk Airport Committee. This is what made her aware of this. She has spoken with Patrick, and he told her to consider this committee. She is for affordable housing. She feels it is a necessary requirement, and is needed in town.

Jim asked her how the airport committee made her consider this committee. She said that it was because she feels that all residents should be aware of affordable housing and any plan for this to happen.

### **Jennifer Tharrett – Mirror Lake Advisory Committee**

Jennifer Tharrett has lived here for 4 ½ years on Mirror Lake Avenue. She said that ¾ of Mirror Lake is in Wrentham, the rest is in Norfolk. She has wanted to be active in town, instead of calling when they need something.

Jennifer would like the Committee to be more involved with the neighborhood. She said there are probably more concerns that no one is aware of. She would like to keep the lines of communication open.

Jennifer didn't want to wait until something happened. The Board told her to talk to her neighbors, and see if there is any more interest in this Committee.

### **Michael Kulesza – Zoning Board of Appeals**

Michael Kulesza has lived in Norfolk for 7 years. He has 3 young children, and runs his own business. Michael is very interested in becoming active in the town.

He has attended several meetings, and likes the way Bruce Simpson runs his meetings; he runs a tight ship. Michael feels that this committee will be a good fit.

Michael said he was Chairman of Board of Trustees of the condo association for approximately 5 years in the condo he formerly lived in. The condo association rules were very similar to ZBA regulations.

Ramesh said that Michael has spoken with him several times, and he mentioned he had an interest in the committee. Ramesh told him to look at what he thought he might want, and submit a letter of interest to the Board.

### **Jamie Mann, Zoning Board of Appeals**

Jamie Mann is an attorney. He is an overseer of the Board of Deacons at Beth Israel Hospital, but he has not been on any residential boards. Ramesh brought out the point that our boards don't work well together, and that is why Norfolk is a tough town.

The Board asked Mr. Mann if he would consider appointment to another board or committee if he wasn't appointed to the Zoning Board. Jamie said that he preferred this Board as he was very interested in real estate.

### **Paul Parrino, Conservation Commission**

Paul Parrino has lived here 2 years. He used to work in the environment, and protecting wetlands, wildlife and watershed. He would like to get back into it. He feels he can offer a lot because of his expertise.

Mr. Parrino considers himself a conservationist. He attended a Conservation meeting that he was invited to.

Paul said he likes the environment and the outdoors, and he likes to see it not disturbed. He would like to enforce against building. He feels the Conservation Commission is doing a good job.

Jim Lehan questioned overall building in town. Paul said he is not for building if it is going to turn Norfolk into a big city. He wants to protect the environment, and the water from contamination.

### **Marvin Weaver, Community Preservation Commission**

Marvin Weaver has lived here just under 30 years. He doesn't feel Norfolk has changed all that much, except for the town center renovations. He told the Board he retired from 36 years at Ford Motor Company in March, and is looking for something to keep him busy.

After seeing the development in the town, he would like to see the town continue to develop in a way that they would be proud to have someone come into the town and say that they live here. He feels the committee is to preserve the charm of the town. Historical preservation, community preservation (open space), and affordable housing.

Marvin said he saw the town center project online. He's interested in keeping the town attractive, and keeping it a town to be proud of.

He has not attended any Community Preservation Committee meetings.

### **Paul Terrio, Community Preservation Commission**

Paul Terrio told the Board he grew up in Millis, and has lived here 21 years. His two children attended the school systems.

Paul said he is interested in the community. He wants to bring his knowledge to the committee.

Paul said he was impressed the most that there is \$200,000 available for employees' first time buyer programs. He has a strong concern for Norfolk turning into a "Franklin type community". He does not want the high density, high traffic community. He feels our development could be much stronger, but it is a nice place to live.

Paul was asked why this board? Paul said that this board came into focus and he wanted to step up and become more involved in the community. He is one of the town's Constables. He would like to see this board as balanced, and not just open space. He feels all the aspects should be considered.

His choice of committees is that his primary interest is the CPC. He is also interested in the Economic Development Committee.

Jack noted that there is representation needed on the Affordable Housing Committee. He was blunt about the airport project. Did this make you want to be on this committee?

Paul said yes, he is a pilot and a former aircraft owner. He said that he was never on one side of the fence or other. He was always concerned about the cost of the property to the town.

### **ACTION ITEMS**

Jim Lehan moved to approve three (3) directional signs for Jane and Paul's Farm, 33 Fruit Street as described on the application; and seven (7) directional signs for Norfolk Rink Management, Inc., One Dean Street as described on the application. Ramesh Advani seconded, and it was so voted.

Bob explained the Miller Street bridge project, and the roadway construction by Franklin.

Ramesh moved to approve the request for additional Chapter 90 funds in the amount of \$18,541.24 to cover unforeseen expenditures for review of the Miller Street bridge project, per the documentation received from Remo Vito. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to approve the bid for roadway rehabilitation (overlay) to Aggregate Industries of Saugus. Ramesh Advani seconded, and it was so voted.

Jim Lehan moved to award the bid for tree planting to Nolan Landscaping and Tree, Norfolk, MA, and tree services to Jerry McMillan Professional Tree Service, Inc., Ashland, MA, and alternate bid for tree services to David Tripp, Norfolk, MA. Ramesh Advani seconded, and it was so voted.

The Board reviewed the letter from John Creedon of Seekonk Street. The Board suggested we send Mr. Creedon a letter informing him that we have referred his letter to Town Counsel.

## **OLD BUSINESS**

Jim Lehan wanted to update the public on Cleveland Street. He stated it is not an issue of this Board that is against the housing of mentally challenged residents. This makes the 4th home in Norfolk.

The issue is that the DMR has no guidelines on how they place the residents in their care. There is a bus stop right at the end of the driveway of this home. Jim said he feels that this is setting them up to fail. They should protect both the sex offenders and the residents. Other towns are having the same problem.

## **NEW BUSINESS**

Jim Lehan discussed a goal to make the process for the residents/developers easier to go through. The purpose of the dialog would be to improve the workflow process, the timing, etc. In this roundtable process, we can decide how to help everyone get through the process. Internal is good as far as the administrative people, but Jim feels that the chairmen of the committees need to be included as well. The goals should be set by this committee. Jim would be willing to head this committee.

The Board reviewed a letter from the Norfolk Community League regarding funding guns for the Police Department.

Jack McFeeley said that weapons are replaced through a program funded by the town. Funding shouldn't be requested through the NCL. Bob Markel will discuss this with Chief Stone. Jack McFeeley requested representatives from ComCast come in to discuss their recent letter about services.

## **REAPPOINTMENTS**

The following appointments were made for FY'05:

Ramesh Advani moved to appoint the following to the Affordable Housing Committee for one year: Walter Zagieboylo, Patrick Morganelli, Robert Shannon, Judith Ross, and Janice Healy. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint the following to the ADA Compliance Committee for one year: Thomas Terpstra, Barbara Ward, and Tish Donovan. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Erin Hughes to the Arts Council, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Kathleen Lovell to the Capital Outlay Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Richard Connors (Precinct 4) to the Community Preservation Committee, term to expire June 30, 2006. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Paul Terrio (Precinct 1) to the Community Preservation Committee, term to expire June 30, 2006. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Robert Kirby to the Cemetery Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Brian Butler to the Conservation Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Larry Harrington to the Conservation Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to appoint Jeffrey Kane to the Conservation Commission, term to expire June 30, 2006. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to appoint Andy Bakinowski to a two-year term on the Conservation Commission. There was no second, and Mr. Advani withdrew his motion.

Ramesh Advani moved to reappoint Lisa Newell to the Corrections Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Irene Cahalane, George Clinton, Richard Connors, and Harriet Fisher to the Council on Aging, terms to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint John Buchholz to the Design Review Board, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Robert Bullock as Fence Viewer, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Mary Jane Benker as Assistant Fence Viewer, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Suzanne Burns, William Domineau, Marcia Johnston, Mary Power, Betsy Pyne, and Thelma Ravinski to the Historical Commission, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Jennifer Burke, Edward Donahue, James Dyer, Eric Dupont, and Bruce Shapiro to the Insurance Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

James Lehan moved to appoint Ramesh Advani as the MBTA Advisory Committee representative, term to expire June 30, 2005. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to reappoint Joseph Gilio to the Mirror Lake Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Jennifer Tharrett to the Mirror Lake Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint John J. McFeeley to the Norfolk County Advisory Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Tim Walsh to the Permanent Building Committee, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint William Crump, James Leonard, Joseph Sebastiano, Beth Strubeck, Charles H. Stone, Jr., and Remo R. Vito, Jr., to the Road Safety Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Robert Shannon as Sealer of Weights and Measures, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to appoint Mark Kantzer as Assistant Sealer of Weights and Measures, term to expire June 30, 2005. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to reappoint Jane Lepardo as Tax Title Custodian, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Robert T. Markel as Town Administrator, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Remo R. Vito, Jr., as Tree Warden and Shade Tree Manager, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Anthony Mastroianni as Veterans Agent, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint John Olivieri as Veterans Graves Officer, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Robert Nicodemus and Glendon Coulter to the Zoning Bylaw Study Committee, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Martin Murphy as a full member to the Zoning Board of Appeals, term to expire June 30, 2009. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Robert Garrity as a full member to the Zoning Board of Appeals, filling the vacancy of Nancy Lancellotti, term to expire June 30, 2007. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint Michael Kulesza as an associate member to the Zoning Board of Appeals, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to reappoint Ellisa Flynn-Poppey as an associate member to the Zoning Board of Appeals, term to expire June 30, 2005. Jim Lehan seconded, and it was so voted.

### **TOWN ADMINISTRATOR REPORT**

Bob Markel discussed the storm water project debt service analysis. He gave the Board a copy. This is an estimate prepared by bond counsel. Ramesh Advani moved to fund the storm water project using the state revolving loan program. Jim Lehan seconded, and it was so voted.

Bob handed a draft on the Memorandum of Agreement on 201 and 220 Main Street. The Board will review and get back to Bob regarding finalizing it.

Bob gave the Board the resignation of Paul Anderson, Water Superintendent. His last day is July 9th.

Bob handed out a letter from the Water Commissioners that will be read and reviewed at their leisure.

Jim Lehan moved to waive all electrical and building fees associated with the Gold Street Pump Station Renovations and Water Facilities SCADA System. Ramesh Advani seconded, and it was so voted.

Bob reviewed with the Board several end of year transfer requests. There are two from the Fire Department for repairs, one from ZBA for salaries; one from us for medical bills – insurance account; and Tri County needs money because their assessment changed during the year.

Bob discussed the alternate process for doing financial transfers. Money can be transferred among departments with the approval of the BOS and Advisory Board; however, the Board decided to pay them from the Reserve Fund Transfer. The Board wants to wait and see if anything else comes in.

Ramesh Advani moved to approve a transfer from Fire Department Salaries to Fire Department Expenses. Jim Lehan seconded, and it was so voted.

Bob discussed needing candidates for the Personnel Study Committee. Bob has a few names, and will discuss it with the individuals.

At 11:27 p.m., Ramesh Advani moved to go into executive session for purposes of collective bargaining. The Board will not return to open session except to adjourn the meeting. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye.

At 11:42 p.m., Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of June 21, 2004.

---

Ramesh H. Advani, Clerk

## **SPECIAL MEETING**

**June 24, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:33 p.m. Bob Markel said the agenda consisted of interviewing candidates for the position of Town Counsel.

### **KOPELMAN & PAIGE**

Representing the firm of Kopelman & Paige was Jason Talerman and John Giorgio, Esquires.

Jason Talerman said he has been with Kopelman & Paige for 7 years. He was in private practice prior to that. He told the Board that the proposal he gave them previously accurately reflects their firm. He said Kopelman & Paige is a 50-attorney firm located in Boston. They represent 120 cities and towns, which is 99% of the municipalities in Massachusetts. Their firm represents only municipalities. They have no private clients, developers, etc. Jason said that he mainly concentrates in land use. He has volunteered his time to the town, working with the roundtable discussions, and 40B with the Zoning Board.

Jason Talerman said he would be the attorney handling matters for the Town. Jason complimented George Hall and his work for the Town. Jason just felt that they could offer as much, or maybe more to the Town, because that is their specialty.

John Giorgio said he has been with the firm for 20 years. He said that Jason is one of the bright stars in the firm. John wanted to stress that the critical thing is not only the expertise the firm brings, but the experience in always working with many cities and towns. There is almost nothing that they haven't seen before, or dealt with at one time. Atty. Giorgio said they practice preventative law as well. They provide training sessions for the boards and committees, or departments for free of charge. They keep everyone updated on laws, any new laws, and other pertinent information. He said that if we wanted a seminar on Community Preservation, they would come out and do one. If we had employees who needed help on liquor licensing, they would do that. Atty. Giorgio said that they would recommend that all requests for Town Counsel use go through the Town Administrator. Bob Markel said that is how it has always been done.

Ramesh Advani said that they asked the departments, and employees for feedback. They all praised George Hall, and Ramesh said if it isn't broke, why fix it? Jason Talerman said that their reputation in Millis speaks for itself, plus the work he has done for Norfolk says a lot. He feels they can do an even better job than George Hall is doing for Norfolk. He said they have the manpower and ability to go the extra mile. Jason stated that living in town means no travel time, and he is available on Saturdays and Sundays, if needed. He has five partners who dedicate their time to land use.

John Giorgio said that they want to provide our clients with a quick response. They will put a small team together, but Jason would be the principal contact person.

Jim Lehan said that clearly there is an advantage to being a large firm with many resources. But we wouldn't be a major player as we are a small town, and may get lost in the process. He asked how they would differ from George Hall, regarding resources? Mr. Giorgio said they can put us in touch with other public officials who have had the same issue we had, and successfully resolved it.

The Board thanked them for their time, and will get back to them soon.

### **PLANNING BOARD JOINT APPOINTMENT**

Planning Board members Art Spruch, Bob Nicodemus, Tom Poppey, and Tom Burke were present to jointly appoint their associate member with the Board of Selectmen.

Art Spruch nominated Andrea Langhauser as their associate member. Jack McFeeley seconded, and it was a roll call vote: Ramesh Advani, aye; Jack McFeeley, aye; Jim Lehan, aye; Bob Nicodemus, aye; Art Spruch, aye; Tom Poppey, aye, and Tom Burke, aye.

### **GEORGE A. HALL, JR., TOWN COUNSEL**

Present was George A. Hall, Jr., of Anderson & Kreiger, LP, and his associate, Dan Hill, Esquire.

George Hall is our current Town Counsel. George told the Board that he has been with Anderson & Kreiger since 1989, and has been a partner since 1993. He has practiced law for approximately 20 years. George concentrates in land use and environmental law. George has been Town Counsel for Wrentham since 1989, and lead counsel for 10 years. He has been Norfolk's Town Counsel since 1998. These are the only towns he is Town Counsel for. He assists in Topsfield, where he lives, and helps Hopkinton.

George Hall told the Board that other than Town Counsel work, his clients are private land owners, non-profits, and colleges, among others.

George Hall told the Board that he has represented Norfolk for six years. It took a few years to get acclimated, and get familiar with the Boards and the players. He had to develop an understanding of how the town works, and get a management position with you.

George told the Board that he was Town Counsel as this building was completed. There was a lawsuit brewing, and a lawsuit at the H. Olive Day School. When he first came on board, there were many hefty lawsuits that the Selectmen asked him to get rid of.

George said that he bills at a rate of \$150 per hour. He gives 16 hours a month, non-litigation, at a discounted rate of \$140 per hour. They did this because he didn't want people not calling Town Counsel.

Jim Lehan explained that with the larger firm, there are more resources. How do you compare? George said they have 9 attorneys, and 3 partners. The vast majority have much experience, and no trouble with resources. While a large firm works, they break everything into little pieces. George feels that if he doesn't attend town meeting, you don't know what is going on.

Jim Lehan questioned the conflict regarding King Philip? George Hall said that he didn't work for either town on that matter. He said that in the 10 years he has worked with Wrentham, there has never been a conflict with King Philip issues.

George Hall said he feels like he is just warming up. The first couple of years he was reticent about jumping in, not sure where he was landing. He has a better idea of what the boards are, and can work constructively to resolve conflicts. He said he loves making the town better managed.

Ramesh Advani told George that the people working here gave raving comments about his work. It doesn't take six years to warm up. Why would I want more for my money?

George said there are different goals. You inherit tons of open files and you have to evaluate each one as to what to do with them. You pick your battle fields. Obviously, if you keep losing zoning battles, you need to revise your bylaws. George said that the

Board made it clear to him several times that they want to keep the legal expenses down. If you are telling him that you want him to spend more time on town matters, let him know. He can spend as much time as we want him to. But how much do we want to spend? George said he can take a longer view, and accomplish what they want him to.

George said his top 2 or 3 goals would be to work with the Conservation Commission to make new local regulations that work better. Let applicants know what they're expected to do. Projects can move quicker.

He would try to be responsive of what is on the Board's plates.

The wireless facility for the Water Department to make money. He was hung up with this with Borrelli as there was no easement.

The Community Preservation Committee implementation. Need a process on how to spend money. This is a huge task, a lot of work, and limited income.

George felt he had a good repoir and good track record with all the Boards.

Jack McFeeley told George that he was not here tonight because of any dissatisfaction. The Board appreciates his work.

Jack asked if with respect to the residence at 59 Cleveland Street, is there anything we should be doing? It was explained to George that they are refusing to comply with building codes. George will work with Bob Bullock and lend his assistance.

Jack asked George if he experiences crunch times, i.e., Wrentham's town meeting, which would cause delays in work for Norfolk? George said it is usually conflicting Norfolk jobs that cause the crunch.

George said that he must be aggressive to meet objectives. He can always give a safe answer, but it isn't always what the Boards need.

Ramesh Advani said that we don't have a shared vision. An outside view from someone who isn't in the town is probably valuable.

Jack McFeeley asked Dan Hill if he had anything to add. Dan said no, George pretty much covered it. The Board thanked them for coming in, and will get back to him within the week.

At 8:45 p.m., Ramesh Advani moved to adjourn the meeting. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of June 24, 2004.

---

Ramesh H. Advani, Clerk

**SPECIAL MEETING**

**June 28, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

The meeting was called to order at 4:00 p.m., in the Town Administrator's Office.

The Board discussed the two candidates for Town Counsel. Based on the feedback, input from the various Town Boards, and the interviews conducted with both Jason Talerman and George Hall, the Board decided that they would retain Anderson & Krieger as Town Counsel.

The Board asked Bob Markel to write a letter to this effect to George Hall, and to thank Kopelman & Paige, especially Jason Talerman, for their interest and time and that the Board thinks they would also provide valuable services to Norfolk but that they saw no reason to make a change at this time. The Board also asked Bob Markel to ask George Hall to include in his offerings the additional advisory services that he will provide at no charge to the Town, that he included in his email to the Board, which is as follows:

1. As my firm now represents the Town of Acton, as well as Wrentham and Norfolk, we have already discussed internally the possibility of producing regular alerts concerning new developments in the law that we could send to all of our municipal clients electronically. As we do apprise our clients of new developments we think might be of interest to them from time to time, it is not a big step for us to regularize those alerts and distribute them to our clients in appropriate "e-groups," and we intend to have that service up and running in the next couple of months.
2. I have previously offered workshops on the Open Meeting Law and Public Records Law, the State Ethics Act, the Uniform Procurement Act, Chapter 40B and other subjects, and would be happy to do so at your request. This is something that we did discuss earlier in our tenure in Norfolk, but it has not been pursued in the last few years. I would be happy to offer four 2-hour workshops of this type per year, either during the day for staff or during the evening for board and committee members, without charge to the Town. I can work with the Town Administrator to develop a set of priorities for the subjects we should present, and I have some ideas about some topics we may want to cover.

3. One of the things I took away from last night's meeting is a sense that the members of the Board need more opportunities to communicate with me, not just about specific issues of concern pending before the Town, but also about your general concerns about the Town's priorities and direction. As always, I am happy to meet with the Board whenever the Board would like to see me to give regular status reports and to have a conversation with the Board as a whole about any issue. I would also be happy to offer my time without charge, during the day or on evenings and weekends when I am available, to talk to any selectman on the telephone or communicate by email about any issue of general concern, or to discuss the background of any specific issue.

Ramesh Advani moved to appoint George A. Hall, Jr., of Anderson & Kreiger, Cambridge, MA, as Town Counsel for one year, term expiring June 30, 2005. Jim Lehan seconded, and it was so voted.

The Board also discussed the few outstanding points on the Fire Contract and resolved them.

The Board then discussed the approach on the upcoming meeting with the Conservation Commission, and asked Bob Markel to send them a note advising them of the purpose of this meeting, and what we wanted to accomplish at this joint meeting. Jim Lehan will draft up wording and circulate it to the Board. Bob Markel will use the wording as a guide for the note to the Conservation Commission, on behalf of the Board.

At 4:30 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of June 28, 2004 of the Board of Selectmen.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**July 6, 2004**

Present was John J. McFeeley, Ramesh H. Advani, and James C. Lehan. Robert T. Markel, Town Administrator was absent.

Jack McFeeley opened the meeting at 7:08 p.m. Marian Harrington read the agenda items.

## **NSTAR REPRESENTATIVES**

Barry Salvucci, Community Relations Officer, and Jack Lopes, Chief Engineer out of Walpole were present.

Jack McFeeley said that they asked them to come in tonight to discuss power outages in several areas of town approximately two weeks ago.

Barry Salvucci apologized for the June 19, 20, and 21st small power outages. They replaced the transformer, and installed squirrel guards. Jack Lopes brought in the squirrel guards to show the Board. They have a typical squirrel guard that they put on the top of the transformer at the connection point. They now have a more advanced guard that gives the squirrel a little surge so that they will leave it alone.

Jack Lopes said with respect to the three outages, they looked at the circuits and there is a recloser on the circuit. The recloser opens up the circuit and then will close back when the problem is gone. If the problem has not cleared and is still on the line, the recloser will open up and not close back in. This means a technician has to go out and close it. The recloser was working too fast, and they had to make adjustments to slow it down. This was on Pole 43, Seekonk Street. This affected Medfield and Millis, as well as Norfolk. All three towns experienced the momentary outages. Since they have made the changes, there haven't been any problems.

Barry Salvucci said that with all the high winds and thunderstorms, they did not have a failure with this new recloser. Barry also asked that residents call the 800 number at NSTAR, and residents should be calling them direct and not calling the Selectmen's Office. He said that they are wasting time by not calling the complaint in to them first. Barry said he is an old Boston Edison employee, and he knows that there were complaints that phone calls weren't answered. He said that they have to report to the Department of Telecommunications, and they have a very sophisticated system and it is handled in under 10 seconds.

Jack Lopes said that they should all call in, and not just one resident from the area. He said the more calls they get, the more helpful it is for him to do his job and know that there is a serious problem.

The 800 number is 800-592-2000 and it will be posted on the website.

## **JACK HATHAWAY, FINANCE DIRECTOR – UPDATE**

Jack Hathaway said that he did not prepare a monthly update for the Board. He said that they are busy with year-end closing of the books. He explained what that entailed. They are in the process of cleaning up, and will give them the figures for FY'04 in a few weeks. Jack McFeeley asked him to also provide a list of the encumbrances. Ramesh said that he would like a high level of what the budget started with, and where we are after a full year.

Jack McFeeley said that one of the things we haven't closed on is the forecast. Jack said how do we finance the projects we have in front of us? We need to come up with clever ways to finance these, such as an override that won't be a great impact on the taxes.

Jack Hathaway said he is working with Bob Markel on trend analysis. The Board said they've seen that. Jack Hathaway said he would like to discuss this further with the Board. He said it doesn't do him any good to work on this without input from departments and the Board.

Jim Lehan suggested deviation reports. Jack Hathaway said he would be interested, and will talk more about this with Jim. They talked about year-to-year deviation. Ramesh said or a percentage method.

Jack Hathaway said that MUNIS is going live, as we speak.

Jim asked if they have done forecasting of the operating budget around the DPW? Jack Hathaway said he has not, and the Board suggested that might be good to do. Jack McFeeley suggested he contact Ed Melanson for information. Jim suggested this be assumptions and ranges.

Jack Hathaway said that he should have Jane Lepardo come into a meeting and discuss the pay online system. It doesn't cost the town anything, and there is a 50-cent fee.

The Board thanked Jack for all his help and hard work getting MUNIS up and running.

On another note, Jack said that speaking for all department heads, they are very disappointed to see that Paul Anderson has left. Everyone liked him and thought he was an excellent Superintendent.

### **ACCEPTANCE OF MINUTES**

Ramesh Advani moved to accept the minutes of April 5, 2004, regular and executive session; April 26, 2004, regular and executive session; May 5, 2004, special meeting; and May 17, 2004, regular and executive session. Jim Lehan seconded, and it was so voted.

### **ACTION ITEMS**

Ramesh Advani moved to approve the Rodman Ride to be held on October 2, 2004. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to appoint David Forester to the Historical Commission, term to expire June 30, 2006. Jim Lehan seconded, and it was so voted.

## **OLD/NEW BUSINESS**

The Board reviewed the letter from Michelle Wells regarding a problem she's having on Seekonk Street. Research will be done in old minutes dating back to 1989 to see what has already been done, and decided. An acknowledgment letter will be sent to Ms. Wells.

Jack McFeeley informed the public about the Personnel Study Committee.

## **EDUCATION FUND COMMITTEE**

Kim Williams, Chairman of the School Committee, and Sally Grant, School Committee member was present.

Although he wasn't present, Kim Williams thanked Bob Markel for all his assistance in getting this Committee to fruition.

Kim said she has worked with Jane Lepardo, who asked that she get MUNIS up and running in order to accommodate this. That is almost complete now.

Kim felt at this point they need to get the Education Fund Committee appointed. Chris Augusta-Scott will be an ex-officio member of the Committee. The School Committee has chosen their members, and wondered if the Selectmen have done the same. She said she is aware that Dr. Markel is not present tonight for this discussion. Ramesh Advani said that as the school's liaison, he and Bob have discussed this, but do not have specific names for tonight.

Jim Lehan wondered if they had a reservoir of names, would they have anyone that they are not able to appoint, that they could pass on to us? Perhaps this would help us in locating reasonable people who need to be on this Committee. They asked Kim to give us a list. Jack agreed that this would be helpful.

Jack asked Kim to explain what this Committee is and how it came to be. Kim explained MGL Chapter 60 that is how this Committee is developed. This is a voluntary thing. It is a way of contributing back to your community. It is not mandatory. It is contributed from the excise tax or real estate tax. Kim said that their donors were mostly parents. This gives residents a mechanism to send a donation, if they would like to.

The School Committee's selections are Kim Williams, Donna Spigarolo, 6 Stilwell Avenue; and Janis Daly, 9 Stilwell Avenue.

On another subject, Ramesh discussed the signs for the fields. Sally Grant said there is no real policy regarding signs on school property. Sally suggested that perhaps their policy sub-committee could draft a policy and have the Selectmen review it and maybe approve it. The Board concurred that they are in agreement with the School Committee that we will not allow advertising on school property. The Board of Selectmen will

include this in one of their policies, as well. Sally Grant said they need to address the individual who already wants to do this. The Selectmen will send a response. Sally said this will also involve the Recreation Commission, and they will have to be advised of any policy we draft.

### **CONSERVATION COMMISSION**

Conservation Commission members present was Jim Giebfried, Chairman, Allan Shaw, Jeff Kane, Larry Harrington, Brian Butler, Gail Hansche and Marie Simpson, Administrative Assistant.

Jack McFeeley asked Jim Giebfried if there was anything he wanted to say tonight. Jim Giebfried said he wanted to talk about the Conservation Commission, and what their jurisdiction is and what they have done this year.

Jim Giebfried said that the Conservation Commissions within the Commonwealth work on MGL Chapter 131. They hold public hearings, maintain all records of licenses and orders that come before them. They manage the Conservation funds, and they manage the lands. Presently in town, they have 160 acres that they manage. They will be bringing on another 20 acres shortly. They look for land grants. They serve as the resource for the Department of Agriculture, and they serve as the resource for the Department of Environmental Protection. They have had budget cuts and it has reduced their services to the town. This has put a strain on the town. Enforcement has been a problem. They have also been cut down to 33 officers to work throughout the State. The local areas have to do the enforcement. Jim said they work and promote Land Management, and Forestry programs. They have created and manage sites such as the Pondville site that was acquired through Caritas-Christi, and the Lind Farm. They work at updating the Conservation Land Inventory so that other committees are aware of the changes. They investigate and certify vernal pools. Jim demonstrated a wetlands map. During July 2003 through July 2004, Conservation has heard 21 Notices of Intent, 3 resource area delineations, and 1 request for determination. Wetland fees generated \$11,000. Fines levied was about \$600, and some miscellaneous charges. Total fees was \$11,981.76. Only one order of conditions was denied during the whole year, and that was under a local bylaw.

They surveyed and looked at local Conservation agents. Currently, they use their Administrator, they use various agents that they have contracted with in the past, and they work with contractors on specific needs to watch what is going on. They have worked with a developer and the agent has been paid for by the developer. If they hire a municipal agent, costs will be covered by the town.

Jim mentioned a notebook put together by the Planning Board and the special agent they hired, did Phase II Management. EPA has required that all towns comply with their mandate in putting together a policy, and then how you would implement and prevent pollution from occurring. Jim read one paragraph of this policy regarding sediment runoff from construction sites. Construction sites deliver more sediments to a

stream than can naturally go there. He wanted to emphasize the tremendous impact that can occur.

Jim felt this discussion was a golden opportunity for both Boards to share dreams, goals, and anything each Board has to question.

Jim Lehan said that what happens within the next 3 to 5 years will be permanent, and in terms of impact it really will be 20 years from now. One of the goals the Board of Selectmen has, is to find a way for everyone to share a common vision. Jim said that Ramesh said it very well, that he believes that each board has it's own vision, but the Town does not have one common vision. We would like to try and bring the boards together as to what that common vision is. We are trying to establish a roundtable discussion to try and make the process better. It may mean different things to different boards. We are trying to improve on making the permitting process easier for developers. Some of the committees have different definitions of the same issue. Jim Lehan asked Jim Giebfried, as you see your board today, what is the vision for your board, and how do you see that connecting to the vision of the town in terms of its development in the next 3-5 years?

Jim Giebfried said that as a Commission, they have a number of issues. One, because of the time constraints they have, and being a volunteer and appointed board, they meet only once a month to address hearings because of budget constraints, it is difficult to spend additional time on other things you would like to do when you are trying to meet the business requirements and timing requirements in addressing public hearings. They have timelines in which to respond. They need the appropriate funding so they can do the best job they can. They need to work closer with the Board of Selectmen in budget preparation.

There are changes coming forward from the federal government, and they have been coming forward every month with regard to wetlands and how they have been looked at by the DEP. They are looking at the wetland regulations, and try to make them less restrictive. Jim said they will try to move forward and see that lands that exist in town be something that can tie into area towns, or open space planning, or planning board. They would like to have a green belt in Norfolk which would attach to a green belt in Wrentham or Millis or Medway.

They would like to look at their regulations. They are looking at planning processes. They now have maps that will assist them, instead of having to go out into the field to look at what they are talking about.

Jim Lehan said there is a perception that the Conservation Commission at times, is very difficult to work with, and will, on occasion, find reasons not to do things, rather than taking the approach to find a reason to do it, where there is an opportunity to go left or right which, on occasion, that has gotten the town into litigation. Jim said that a few weeks ago one of your members was present when we interviewed Town Counsel, and

we discussed the Conservation Commission, and that was echoed by Town Counsel, as well. How do we work together – if it is perception, change it. If it is reality, we need to work toward making sure there is a fairness approach.

Jim Giebfried said it depends on who you ask. Some people feel they are difficult, and some feel that they are flexible. They look at the DEP regulations and policies to see what has come before. They use previous past practices to guide them. They have used counsel. They try to be as fair as they can. If those situations arise, the individual has the right to appeal. The hard part is DEP being cut with their budget, and not having the services. The woman from DEP felt they were doing a superb job, and keep it up. She is a PE with DEP – Elizabeth DeBurjeron.

Jim Giebfried said they abide by the oath they took before the Town Clerk to abide by the bylaws. It is their responsibility as the DEP's representative to make sure they do what they are supposed to.

Jim Lehan's concern is the fairness of the application process, not just with the Conservation Commission, but with any board that the Selectmen appoints. He said the Selectmen are the only voice the voter has. They have a voice with the Selectmen, but they have no voice with the appointed Board. The Board needs to take the appointment process seriously, and sit down with more Boards to discuss what is going on. He is hopeful that the roundtable discussions that they are setting up with the permitting boards will work. Jim Lehan said it is the fairness and consistency of applying goals that would be any concern of his.

Allan Shaw said he would like to address the fairness and consistency part. That has always been a goal of their Board. They try to be fair and consistent, because you can't let one applicant do something, and then not let someone else do the same thing. You have to be fair and consistent, especially legally. He said on the first 3 years of being on the Commission, he found a problem with that. But the past few years, he has seen a real difference and feels the Board is very fair.

Jim Lehan asked how can we help you with this goal? Alan said that more and more pressure is going to be put on the Conservation Commission because of the buffer zone protection. They will need more help. Jim Giebfried said the bylaws may have to be looked at, and some changes made. This could be accomplished by working through the Bylaw Study Committee, and working with the Selectmen. Jim Giebfried said that Marie Simpson spends a great deal of time with Bob Markel, and working with town counsel. Jim Giebfried said George Hall tells them to be as consistent as they can possibly be. Jim Giebfried added they would like residents to be aware of the Conservation bylaws before buying property. There are Conservation restrictions on their property, but they don't know what it means. Jim Lehan said he hopes this would certainly be something to be discussed at the roundtable.

Larry Harrington said the Selectmen could help with money, and one way is manpower. He said that he was shocked at how low funded this board is, along with the resources that go with it. The resources are small, for the importance of this commission. Funding an agent would be something valuable for the town. The Board generates income, but it goes back to the general fund and does not stay with the Commission. Jim Giebfried said since 1995, they have had about \$3,000 for a Conservation Agent. Jim Giebfried said for some small issue, there is no agent that can go out, and they have to email the board to see who can go out. They usually end up having Marie go out. Brian Butler also said that anytime Marie goes out, it takes away from the office, and her workload suffers.

Ramesh Advani said this is probably the most influential board of all the Commissions. Ramesh said he appreciates the time they are putting in to the town. Ramesh would like the televised public to understand that there is a lot of very good work being done. Your meetings aren't televised. Ramesh thanked them all for showing up tonight. He would encourage all to have this regular dialogue, so that the public can hear what the Conservation Commission is doing. He thinks they need to hear about specific issues. He doesn't believe there is a collective vision that has been voiced. Ramesh feels they are leaders as much as anyone else, and the work they do should be supported by the Selectmen. What is your personal approach to resolve conflict? Allan Shaw said that in working on a filing, they have to go through all the steps. He said that all the issues weren't dealt with, but the hearing was closed, and there were problems later on. He feels the hearings need to be kept open until everything is worked through. Jeff Kane said there is a conflict that evolves in the field, if the people enforcing this code have a firm understanding of what it involves, they don't have to quote the whole code, but explain that you are enforcing the code for a certain reason and explain the issue, then that should resolve the conflict. Larry said preparation would avoid a lot of conflict. It works both ways. Some applicants come ill-prepared and aren't prepared to hear no. They have to be able to understand the rules. The Commission can also be prepared better by understanding the project and knowing alternatives to that project. If you are better prepared, you can resolve. Managing the amount of work and the amount of projects that come before them will make a difference.

Ramesh laid out a thought process that he wants them to consider – in order to be fair and consistent, he is inevitably setting themselves up for another conflict. Time is money. He suggested that they put more information on their website that may help the applicants. Ramesh said he got several "take-aways" from this discussion. They were: Funding for manpower (conservation agent); assist in understanding and communicating changes in the regulations and federal process for environmental protection; help in their efforts to tie in land use as part of open space planning, working with other town Conservation Commissions and Community Preservation work; look at and review existing regulations and policies of our town; and participation in the creation of a collective vision through a roundtable.

Jim Giebfried agreed with Ramesh. Jim said they give a list to the applicants that they must do before their hearing. He reminded the Board that the Conservation office is only open two hours a day. Applicants must meet those two hours, which isn't always easy. Every month the federal government is changing things that were gold standards from EPA.

Ramesh wanted to know if once a quarter, they would come to our meeting and share with the Selectmen some significant issues that are closed, or these are things that are still open and we can use your help. Jim Giebfried said that things that are open cannot be specific and they cannot give out any information.

Marie Simpson said regarding preparation, Conservation is different than other boards. She said that only the applicant can decide when the hearing is closed. The Commission cannot decide when the hearing will be closed. Even if you don't have all the information or all the facts, if the applicant wants it closed, then you have to close it, and make a decision.

Jim Lehan said that this is a critical board. He thanked them for coming, and thanked Marie Simpson for the information she gave him to prepare for this meeting. He said that he hope they can continue working together. He applauds the efforts of the Commission, and had the same "take-aways" as Ramesh, only he would add the roundtable discussion. He would like to come to the table with all the issues and work through them all.

Jack McFeeley said that Jim Lehan said we can speak to the collective vision. We have not really defined the collective vision, but we have begun to walk the talk, and we can go from there.

Claudette Healy came to applaud the Conservation Commission.

### **OLD/NEW BUSINESS (continued)**

Jack McFeeley noted the letter from Comcast about their change in hours at their East Belcher Street location in Foxboro.

Jack McFeeley read the letter from the FBI regarding child abduction. Tuesday, August 3, 2004 is National Night Out. Check with Chief Stone to see if we are doing this. You need to register online.

At 9:40 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of July 6, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**July 19, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:32 p.m. Bob Markel read the agenda contents.

### **EARTH REMOVAL PUBLIC HEARING – CANTERBURY ESTATES**

Jack McFeeley opened the public hearing regarding an application from Norfolk Enterprises to be allowed to remove earth from their property at Canterbury Estates. Jack McFeeley read the public hearing notice, as advertised in The Sun Chronicle.

Bob Bullock, Building Commissioner, introduced members of the Earth Removal Advisory Committee who were present. Members were Jim Giebfried, Conservation Chairman; Tom Burke, Planning Board, and Andy Bakinowski, citizen engineer. No abutters were present.

Bob Bullock also read the committee report, and said they had a list of what they felt was missing. Bob Bullock read his report for the record.

Present were applicants John Glossa, of Glossa Engineering in East Walpole, and Paul Borrelli, property owner. John Glossa presented the certified mail receipts to the Board, proof that he notified abutters of the hearing.

John Glossa explained to the Board that this property is a series of low hills with very steep slopes and steep grades, with many undulations on the property itself. A subdivision has been laid out and approved by the Planning Board. He has approvals by Conservation Commission and Board of Health. There is a bridge by the west end of the property. Actual roadway construction has been undertaken and as far as rough grading and utility installation, it is 60-70% complete. The Order of Conditions specifies when the crossing of the intermittent stream can be made. It must be the driest part of the season. The roadway down to the crossing has been graveled grade and will be paved soon.

The third part is the actual construction on each lot. Soil tests will be done, groundwater table elevations established, and existing grades established. Houses will be placed on the lot with regard to the existing topography on the lot, zoning requirements, and preference of owner as to the size of the building. That is done.

This site has severe slopes. In order to achieve buildable lots, they have been laid out according to these procedures. Town regulations and Title 5 regulations will be applied and the site is more or less designed. You end up with the house location, septic location, driveway location and connecting roadway to the location of the house. You

cannot have more than 3' of grade over the septic system. All septic systems are designed as if the houses are going to have a garbage disposal.

Second part of the regulatory is to look at the grading. He looked at each lot. They must all apply to the requirements by laws.

John Glossa said so much soil and topsoil must be moved. 30,200 cubic yards moved. They are going to strip the topsoil and subsoil. They are going to strip and stockpile this. John went over the questions on the application. Jack McFeeley questioned how much you can remove without a permit? Bob Bullock said 400 cubic yards. John Glossa said you take off 24", you put back 6".

The Board questioned the chart on removal of earth. He is allowed to remove 6,000, he is removing 24,000. John Glossa said that it is a hardship to do this any other way. That is why they are before the Board tonight.

John Glossa presented a letter to the Board, as a rebuttal to the Earth Removal Advisory Committee's report. He reviewed the letter with the Board.

Jack McFeeley asked Bob Bullock if he felt the information is in the application, or do you still need more information? Bob Bullock said it was very confusing. Information probably isn't missing; they just didn't know where to look for it. He said based on what John Glossa is telling them tonight, they will need more time to review this.

Bob Bullock questioned if 900 truck loads were coming to Norfolk Commons, they were concerned about the new road with the town center project, and liability if the new roadway tears it up. The Board will discuss this with Butch Vito, Highway Superintendent.

Andy Bakinowski presented a map regarding #7, and will be available to discuss this further.

Jack McFeeley admitted the letter from Bill Domey, Board of Health Agent, into the record.

Jim Giebfried reemphasized the environmental requirements.

Ramesh Advani moved to continue the hearing to August 16th at 8 p.m. Jim Lehan seconded, and it was so voted.

John Glossa offered to meet with members of the Earth Removal Advisory Board to review his application with them, before August 16th.

## **THEODORE REGNANTE, ESQUIRE – CHAPTER 40B**

Present was Attorney Theodore Regnante, Ron Nations and his son Chris, and George Connors of Connorstone Engineers was present. Jose Martins was not present.

Attorney Regnante said they have spent more time looking at the previous proposal, and think they have come up with a better proposal that will meet the Board's approval. They will then submit to the Mass Housing.

They will use the entire 14.8 acres for this development. They are proposing to raze the present structures on the property. This will be a conventional subdivision plan with 50' right of way and sidewalks. 32 single family homes (instead of 42 duplexes). They will each be on their own lot. 3 bedroom homes. Size will be 11,000 sq ft to 13,000 sq ft. 2 units to the acre. 2200 to 2400 sq. ft. for each home and will have a 2 car garage. Colonial type homes. Each lot will have its own septic system and leach field. They will have 18% dedicated to open space. One area for recreation. Boxes are 40x60. 36x28 – main house. 14x24 – garage.

They have done a market study in which they determined high 300's and low 400's. Affordable units (25%) will be priced \$175,000-\$181,000. There will be eight of these units with 70% local preference, and they will set up a lottery for that.

They are talking with the abutters. Attorney Regnante said they are currently working with Vera Kalias in Southboro.

George Connors came forward, and he had a plan that he described what they are going to do to the Board. In all, he showed several different plans with details. Pavement will be 24 feet for the roadway.

Attorney Regnante stressed that they are very amenable to working with abutters and neighbors, and hear what they have to say, as well as town officials. They want to make this work.

The Board questioned the timetable to submit the application to Mass Housing? Attorney Regnante said he will probably complete the application and file to Mass Housing within the next month.

## **ACCEPTANCE OF MINUTES**

Ramesh Advani moved to accept the minutes of May 4, 2004, special meeting; June 7, 2004, regular and executive session; June 21, 2004, regular and executive session, June 24, 2004, special meeting; and June 28, 2004, special meeting, with the edits as provided. Jim Lehan seconded, and it was so voted.

## **ACTION ITEMS**

Jim Lehan moved to waive the fees for NSTAR to replace fixtures at the Highway Department, Police and Fire Station, and Freeman/Centennial Schools, per the request of Ron Bain, Facilities Manager. Ramesh Advani seconded, and it was so voted.

Jim Lehan moved to approve the request of Chief Stone to place 30 MPH signs on Noon Hill Avenue, subject to favorable response from Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was so voted.

Jim Lehan moved to release Street Opening Permit #03-11, 60 Priscilla Avenue per the request of Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was so voted.

Jim Lehan moved to release Street Opening Permit #02-04, Liberty Lane/Independence Drive per the request of Butch Vito, Highway Superintendent. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to open the Fall Town Meeting Warrant to begin today, July 19th, per the schedule presented by the Town Administrator. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to approve the "Oversize Load" delivery to occur over the streets of Norfolk on or after July 21, 2004. This delivery request is from the Department of Correction. Chief Stone reviewed and approved the request. Jim Lehan seconded, and it was so voted.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel said the Development Guide should be discussed tomorrow at the roundtable and be updated.

Bob discussed the Paramedic services. We cannot have four paramedics certified, as we had hoped. In speaking with state officials, we need to have eight certified in order to run ALS services.

Bob has told Fire Chief Bushnell that Paramedic services are a priority for the Board of Selectmen.

Bob Markel noted that Julie Riddler resigned from the Personnel Board to return to her native Wisconsin. The Board will send her a letter.

Ramesh Advani moved to appoint Betty Sundquist to the Council on Aging, replacing George Clinton who chose not to be reappointed due to health reasons. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to appoint Mark O'Brien and Regina O'Connell to the Chapter 60 Education Fund Committee. Ramesh Advani seconded, and it was so voted.

Bob Markel discussed the feasibility plans from the Police/Fire for a new facility. They have been to the PBC.

Bob Markel noted a donation of land on the Walpole side to Norfolk, from a client of Jonathan Smith. As part of the process for a small subdivision, they have offered land to the town.

Ramesh Advani moved to approve the Norfolk event board location to be in front of the Town Hall as located on the map furnished by the Highway Superintendent, and approve the location for the four sided clock at Avery Square (corner of Union and Liberty Lane). Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to accept the draft union contract for the Highway Department for July 1, 2004-June 30, 2007. Jim Lehan seconded, and it was so voted.

The Board reviewed their 2005 Goals. They amended #2 to improve personnel function within the town for an effective HR service to management and employees. In #1, they will add "subject to a successful town meeting vote".

Jim Lehan moved to accept the 2005 Board of Selectmen Goals as amended. Ramesh Advani seconded, and it was so voted.

The Board discussed the issue of the former Water Superintendent's vacation time. Jim Lehan moved that Paul Anderson receive the appropriate approved vacation time for FY'04 – 10 days. Ramesh Advani seconded, and it was so voted.

At 10:57 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of July 19, 2004.

---

Ramesh H. Advani, Clerk

**REGULAR MEETING**

**August 16, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

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

### **POLE HEARING – MAIN STREET**

Present was Chris Parrella of Verizon.

Jack McFeeley opened the hearing at 7:05 p.m. This was a joint petition from Boston Edison Company and Verizon to approve one JO pole to be relocated, and one old JO pole to be removed on Main Street, northerly sideline, approximately 60 feet east of the intersection with Sweetland Farm Road, relocate Pole No. 115, approximately 35 feet east of existing pole location.

Chris said they want to relocate an existing utility pole in line with the existing utilities. This will culminate the development of a new roadway, Canterbury Lane.

Jack asked Mr. Parrella, on another issue, why do they have “no public hearing required” for the Miller Street hearing. Chris pointed out that that is not they, but Boston Edison. There are reasons that a hearing is not required, and pole removal could be one of them. Chris pointed out that a hearing was not required to relocate poles, either, as is the case tonight, but he forgot to mention that when he forwarded us the petition.

Jim Lehan moved to approve the request of the joint petitioners as mentioned above. Ramesh Advani seconded, and it was so voted.

### **SENATOR SCOTT BROWN, LEGISLATION UPDATE**

Senator Scott Brown said there would be a supplemental budget coming out, which will represent about \$75 million in lottery aid. Norfolk will get their percentage. This was agreed upon in the last legislative session. Instead of \$100 million, they got \$75 million, which Scott said was more than the House was willing to give them, which was nothing.

He said we got the Chapter 90 dollar amounts – about \$213. We figured \$178.

Chapter 70 that was held harmless. We may get additional monies for that. They are working with the Department of Education now to work on '05 numbers, rather than '04 numbers.

School Building Assistance Reform will take the debt service for the KP project off the town rolls, so we can use the bonding for any other project that may come up.

Scott left his phone number for his office and urged residents to call with their concerns.

He said he has been working on the 59 Cleveland Street group home. Get through Senate budget amendment, but into conf. Committee it didn't survive. The lobbying effort to make it fail was intense. Many letters were written against this budget amendment. Jonathan Little has come up with a law that 21 other states have adopted. Scott gave a little history of where he is with this. They are keeping the dialogue going. Working on removing one of the residents of the home. They are filing bills, and working together to communicate with all. It is stuck in Rules in the House, Angelo Skosha's office. He urged all residents to call his office and help get it released. He is trying to find out how many group homes are in Norfolk, as well as how many are living in each home. Scott explained in detail what the law would do.

Ramesh questioned the amendment. Scott said they rewrote it 8 times with the Senate Counsel, House Counsel and Governor's Counsel. They even had the backing of the Chairman of the Ways & Means Committee, and they were all so disappointed to see it die as it did.

Jim thanked Scott for all his hard work on this issue. He asked Scott to give residents a phone number for Angelo Skosha, so they could contact him. Scott told residents to call 617-722-2800. Jim also commended Scott for the direction he is taking.

### **BILL O'DONNELL, REGISTRAR OF DEEDS**

Bill O'Donnell wanted to update the Board on the modernization initiative. They have now updated their technology and are now online to the public to view records. You can use their website. They have also increased the amount of closing space for people who want to conduct closings at the Registry. Bill said that they have upgraded the computers for the staff at the Registry, which helps save time and increases service. There are computer terminals available at the Registry for public use as well.

[www.norfolkdeeds.org](http://www.norfolkdeeds.org) is the website.

### **LYNN SAND, 495 CORRIDOR UPDATE**

Gino Carlucci, Planning Administrator and Lynn Sand of the 495 Corridor Project was present.

Lynn said that they came in to give the Board an update on exactly what they have been doing. She said it is also important that they hear from Norfolk, and know what the issues are out there.

Lynn gave a background that they consist of 32 communities. There had never been a survey done on the 495 regions, and what it consisted of. They consider it the seam, rather than the thread.

The Board discussed at length issues with Lynn and Gino.

## **PAUL BORRELLI, EARTH REMOVAL HEARING CONTINUATION**

Present was John Glossa, Glossa Engineering, and Paul Borrelli.

Jack McFeeley reopened the public hearing for Canterbury Estates, continued from July 19, 2004. Jack said that at this meeting, the Earth Removal Advisory Committee gave about 10 points that they were concerned about. Jack said that this Committee and Mr. Glossa and Mr. Borrelli were told to go and caucus between that meeting and this meeting, and try to resolve all the issues.

Bob Bullock, Building Commissioner, is present. He said that they met on August 10th, and reviewed the plans and discussed some of the problems with the lots, and the hardships involved. Bob said that in most lots, they could see where the hardships were. Bob said they never came to a vote on this, and asked the applicant to come in with how they were going to control the dust, the noise, the hydrology, etc. Bob said if they have the other information they were asking for, then it can be resolved tonight, or another meeting. Jack said he'd prefer to do this tonight. John Glossa said the Board has had this information since July 19th.

John Glossa said there was a request for comment or documentation about the application for the altered drainage patterns and if it would alter the vernal pool, intermittent stream or underlying aquifer. That was put in a letter to the Board.

John Glossa said the other issue was when the trucks would be moving, how dust control would take place, etc.

Jack McFeeley said that the Earth Removal Committee's memo of July 12th, has most of the questions been answered? Bob Bullock said no, they asked for more of a contract asking for concrete answers how you will take care of certain issues, and they haven't done that. Bob Bullock said he asked Butch about bonding for the roads, and Butch didn't feel that was necessary. Jim Giebfried commented on crushed stone being used to alleviate this from happening. He said they want detailed answers.

Jack McFeeley asked John Glossa if he is prepared to answer. John said yes. He said the first one, is that the subdivision road is going to be paved before they use it. Any mud falling off will fall off on their property. They won't be traveling on dirt roads. Jack said they will put that they need to wash it off, if it isn't. John said they encourage that as a condition. Sweep it, or wash it down, or whatever.

John said that could be a condition. That Canterbury Lane will be paved before materials are removed.

John Glossa said that if anything were removed other than this site, they would let Bob Markel know. They said that if there were any debris on the roads, they would clean it up within a 24-hour period.

Jim Giebfried asked about the height of the trucks. John Glossa said that in complying with the laws, RMV laws, they have to only fill the trucks so high, plus they have to cover them. So he understands Jim's concerns, but they comply with the law.

Bob Bullock questioned the hours of operation. Ramesh said he suggested 7 a.m. to 4 p.m. as discussed. Bob Bullock said he prefers 9 a.m. to 4 p.m. because of school buses. Paul Borrelli asked about 9 to 5? Jack said he doesn't see if we're doing 4, why we couldn't try 5. Jim Giebfried said some issues are that town hall and highway are closed at 4, if problems arise. Also, in the winter it is dark by 4. The Board agreed with 4 p.m.

Jack said the wetland protection and runoff seems to be the only issues left. The Board discussed this issue at length with Jim Giebfried. John Glossa said if you look at the plans, it shows exactly what he is doing.

Ramesh said that unless there is an objection from the Earth Removal Committee, then he thinks we have met everything we needed to. Jim asked that one of the Board members, or Bob, identify all the open issues so that they will be resolved. Jack disagreed saying there is only one open issue. Ramesh said there should be a summary document of what has been agreed to, and this can be attached to the earth removal permit. The one open issue, the direction of the runoff, can be done as a separate attachment. The Board did not agree to this. The Committee will meet with John Glossa and get this resolved within the next week.

Ramesh Advani moved to adjourn this hearing until 8 p.m. on August 30, 2004. Jim Lehan seconded, and it was so voted.

At this point, Bob Markel asked that the Agenda be modified to include Jonathan Smith of the Advisory Board, and Fire Chief Cole Bushnell.

### **JONATHAN SMITH, ADVISORY BOARD**

Jonathan said that he comes around this time to ask that the warrant gets closed when it is supposed to, and that articles are submitted on time. Jonathan said they want to know if there will be any warrant articles that may be contingent on a successful vote on the DPW. He also wanted to know that there be some discussion about a possible debt exclusion override for some of the items that were voted on in the spring knowing that we took them out of monies that would be for budget items. Bob reminded everyone that the article deadline is next Monday, August 23rd at 4 p.m.

### **FIRE CHIEF COLE BUSHNELL**

Chief Bushnell has three items for the Board.

1. Paramedic program that was originally scheduled to begin in September has been cancelled. It is now moved back to January. They do feel it will happen in January, and go forward.

2. ALS delivery. Chief Bushnell said that looking at the calls that have been coming in, it is obvious that we need the paramedic services. We have had several serious incidents that called for ALS, and we had to depend on other towns. He would like to have the ALS delivery moved up by a year.
3. His third issue is bringing on a new ambulance. He feels this is the year to do it. With the amount of mutual aid we have been doing, we are losing revenue in excess of \$15,000 a year. He would like to move ahead with a lease/purchase for a new vehicle.
4. Would like fee schedule adjusted. Norfolk is way behind other communities, and it will help bring in revenues. The board questioned when it was last updated. No one knew the answer. Jack asked if the fee is too high or too low right now? Chief Bushnell said that it is probably a five-year run. These fees will last them five years.

Ramesh Advani moved to revise the permit fee schedule as proposed by the Fire Chief effective September 1, 2004. Jim Lehan seconded, and it was so voted.

### **ACCEPTANCE OF MINUTES**

No action was taken on the minutes.

### **ACTION ITEMS**

The Board discussed a request from Carol Fuller Osborn to place a plaque on 677 square feet of land she is donating to the Town, in memory of her parents, Clarence and Edna Fuller. It was noted that the plaque might have to go on her property, as opposed to town property, and she would need to deed us an easement to go on her property for maintenance. Ramesh wanted to be sure Mrs. Osborn was okay with this. Jack McFeeley did not see a problem with this, either on her land or someone else's land. The Board was in favor of the plaque, but Bob Markel will check on this.

Ramesh Advani moved to release street opening permit #03-12, 5 Lark Road, per the recommendation of the Highway Superintendent. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to approve street opening permit for Hugo Equipment, Inc., for drainage improvements at Sweetland Farm Road/Main Street in connection with the Canterbury subdivision roadway, contingent on a signature by a Water Commissioner on the application. Work will begin August 18th. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to approve the snow removal rates for Winter 2004-2005, per the attached memorandum from Remo Vito, Highway Superintendent. Jim Lehan seconded, and it was so voted.

Stony Brook Audubon has requested permission to install a banner across the center of town advertising their Fall Fair, from September 18th through October 2nd. Jim Lehan said there would be conflict, as the Norfolk Federated Church will also want to hang their banner overlapping some of these dates. Bob Markel will check with both organizations and try to work this out.

Ramesh Advani moved to approve a petition of Boston Edison Company, d/b/a NSTAR Electric to remove two (2) poles and anchor guys on Miller Street, southerly side approximately 443 feet northeast of Leland Road. Jim Lehan seconded, and it was so voted.

Matthew Dias of 22 Village Green has requested a portion of Stanhope Drive be closed for a neighborhood block party on Sunday, August 22 from 2 p.m. to 9 p.m., with a rain date of August 28. The Board had a lot of questions, particularly about the road being closed and emergency vehicles access. Bob Markel will look into this, and if the Chief's approve, Bob will approve this party. Jim Lehan moved to authorize Dr. Markel to grant the closing after feeling comfortable that all safety issues have been addressed. Ramesh Advani seconded, and it was so voted.

Paul Borrelli of 284 Main Street, Norfolk has requested the speed sign near his property of 45 mph be reduced to 35 mph. The Board will have this reviewed by Chief Stone and Remo Vito.

Ramesh Advani moved to approve a Blind Driveway sign for Lawrence Piccone of 88 Myrtle Street, subject to the approval of the Highway Superintendent. Jim Lehan seconded, and it was so voted.

The Board received a letter from Mary Jo Gothorpe of the Friends of the Norfolk Public Library, requesting permission to use the Town Hall Parking Lot for their Annual Book and Bake Sale on Friday, September 17th from 7-9 p.m., and Saturday, September 18th from 9 a.m. to 4 p.m. The Board was not in favor of this idea, as the stakes for the tents would need to be driven into the concrete in the driveway. The Board suggested that they seek permission from the H. Olive Day School to use their parking lot for this event.

### **TOWN ADMINISTRATOR REPORT**

The Board discussed a letter regarding litter on the side of the roadway, in particular, Route 115. The last pickup was in April; October will be the next pickup. Jack McFeeley said that the prisoners do the litter pickup. Perhaps we need to have it done more frequently.

The Board suggested putting an article on the Fall Town Meeting to address the legal services with respect to the 59 Cleveland Street issue.

Bob Markel reported that the Call & Wait situation is being addressed. Bob will email the Board the steps that are being taken.

Ramesh discussed the letter concerning the train whistle ban. It appears they are unable to locate our documentation. Bob will discuss this with Frank Gross and put comments in writing that we don't want the train whistle ban removed.

At 11:47 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of August 16, 2004.

---

Ramesh H. Advani, Clerk

## **SPECIAL MEETING**

**August 24, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, Robert T. Markel, Town Administrator, Marian Harrington, Executive Assistant, and Joni Troyanos, Clerk.

Jack McFeeley called the meeting to order at 6:30 p.m. The meeting was an active work session to discuss administrative issues.

Bob Markel told the Board that he was concerned about organization in the office. He tries to start the day with larger items, such as goals. He has so many interruptions that it is difficult to spend time on any one project.

The Board discussed the action items for the meeting. The Board agreed that they don't need to see all the action items and discuss them at a meeting. It was decided that the action items will be forwarded to the Board during the week and they will decide on which items can be voted together as a "consent agenda", and if there are issues they can discuss those items separately.

The Board also decided that if correspondence comes in that needs input from someone else, such as the Police Chief, Highway Superintendent, etc., that correspondence will not be put before the Selectmen until all responses have been received, and a final decision has been determined. This will avoid an issue being voted by the Board, without all the information from other departments.

The Board agreed to have the department heads in to a meeting on a regular basis so that we can be aware of what they are doing. It was also agreed that the liaisons would report anything important going on with their departments.

Bob mentioned that he is going to use an Issue Tracker on First Class that will enable to the Board to track what items have been worked on or resolved. He told the Board he would show them on his computer at the close of the meeting.

The Board discussed the fundamental business structure of our meetings. They reviewed the process. It was mentioned that the Board is micromanaging items, and spending too much time on things.

The Board reviewed the process with which the Selectmen interact with the office, before and after meetings.

The Board discussed communication. All agreed that the use of email is overwhelming. Communication is key, and we need to follow through on issues and control the flow of information. It was noted that the Board needs to be careful not to overload the staff with one-on-one requests. If each Selectmen gave directives to the staff of things they wanted worked on, it could overwhelm the staff, especially with the directives added to their daily workload.

Ramesh discussed communicating with the press, both individually and as a Board. He suggested that the Board, or Bob, after speaking with the press, email or phone each other and advise them what the conversation was. There was much discussion about this request, and some felt that this was inappropriate. It was now agreed that we would keep each other informed after conversations with the press.

The Board suggested that we have one business summary at the end of the meeting, which will summarize key issues.

Marian Harrington discussed the Board members picking up their packets over the weekend, as opposed to right before a meeting. The members need to have time to review the information and be familiar with what will be discussed during the meeting.

Marian also brought up that if she is not present at a meeting minutes aren't being taken. The Board discussed that it's difficult to focus on the meeting and be part of a discussion, and try to take minutes. Joni Troyanos offered to attend and take minutes in Marian's absence.

Marian asked the Board if they wanted to continue their policy that no correspondence will be handed to them at the meeting. This policy was adopted because too many people were bringing in documents on Monday and expecting the Board to take action on it at the meeting. It was difficult for the Board to review and digest some information, without having seen it prior to the meeting. A prior Board made a policy that all information must be into the office by 7 p.m. on Thursday evening, or noon on Friday, so that the Board can review these items beforehand. If a document comes in after that time frame, it will be considered at the next Selectmen's meeting. Exceptions

are emergency items that cannot wait. Bob Markel, or Marian Harrington will decide an emergency. The Board agreed to continue with this policy.

Marian asked the Board how they wanted to handle the occasional off week when there isn't a meeting. Do they want a packet? The Board agreed that a packet would be in order, so that they are aware of what is going on even though there isn't a meeting. This is not for the every other week, but for the occasional third week that is very rare.

The Board asked Marian to put pending items on the agenda on First Class. This way the Board can see what is coming up at a future meeting.

The Board would like Liaison Report put under Old/New Business quarterly at the meetings, so that they can report on their departments. Bob Markel will review the Board's Goals on a quarterly basis, as well.

At 9:30 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of August 24, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**August 30, 2004**

Present were John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:37 p.m. Bob Markel read the agenda contents.

### **CAPITAL OUTLAY COMMITTEE/ROAD SAFETY COMMITTEE**

Present was Capital Outlay Committee members Ed Melanson, Kathy Lovell, Arlie Sterling, Jim Tomaszewski, Road Safety Committee members Joe Sebastiano, Bill Crump, Jim Leonard, Beth Strubeck, Police Chief Charles Stone, and Highway Superintendent Remo Vito. Mario Damiata was also in attendance.

Joe Sebastiano handed out a sidewalk expansion plan. He explained that they have been working in depth, but have no funding. Jack McFeeley asked how much a sidewalk costs? Butch Vito said \$30 per foot.

Joe said they are at a crossroads. They cannot do anything else without funding. They ask, but they have been working on this for over 5 years, to no avail. They are not making any headway without having the funding to do this.

Butch said there is about \$100-\$120,000 in donations.

Joe said that when they are discussing sidewalks, he doesn't think he has enough people around the table. Perhaps there should be a Planning Board member, or Capital Outlay member present. Joe said they have people for streetlights, etc., but not with sidewalks. You need tree hearings, etc. It can be involved.

Jack asked what they would like each year? \$50,000, \$100,000? Joe said that they feel they should have a recurring amount every year. He suggested Butch give a figure.

Ramesh asked how many miles of sidewalk we have in town now? Butch said he wasn't sure. Joe feels pedestrian safety is what is driving this. Ramesh was asking how the funding fits into the priorities. Ramesh asked why this doesn't succeed at Capital Outlay?

Ed Melanson commended the Road Safety Committee for the great job and work they've done. Ed said that he isn't sure that the whole community is supporting this. It also deals with the amount of money it takes to do this project. Phase 1 is the most affordable, but it is still a million dollar project. This would be done over a period of time, such as the Library. Ed is afraid that after all their work, he would hate to have this not supported at town meeting. Ed said another shortfall is trying to fund it in \$10,000 and \$20,000 segments. He doesn't feel this is the way to go.

Jim Lehan said the community should understand this. If they don't, that's awful. Jim said we are trying to have a pedestrian friendly community. We have pedestrian friendly areas, but they don't connect to anything. Jim said we need a strategy to get the people to go for it. We need to figure out how to get this out to the people. How do we make this happen?

Jack asked Butch how many sidewalks could be built in a year, if money wasn't an issue? Butch said trees and hearings take time. Butch said possibly 3 or 4 miles a year.

Ramesh mentioned the internal roundtable discussion, and said that they had a brainstorming session and came out with a list of things they want to tackle. He suggested perhaps Road Safety, Highway, Capital Outlay and any other committee should put their heads together and come up with another model to present to the community. Planning Board will be putting this forward into the Master Plan, for the final edition. Butch said that it has been discussed, and Planning Board is aware of this.

Butch said that we had put a plan together, and the last time they were with the Selectmen, their charge was to investigate funding. They did that. They pursued grants, and any available funding. They really had no direction with the funding, and that is what they would try to get tonight.

Ramesh said there are many other ways to do this within the state.

Joe asked how to meet, and what the target is. Where do we go from here? Jack asked the Board if they are interested in moving forward and supporting a plan including investigate funding. The Board agreed that this would be something they support.

Ed would like to sit down with the Road Safety Committee and start the financial discussion going. He said he knows time is limited here, and they would like to meet with them to discuss this further. Joe would like a Planning Board liaison, and we need a liaison from the Selectmen, as well.

### **EARTH REMOVAL PUBLIC HEARING – CONTINUATION**

Present was John Glossa, Glossa Engineering; Paul Borrelli, applicant; and Bob Bullock, Building Commissioner and Earth Removal Advisory Committee.

Jack McFeeley opened the hearing. He stated that this is a third continuation of the public hearing for Canterbury Estates. Jack said that where we left it was that John Glossa and Paul Borrelli were coming in with a diagram showing the water flows during rain storms.

John Glossa told the Board that he gave them a spreadsheet, rather than a diagram, containing the information they asked for. He gave them an "existing conditions" plan. The proposed conditions are the conditions that he has shown on each of the house lots. The changes in the grades of each of the house lots. John Glossa created a spreadsheet and he compared the existing conditions with the changed conditions. The Earth Removal Committee asked him to look at 3 design points, the vernal pool, the intermittent stream and the underlying aquifer. The only change that he can see is that 10,400 square feet of land will be changed from discharging to the intermittent stream to discharging to the underground aquifer. He gave the Board a copy of a document that was filed with both the DEP and local Conservation Commission, which shows that upstream from Mr. Borrelli's property, the area of the intermittent stream is .676 square miles - not acres. It turns out to be 18,845,798 square feet. They are proposing to change 10,400 sq. ft., which is 1/2 of 1% of the watershed area. He said we talked about the hydrology, but if we make changes to the surface, what happens underneath is deminimus. It's nothing. The other reason that he said that is that the surface water that heads towards that intermittent stream, when it joins the intermittent stream if it gets that far, that intermittent stream dries up every year. When spring ends, the water drops very quickly. This was submitted to DEP as part of the judicatory appeal of the case whether that was an intermittent stream or not. His point is that by changing it 10,400 square feet, that is .055% of the watershed area, that the change to the stream is diminimus. If you think it is a change to the underlying aquifer, all of the land is within the aquifer. The change to surface water is deminimus. It changes by 10,400 square feet. Change in time. Deep cut 7.6% of the whole lot area. In these areas, he

looked at the percolation rate (not permeability). It is usually 1 minute per inch. It is deminimus.

The spreadsheet is based on water quantity only. He asked the Earth Removal Committee if they were happy with water quality, and they said yes. So he narrowed his study to quantity only. No adverse affect on the vernal pool, intermittent stream, or underlying aquifer.

Bob Bullock read nine issues that the Earth Removal Committee agreed to. John Glossa agreed as well. The nine issues are as follows:

1. The Plans for each lot were reviewed and found that there was a hardship with all but four lots, the four lots were given consideration since the amount of material being removed on these lots were within reason given the septic, house foundation and driveway construction.
2. As Built drawing on each lot once completed to show compliance with proposal.
3. All areas will be covered with a minimum of 6" of loam.
4. In the event a lot is not under construction within 6 months of removal then the lot would be covered with loam and seeded.
5. It is agreed that all truck traffic will exit and enter on the West end of the subdivision and that it is the intention of the applicant not to start removal until the subdivision is base coated and or they will use a filter fabric in the road covered with stone in long enough length and depth to clear tires of debris in order to keep Main St. clear of silt and dirt.
6. Dust will be managed by keeping level loads on all trailers, covering each load, wetting down the street and material if needed and sweeping the street route at least every two weeks or sooner if needed.
7. Any complaints will be addressed and corrected within a 24-hour period.
8. The hours of operation will be 9 AM to 4 PM Monday through Friday.
9. There is a lingering question as to the water flow once the landscape has been changed and to the amount of water flowing to the back and front portion of the subdivision and whether this earth removal is going to offset the existing amounts. The board has asked the applicant to show a pre-drainage report and a post drainage report to be able to consider the impact. This report will be sent in by August 23rd for review prior to the next Selectman's meeting.

Bob Bullock said they do meet the bylaw requirements.

Jack said that an email received from Jim Giebfried, Chairman of the Conservation Commission will be part of the record as well. Jack did not feel that the email is pertinent at this time. Jack said that he would also ask that Mr. Borrelli keep a log of the trucks, as done in the past. Paul Borrelli agreed.

Paul Borelli said chips are an immediate prevention. He would prefer that to loam and seed. He would like that as a temporary option. Bob Bullock said that is something

they would have to take a look at, but he isn't really opposed to it. Jack said that recommendations would be done in the future.

Jim Lehan moved to approve the earth removal request by Paul Borelli subject to the terms and conditions outlined in the Building Commissioner's letter, and amounts as stated in the application. Ramesh Advani seconded, and it was so voted.

Jim Lehan moved to close the earth removal hearing. Ramesh Advani seconded, and it was so voted.

In another matter, Jack McFeeley asked Butch Vito and Chief Stone about the speed limit requests from the Road Safety Committee. Jack asked if the State needs to approve all speed limits? Chief Stone said no, only Rt. 115.

Jim Lehan moved to approve speed surveys on Medway, Union and Myrtle Streets. Ramesh Advani seconded, and it was so voted.

The Board agreed to hold off on Paul Borrelli's request for a lower speed limit on Main Street until the study is done.

## **HIGHWAY SUPERINTENDENT**

Remo Vito was present to update the Board on Highway issues. Butch discussed Miller Street. He said the worst case is Spring 2005. Jack asked how we can bring this back to winter. He would like to see it opened sooner than later. Butch said there was a problem with an emergency call, and he needs to talk to Chief Bushnell to see what the problem was. He thought there was mutual coverage from Franklin, and doesn't know what happened.

Butch told the Board that the Town Center is a month ahead of schedule. By December, he hopes to have most of it finished up. They should be in fairly good shape. He said he doesn't see any problem with the Veterans' Day parade. There may be a problem with the tree lighting and Santa parade, because town hall won't be useable for that. We may use town hall for tree lighting. He hopes to be able to start in the spring with landscaping, paving, etc. for town center.

Jim Lehan asked about the poles. Butch said they are going to start stripping after Labor Day. Ramesh asked when are poles coming down. October 1? Butch wouldn't commit, because there are problems with the main cable in front of Dunkin Donuts and the Fire/Police station. He would hope the critical poles would be removed by the end of September. He will reapproach them after Labor Day to get a better feel of where we are. Everything is fed underground.

Butch mentioned the discussion with Comcast on September 15th regarding they won't pay for fees, it has to go through the users. They aren't a utility.

Discussed the situation in the town center. Butch said it is a temporary situation, and it is not the roundabout that will be there. He said it is a disaster, and they will be doing more work on it this week. He realizes it is a nightmare for people passing through.

Jim asked when the Daley project would start? Butch said he is nervous about this one. Mr. Daley is probably still about a month out from getting his permits. Butch said they need to change grades, but they have held off waiting for the Daley's to do their project. They were supposed to be ahead of Butch's work, and it's not happening.

Stonewalls. Butch met with the Permanent Building Committee to discuss the Library stonewalls, and how the Library didn't continue the stonewalls. The two projects don't come together there.

Jack said people are concerned about fire trucks and tractor-trailer trucks going through the roundabout. Butch said that the roundabout is designed to contain these larger trucks. Butch said he did a cable program, and he illustrated a fire truck going through. Butch said that this is why they want to be set for winter, because if there needs to be changes made, they will know it. Jack said that he had concerns mentioned to him about the church losing a lot of property. Butch said no property has been taken, and they have lost nothing. Jim concurred with that.

Butch told the Board that Chapter 90 State aid funds are \$213,000 this year. All roads can be done; they are not restricted by the State. Butch combined the \$300,000 road money with the Chapter 90 funds, and that is how they come up with \$500,000 annually.

Butch said that old projects needing to be done are Rockwood Road and Seekonk Street. Jack mentioned the Cohen/Wells issue. Butch said he has set aside \$120,000 for the intersection project. He is going through hearings in September and October.

Butch discussed the roads program with the Board. He read off a list of streets that will be tentatively scheduled. He will have a complete, detailed list posted on his website in the near future.

Butch said he is working on the "quiet zones". VHB is working with the federal and state, but so far we still have the quiet zones. They are re-visiting the quiet zones and looking at them. Criteria for a quiet zone are 10,000 cars per day.

Jack questioned the light at H. Olive Day School. Butch said they installed a new pole in the island with a light that shines into the street on the patrolman. It can be controlled by them. Jack was concerned about the light shining in the patrolman's eyes. He went back to the vendors and discussed it, and they said there is no problem. Jack can't understand how the light can shine on the cop and not be in his eyes. Light will be controlled on the pole by a switch and can be turned on and off for events. Chief Stone said it depends on the height of the light, and how it's directed. Chief Stone said

headlights from cars are just as bad shining in their eyes. Butch said the light is being installed either this week or next week. The poles are up, the conduit is laid, and the fixture is at the Highway Department, just waiting for the electrician. They will do a test when school has the open house next week.

Jack questioned Mr. Jones' letter regarding a hole in Campbell Street. Jack asked Butch to check on this and get it resolved. Butch will check on it, but is pretty confident that it is repaired.

Bob Markel discussed many complaints about litter on Rt. 115. Bob said that we have a bylaw, but no fine attached. We will take care of that at the fall town meeting.

Butch discussed sidewalks and trees on Medway Branch.

Butch asked the Board to approve the vehicle bid. Ramesh Advani moved to award the bid for one Ford F550 Super Duty 4x2 or equivalent, to Interstate Ford Truck Sales of Hartford, Connecticut for a price of \$42,006.00, as submitted by Remo Vito in his memo of August 27, 2004. Jim Lehan seconded, and it was so voted.

### **ACCEPTANCE OF MINUTES**

Ramesh Advani moved to approve the minutes of July 6, 2004, and July 19, 2004. Jim Lehan seconded, and it was so voted.

### **ACTION ITEMS**

Ramesh Advani moved to approve the annual road race for the Federated Church's Harvest Festival to be held on September 25, 2004, beginning at 9 a.m., and the route being Main, Lake, Medway and Myrtle Streets back to Holmes Field on Myrtle Street. Jack McFeeley seconded, and it was so voted by Jack McFeeley and Ramesh Advani. Jim Lehan abstained from voting.

Ramesh Advani moved to allow the Federated Church permission to hang a banner over town center to advertise their Harvest Festival. Due to a conflict with another group, they will hang it for one week, from September 11th through September 18th. They will then hang it on church property for the week of September 18th through 25th. Jack McFeeley seconded, and it was so voted by Jack McFeeley and Ramesh Advani. Jim Lehan abstained from voting.

Ramesh Advani moved to allow Stony Brook permission to hang a banner over town center to advertise their Fall Fair. They will hang it from September 18th through October 2nd. Jim Lehan seconded, and it was so voted.

### **TOWN ADMINISTRATOR REPORT**

Bob Markel gave out a permit fee structure given by the Building Commissioner. He will attend a future meeting to discuss this in detail.

Bob gave the Board a handout of the fact sheet for the DPW mailing. Ramesh informed the public that he is for the DPW, although a recent Boston Globe article neglected to include his position.

### **OLD/NEW BUSINESS**

The Board discussed a Call & Wait letter from Mr. Wile to the Building Commissioner. Bob Bullock is doing follow up.

The Board reviewed correspondence from Mr. John Creedon. Bob Markel told the Board that the matter was given to Town Counsel to write a letter.

Jim Lehan said he did an interview with the Fire Chief focusing on the ALS. It is on cable, and he would like feedback.

Jim informed residents of the newly formed internal roundtable and that we are beginning the process. These meetings are posted and public.

Discussed Tri-County allotment. Bob will check to see what King Philip received, and what is our figure.

### **ALL TOWN MEETING WARRANT**

Bob Markel presented the first draft of the warrant. The Board will review it and discuss it in detail at the next meeting.

At 10:37 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of August 30, 2004.

---

Ramesh H. Advani, Clerk

### **SPECIAL MEETING**

**September 7, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Also present was Bob Bullock, Building Commissioner; and Art Spruch, Planning Board Chairman.

Jack McFeeley called the meeting to order at 7:38 p.m. This meeting was to review the warrant articles for the Fall Town Meeting.

The Board first reviewed the Planning Board articles. Article 13 was the first article. Art told the Board that this should be a Zoning Bylaw Study Committee article, not sponsored by the Planning Board.

The Board voted aye to support this article.

Art Spruch told the Board that articles 14 and 17 should be placed together, because they are both Stop River articles.

The Board voted aye to support this article.

Art Spruch told the Board that articles 15, 18, and 20 should be placed together, as they concern Christina Estates. Article 18 should be changed to read "Evergreen Road to Massachusetts Avenue" as opposed to Cypress Lane as written.

The Board voted aye to support this article.

Art Spruch suggested that articles 16 and 19 be placed together, as they both concern Berkshire Street/Erin Lane.

The Board voted aye to support this article.

Art Spruch said that in Article 21, the only change was the date. The Board voted aye to support this article.

This ended the Planning Board articles.

Article 22 was a Selectmen sponsored article. There is no fine associated with the penalty on littering in our bylaw. This article puts a monetary fine with the penalty.

The Board voted aye to support this article.

The Board then moved on to the Zoning Bylaw Study articles.

Article 24. Bob Bullock told the Board that they added "swimming pool" for Zone 2. It was just to clarify that you can include swimming pools, as there was much confusion.

The Board voted aye to support this article.

They all discussed Articles 25 and 26. Bob Bullock said this involved zoning within the B-1 district. It gives more flexibility to the Planning Board. After discussion, it was decided that Bob Bullock would do some work on Article 26 and change the wording a little.

The Board voted aye to support this article.

Article 27. Bob Bullock said the purpose of this article is to take front yard parking out of the B-1 to B-4 districts. Doesn't include the C districts.

The Board voted aye to support this article.

Article 28. Bob Bullock said he wants to get rid of this article, because it is hard to manage. He said that zoning covers it, and it is too cumbersome.

The Board voted aye to support this article.

Article 29. It was decided that the Planning Board would look at this article, and get back to us with feedback. Bob Bullock said the change allows a larger footprint, and gives more flexibility. Discussed removing the 45,000 and making it 50,000 and removing the Special Permit. Discussed removing 25,000 and make it 30,000 and remove the Special Permit.

Jack McFeeley and Jim Lehan voted aye to support this article. Ramesh Advani voted no.

Article 30. Bob Bullock said that Residential Density is key. B-1 took it from 6 bedrooms to 16 bedrooms.

The Board voted aye to support this article.

Article 31 and 32. The Board voted aye to support this article.

Article 33. Bob Bullock would like to get rid of this article. It's instituted into F-11. There are plenty of measures in place to protect this.

The Board voted aye to support this article.

Article 34. The Board voted aye to support this article.

Article 35. One sentence change was made in this article. Ramesh feels that we should look at the whole permitting process. Jim Lehan said that if this helps now, let's not wait.

The Board voted aye to support this article.

Article 5. Sponsored by the Fire Chief. This was regarding the grant to replace self-contained breathing apparatus (SCBA). The Board wants Peter Petruichik to let us know what the money has been spent on in the past, and what's been done.

Articles 6 and 7 were stricken from the warrant.

Article 8. Ask Senator Brown if the language in this article will allow us to do what we are attempting to do.

Article 10. The Board would like 3 separate articles for capital improvements, sidewalks, and ambulance.

The Board of Selectmen voted aye on articles 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

At 9:40 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of September 7, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**September 13, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:10 p.m. Bob Markel read the agenda contents.

### **59 CLEVELAND STREET**

Present was Sandy DiBacco, spokesperson for the 59 Cleveland Street resident group, and George Hall, Town Counsel.

Jack McFeeley told everyone present that this would be an information session tonight. He said that what we can discuss in open session, we would. However, there may be information that will have to be discussed in an executive session, and not publicly. Jack said the Board is very much interested in what is going on, and considers this not a Cleveland Street issue, but rather a town issue.

Jack said that one of the reasons for having this meeting is for all of us to be on the same common ground to understand what is happening, recent events, and to give Town Counsel the opportunity to hear what is going on and to help lay the foundation for future discussion of where do we go from here.

Ramesh said from his perspective, he is looking at this as the second formal discussion regarding the issues surrounding this topic. He said he and Jack, even before Jim was on the Board, had had numerous discussions and involved state officials. We have gone through many phases and he thinks this is only fair and appropriate at this stage, to say that we need to work as a community to address this on a formal basis. He personally views this as a state-wide issue, and not just a Norfolk issue.

Jim Lehan said that this resident group has been very diligent and conscientious in continuing to work on this issue. They have not allowed themselves to be deflected from it, nor have they let people deflect them from it. They have worked very hard and have done an incredible amount of work and research, and worked with Senator Brown. They have worked around legislative issues he is working on, they have campaigned, and they have done everything they could to keep this in front of the community. Jim said the Selectmen have been supportive, and they do have the support of the full Board. Jim said this has never been an issue, and he has never heard anyone in the community say it is an issue of Norfolk being against the mentally challenged. It is not the issue, it has never been the issue, and it is not the issue today. The issue is that Massachusetts has no placement guidelines in where it houses its sex offenders. There are 21 states that do have such guidelines. Massachusetts has none. That is the problem. They have placed sex offenders in a community surrounded by some 24-26 children within a quarter of a mile without any regard to the community.

Furthermore, initiatives and efforts by this board and the citizens, and letters and phone calls have been fundamentally ignored. Not just unresponsive, but almost rude and obnoxious and arrogant in their response. It is morally and ethically wrong. We need to come up with a strategy that is meaningful in helping to move something forward. There is legislation that has been stuck in committee that has not been allowed on the floor for a hearing and it is an unfortunate set of circumstances and we, as a community, are not going to let this go.

Jack said that there would be an article on the fall town meeting, Article 4. This article will be for funds for a Special Legal Account to help them with legal expenses. He said that residents should make an effort to support this at the town meeting on October 26th.

Sandy DiBacco said they have been working hard and have hit a brick wall. Jerry Morrissey, who is the Commissioner of Mental Retardation, will have nothing to do with them. Sandy said that at the meeting held in March, there was supposed to be a meeting set up with representatives of the Dept. of Mental Retardation and 15 residents. She said that meeting has never happened. They refuse to sit face to face with them and answer their questions. She said they sent Dr. Mark Fredovich; the Deputy Commissioner who came out sat with a group of them for an hour or two, and walked around the property, seemed sympathetic, left and did nothing for them. They never heard another word.

Sandy DiBacco said that we need to have a meeting with Jerry Morrissey, but he won't return her phone calls. There was a Level 3 offender in a group home in Harwich, and the Dept. of Mental Health came and met with the town, and that offender has been moved out of the group home, and relocated out of state.

Sandy said she called the May Clinic who also houses sex offenders. They told her they don't put sex offenders in with non-sex offenders. Sandy said this means that either Delta House has 4 sex offenders there, and the other two are Level 1's, or they don't care about the men and just want the money they are getting from them.

Sandy said that when she spoke with Richard Hayes, attorney for Delta Projects, she got the impression they are just looking for the money. They went to the Board of Health and lied about the people he was with, and he lied to Sandy when she asked him if he was a lobbyist. She said she knows he is a lobbyist, and he is registered and she has his agent number. She told him that she was going to report him to the Board of Bar Overseers. He told her if she did that, she should be prepared to face the consequences.

Sandy said that she reported to Gail Gillespie the incidents where the kids saw the men looking at them through binoculars. Gail told Sandy that the kids were lying. Sandy told Gail that she heard the kids screaming, and Gail basically called Sandy a liar as well.

Sandy said that these men are also at the kid's baseball games; they smoke on the field, and play on the playground equipment. She said many residents probably feel this issue is localized to Cleveland Street, but it's not. They are in Norfolk Food Mart. The sex offender was in the store unsupervised, and the aide was sitting in the van. They have been in Dunkin Donuts unsupervised. She lives two doors away, and said they have walked by her house more than once unchaperoned. She said these are only things she knows about. There are probably many more happenings that she's unaware of. They are not being supervised, and if they are, their supervisors are not qualified.

Sandy said she feels we need a meeting with Governor Romney. She said she tried to meet with him and was told that he doesn't meet with ordinary citizens. She said someone else needs to try to meet with him.

Sandy said that we need to fight for guidelines in Massachusetts. Other states have them; we need them too. She said that Senator Brown has legislation and is doing an awesome job. He responds to all her telephone calls and emails. We need everyone to work on this together.

Jack told Bob Markel that there are some things that we need to do. One is to reinstitute the planned meeting with Jerry Morrissey, whether it is with 15 people in town, or another number. He thinks it might be appropriate through the Board of

Selectmen to try to seek a meeting with the Governor, to provide Sen. Brown with some help, and he needs our support as well, and the Governor's support.

Jim said that he has a desire to be in Richard Hayes' face every chance we get. He is manipulative and a liar, and he is a member of the Bar. Jim said we have documented problems we have had with Mr. Hayes, most recently at a Board of Health meeting where he misrepresented individuals that were in attendance at that meeting. That is on video and verbal. He strongly feels that we have some opportunity to do this. Jim feels a letter should be sent to the Board of Bar Overseers stating the different occasions that he has been a problem and bring it to their attention. George Hall will help. George said the Bar will inform Mr. Hayes that complaints have been lodged against him, and will ask for his side of the story.

Jack stated that for clarification, what Jim was talking about was that the Board of Health asked Mr. Morrissey how many bedrooms were in the group home? He said he did not know, even though he had been in there. He eventually said there were only three. When they pointed out Kathy McNeil said there were four bedrooms, on two different occasions, at the meeting at the State House, and Mr. Morrissey was sitting right next to her, he denied that Kathy ever said that. Then we discovered that Kathy McNeil was sitting in the room that night and we directly asked her how many bedrooms were in the house, and he would not allow her to answer the question. Also, when he was asked during the Board of Health meeting who was with him, he would not give names. Instead he said they were members of his staff. Jim Lehan stated that unless all of the Delta employees work for the Delta attorney, whom he suspects is not the case, then they are not members of his staff.

Ramesh feels we need to get with other communities and wondered what resources are out there. He wondered if the MMA or Mass. Selectmen's Association could join forces with us. We can't be the only ones going through this. Ramesh asked that we contact Jeff Beckwith to get this going. George said it's a good time, because legislation has to be in by the end of the year. Jack suggested even Norfolk County Advisory Board. Bob will work on this.

Sandy said she is working closely with Lori Myers and Debbie Savoya of the North Shore. They have been successful in working to get a Sex Offender Registry bill to go through. Ramesh said we should recruit them into this process. Sandy said she worked with an Ann Harrington in Harwich.

Jack is concerned that they are hiding behind the fair housing act. If you read it, it doesn't apply to sex offenders.

Ramesh said it's an issue of what to do with sex offenders. People are pretending it doesn't exist. Sandy said that we bought this house for these men to live in. Our taxes are paying for it so they can live there. Delta Projects owns the house.

Jim asked George if there are any other avenues that the town has that we can continue to use legally to get in their face. George said he is going to look at some means of legislation that we need to introduce, perhaps. Dover Amendment. Ramesh said that every time he had asked Delta to explain what training, it gets brushed aside, and not answered. George said he would look at this again. George said that uses are regulated through zoning bylaws, so that is one-way we can control this. At present, we don't have anything.

A woman in the audience asked how we can get them to reply to an inquiry of how much they are paid, and a copy of their tax forms, etc. George Hall said that under the Public Records Law, they have ten days to respond. If they don't, you can send a complaint to the Supervisor of Public Records. Jim said they should also make inquiries as to how appropriately they are running their business? George said he would look into this.

Sandy said that the President of the Board of Directors of Delta Projects and on her quote from Delta Projects her description is she also oversees the DMR State Operated Service in Residential Programs. So she is taking the guys from the Delta Project and taking money from the State. That is an unethical issue that needs to be looked into as well.

Jim said he called the Ethics Commission, and filed a complaint based on her roles and responsibilities with Delta and her role with a State Board, and he never got a response. George Hall questioned what she does? Jim said she is part of an organization that has responsibility for placing individuals in these types of organizations, of which she's President of one of these organizations. In looking into it, they found out that they regionalize these committees. She serves on a committee of a region that Delta does not serve, but other organizations similar to Delta serve. Ironically, people who sit on these committees are also Presidents of those organizations. It's a vicious circle. Jim feels this is an ethical violation. Sandy said they have had meetings and sent letters, etc., and receive nothing back, and get no response from these people.

Jack said the Board needs to exercise their voice more frequently and be heard. Ramesh agrees that we need to have other people listen from other communities.

A gentleman in the audience asked what the qualifications are for an aide; and what an aide does, etc.? He has asked what the Board is doing, and what is our plan? Why can't Dr. Markel send a letter? He said we had a previous meeting in March, and it's clear nothing's happened.

Jack said that he mentioned that the Board has a bigger soapbox. Sometimes that doesn't help. A resident stated he is upset that the Board hasn't answered anything. Ramesh said that he makes a valid point. He said in the initial meeting, they first suggested that Dr. Markel take all the information. Then they went down a different path. Now they have tried other approaches, and have hit a stonewall. Now they

should try a different approach, and have Town Counsel help us ask the correct questions, and then see where we go from there. Ramesh feels we should collect all information for the town meeting article on October 26th. Jim said that this has been a learning curve.

George Hall asked if the information requests from residents were in writing for specific documents? The answer was yes. Jack asked them to all be sent to Dr. Markel.

A woman asked if the Board would request a meeting with the entire Board of Directors from Delta House? Jack said yes.

Jack said that we would follow up, and see where we can get. We will step up the pace, and play hardball.

Peter Chipman said that Jerry Morrissey runs the DMR. He was not a Romney appointee, and maybe if we embarrass him, then it may help get rid of him.

Jim Lehan summarized with nine items he got out of this meeting. The Board added two more additions to his list: Bob Markel will receive comments from everyone, and a letter to Mr. Morrissey with a cc to the Governor of what has not been followed through with.

Ramesh would like to have some of these items dated and put time lines on them. Some should be done so that we can make a report at town meeting when we discuss the town meeting article. Jim Lehan offered to work with Dr. Markel on this and set up an action plan. George Hall will prepare a public records request; provide the Board with a complaint to the Board of Bar Overseers, and a memo with legal requests/issues, within two weeks.

Bob Markel will try to investigate why these men were moved from Foxboro to Norfolk.

### **POLE HEARING – PARK STREET**

Paul Schneider was present representing Verizon. There were no abutters present.

Jack McFeeley opened the hearing on a joint petition from Verizon and Boston Edison for Park Street, on the easterly sideline, approximately 33 feet south of the intersection of Timberline Drive, place new pole #19 ½. Again on the northerly sideline, approximately 670 feet north of the intersection with Timberline Drive, place new pole #13 ½. Two new JO poles to be placed.

Jim Lehan moved to approve Verizon/Boston Edison to place these two poles on Park Street. Ramesh Advani seconded, and it was so voted.

## **CONSERVATION COMMISSION WARRANT ARTICLE**

Present was Jim Giebfried, Conservation Chairman, Marie Simpson, Administrative Assistant, and George Hall, Town Counsel.

Jim Giebfried explained what the purpose of the ConComm article is.

With respect to Section 53G, George Hall gave a brief summary of what they are trying to do.

Jim Giebfried wanted to remove #6. There was much discussion. If George Hall reworks #6, then Jim Giebfried is agreeable to leaving it in. Jim Giebfried will get back to the Board of Selectmen regarding #6.

Ramesh disagrees with this bylaw. George agreed that the volume and content that is included in this bylaw is necessary.

Jim Lehan moved to accept the article. Ramesh Advani seconded, and it was so voted.

## **OTHER TOWN MEETING ARTICLES**

Bob Markel mentioned the Community Preservation Committee articles. He should do the same for FY'03 and '04. He will put in to reserve a sum of money.

Bob mentioned the Southwood contaminated land. The State had advised that we need an entity to convey the money to. He was told the vehicle should be to create a redevelopment authority. Article 9 and 10 – majority vote. He will check the wording as it appears part of it is missing.

## **ACTION ITEMS**

Consent Agenda

Ramesh Advani moved to approve a waiver of building and electrical fees for the tent to be used for the Friends of the Library Book and Bake Sale; approve a street opening permit to Ledgewood Construction Co. for utilities and driveway for a new house at 167 Seekonk Street; and approve a waiver of permit fees to construct the two Little League dugouts at the Freeman/Centennial School. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to allow the Friends of the Library permission to hang their banner on town hill behind the veterans' stones to advertise their Annual Book and Bake Sale. Ramesh Advani seconded for discussion purposes only.

Jack McFeeley was not in favor of allowing the banner on town hill because we set a policy that no use or activities could happen on town hill until further notice. Jack pointed out that Butch Vito, Highway Supt., agreed that town hill shouldn't be used. Jack suggested we approach Eastern to see if they will allow the banner there. Ramesh was not sure he was in favor of allowing the use of town hill. It was suggested the banner be placed in front of Town Hall. Jim Lehan argued that only a handful of people

would see the banner if it were anywhere but in town center. He said that the banner would not be in the way of construction workers, and should be allowed for the short time they are asking for. Ramesh Advani moved to amend the motion to permit any municipal groups and nonprofit groups that wish to display a banner do so in an appropriate and safe site on town hill to advertise their event. Jim Lehan seconded the amendment. Ramesh Advani and Jim Lehan voted aye; Jack McFeeley voted no. It was suggested that Butch Vito define the site. Ramesh Advani and Jim Lehan voted aye; Jack McFeeley voted no.

The Board discussed the Short Term Loan for Fire Truck. There would be a savings of \$6,500 over bid price. Interfund Loan. Ramesh Advani moved to advance funds in lieu of borrowing for the fire truck in the amount of \$340,000. Jim Lehan seconded, and it was so voted.

At 9:55 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye. The Board will only go into open session to vote to go back into executive session.

At 10:11 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye. The Board will only go into open session to vote to go back into executive session.

At 10:32 p.m., Ramesh Advani moved to go into executive session for the purpose of discussing strategy with respect to collective bargaining or litigation. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye. The Board will not return to open session.

At 11:18 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of September 13, 2004.

---

Ramesh H. Advani, Clerk

**SPECIAL MEETING**

**September 15, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 8:07 p.m.

### **THOMAS CURRIER**

Thomas Currier is interested in the ADA Compliance Committee. He works for the Town of Barnstable in the Engineering Department. Mr. Currier has lived on Medway Street for about 6 years. He is friends with Tom Terpstra and Tom briefly advised him of what the Committee does.

Jim Lehan moved to appoint Thomas Currier to the ADA Compliance Committee. Ramesh Advani seconded, and it was so voted.

### **JON COPPOLA**

Mr. Coppola is interested in any committee that the Board feels he can assist with. He has a strong financial background and is a CPA. Jon has lived here for 7 years, moving here from Washington, DC. The Board members all agreed that he would be good for the Capital Outlay Committee. Ramesh explained to him what the charge of the Capital Outlay Committee is. Jon Coppola said he would be interested.

Ramesh Advani moved to appoint Jon Coppola to the Capital Outlay Committee, for a two-year term. Jim Lehan seconded, and it was so voted.

### **DAVID SMITH**

David Smith is more interested in the building side, but could be interested in the Conservation Commission. Mr. Smith has lived in town 3 years at 5 Eagle Drive. He is a licensed contractor, and was more interested in Appeal Board, Permanent Building Committee or Design Review. He has run \$38 million companies, and has been on both blue collar and white collar side. Mr. Smith said he doesn't know a lot about ConComm, but would like to contribute to the town. If this were a fit, he would like to serve. If not, is there an opportunity to help somewhere else? He has spoken with the Housing Authority as they have a vacancy. He wasn't sure about that because it is State appointed, and he'd prefer a town board. Jack McFeeley questioned the Affordable Housing Committee, but Mr. Smith is not in favor of 40B projects.

Jim Lehan thanked him for volunteering. Jim said that ConComm is one of the most challenging committees in town. It requires a fairly extensive background in relative fields.

Ramesh Advani thanked him as well. He said we have trouble getting the right mix of people to serve on the ConComm. He did say that we need people of certain backgrounds, and he doesn't quite see that in Mr. Smith. Ramesh touched on development in town, and our tax base. He suggested that the Economic Development Committee might be a committee where he could use his background. Mr. Smith said

that he could be interested, but said the Board could also discuss if there is somewhere else he could be a better fit for.

David Smith said that in Florida he owned a pesticide/insecticide business along with construction. If they found damage from insects, they would then make the repairs.

Jim Giebfried explained to Mr. Smith that a problem with him being a builder is that he cannot sit on the ConComm and do work within Norfolk. Jim Giebfried said David has pesticide and insecticide experience that we don't have. Jim said they lost that when Aimee Dudley resigned. He also noted that David has the construction background. Jim wasn't sure how quick it would take him to get up to speed, but being in construction, Jim said he must be aware of some of the codes and bylaws even in a general sense.

Jim Lehan said he is intrigued. He would think David would be a good fit. Ramesh is also interested. The Board suggested to Mr. Smith that perhaps he attend a few ConComm meetings and get back to us and see if that is what he wants to do, and then we can make an appointment.

## **BUDGET**

Bob Markel discussed the Budget and Financial Procedures Manual. Bob said that the timetable has a crunch in January and February. The time allowed for the Selectmen in January to review the budget is too short. The Governor isn't releasing his H-1 budget until January 25th. That doesn't help us do the budgets. We are going to have to wait until January 25th to finish the budget. Then you have to crunch, and the Advisory Board gets upset that they don't have time.

Ramesh feels that Jack Hathaway and Bob should put the budget together, and it's only the job of the Selectmen to review what they have done. Jack McFeeley disagrees. He said that we are changing everything that we have done in previous years. He said the Advisory Board could go ahead and meet with departments and go over their budgets, even without budgets from us.

Bob said that the two big pieces of the budget is the elementary schools and KP. They do not submit their budget on time. The budget is the "Selectmen's Budget". Ramesh said we need to lay this out and have a process.

Jim Lehan agreed with Jack McFeeley. He said that we need to have a procedure and follow it.

Bob said that his goal is to have the Board of Selectmen present the budget at town meeting, as opposed to the Advisory Board. They can make comments later and give their recommendations. Jack McFeeley disagreed, saying he doesn't see a problem with the Advisory Board presenting the budget.

Bob will change the manual to say the Advisory Board will get the budget on or about February 25th.

Jim Lehan said that we should involve the Advisory Board in the process and explain to them why we are working the schedule that we are. We need to communicate. It wouldn't hurt to involve the schools as well.

Jack McFeeley said that if budgets are due on November 3rd, then the Board members should be working with their liaisons to ensure that you are on top of what they are submitting for a budget. Especially be sure to recognize committees that are not under the Selectmen.

On another subject, Bob Markel gave them the Police Chief and Lieutenant's contracts to review.

Ramesh Advani moved to designate Dr. Robert T. Markel, Town Administrator with the authority to represent the project to DEP regarding Stormwater Phase II Project Approval. Jim Lehan seconded, and it was so voted.

Ramesh questioned Comcast. Bob Markel said he and Butch Vito met with representatives today. They are bagging the town on the design. Bob feels they owe us \$9,000. On inspections, they have theirs and we have ours. Nothing was decided. Comcast reps have gone back for discussion for resolution. Ramesh said we are not going to pay the \$40,000 later on if they demand it. Bob said we couldn't because it's a bond.

The Board wants Jim White of Comcast scheduled in to a meeting.

Ramesh discussed historical use of funds from the Community Preservation Committee. Ramesh will be going to their meeting, as he doesn't get return phone calls from Kevin Hughes. He is talking about the Federated Church to use funds for historical purposes to repair and replace the steeple and painting.

At 11:21 pm., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of September 15, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**September 27, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:34 p.m. Bob Markel read the agenda contents.

### **EARTH REMOVAL APPLICATION – 201 MAIN STREET**

Present was Peter Chipman and Bob Bullock, Building Commissioner.

Jack McFeeley opened the public hearing at 7:35 p.m. Jack swore Peter in, and told him nothing can be entered into the deliberations and/or discussions unless it is through this vehicle. Peter Chipman presented to the Board his certified mail receipts as required. Jack read the public hearing notice. Jack told the audience that we have received a letter and application for an earth removal permit from Peter, along with a plan.

Peter Chipman said the reason for his request is to satisfy zoning in the B-1 district to bring the pedestrian way down to street level. They were very careful not to take out any more than they needed. Depending on how the roadway, extension of Liberty Lane, which is why they needed a longer time period than usual, if it pans out much of the soil may be used to grade up to that at that point. Until the State and Town do the plans, it can't be used in this equation. They went with a maximum of 13,000 square feet, and it was to bring it down to the grade level of elevation 235. You will basically see a handicapped accessible flat pedestrian lot in the B-1 district.

Jack reviewed the plan. He said you are talking about removing all the earth outside of the dotted line on the plan. Peter said no work would go outside the dotted line. The work he will be doing is inside the dotted line. Peter said it does include the 56 feet for the roadway that they are working on with the town. The Board reviewed what he was doing on the plan Peter presented. Peter is bringing it down to the level of the right of way – street grade. Bob Bullock said it isn't actually 235, because the street grade is 234 or 235 at the high point, and then goes down to 228 on the left side. Based on the 10' elevation of high water, 235 was the lowest he could bring it. Bob Bullock said he is staying within the bylaw.

Bob Bullock read the list of conditions that was drafted by the Earth Removal Committee, as part of the record. Conditions are:

10. The Plans for leveling the lot with the street grade to elevation 235 is within reason since zoning in the B1 district requires Pedestrian ways are to be level for handicap access.
11. As Built drawing on this lot once completed to show compliance with proposal.
12. In the event the lot is not under construction within 2 months after removal then the lot would be covered with loam and seeded.

13. It is agreed that all truck traffic will exit and enter on the West end of the lot and that they will use a filter fabric in the road covered with stone in long enough length and depth to clear tires of debris in order to keep Main St. clear of silt and dirt.
14. Dust will be managed by keeping level loads on all trailers, covering each load, wetting down the street and material if needed and sweeping the street route at least every two weeks or sooner if needed.
15. Any complaints will be addressed and corrected within a 24-hour period.
16. If any blasting is required in this earth removal, it will require this permit to be reopened for further review.
17. The border of trees along the railroad track will remain as a buffer.
18. The hours of operation will be 9 AM to 4 PM Monday through Friday.
19. This is a transferable special permit based on conversation with Town Council. All conditions of this agreement will remain in full force whether transferred or not.

Jack questioned what #3 meant? Bob said that if he goes and strips a lot out, and levels it off, that we don't have a bare lot blowing dust around in the neighborhood. Jack asked what determines "after removal"? In other words, if he wants to remove 13,000 cy, and he's saying he might not remove all of that, then removal isn't over until 13,000 cubic yards are removed? Peter said that in keeping with the bylaw, the bylaw is pretty specific that it relates to an existing site plan. Therefore, in keeping with the site plan, they have to start, put up bond money, etc. It's not something they are going to do without an approved plan. Peter said that there is a checks and balance built right into the bylaw. Bob Bullock said that a condition of the final permit could be that none of this can be done without a site plan approval. This is just based on if he was going to remove everything, but wasn't going to start construction within two months, which would require a site plan anyway. Peter said there is a redundancy in the bylaw.

Jack said to Peter that you provided an addendum to the application.

Peter said the bylaw requires 500' of the wetlands. Jack referenced the statement that "The property has no wetlands, is not within 100 feet of a wetland, or within 200 feet of a river." Peter said that he was going by Conservation regulations, and then read in our bylaw that we state 500 feet. Peter said he checked with his engineer, revised his statement to read that it is not within 500' of the wetlands.

Jack introduced Bill Domey's letter into the record. Peter, of course, did not have anything to do with this, being a Board of Health member. He said most of it is boilerplate. Elevation of high ground water needs further study. His comment to that is they have readings from the existing wells that are on the site. They were on the plans based not only on walking the site from behind where the 40' rock wall is – no water coming out of there. They worked 25' feet across the street when we dug out and cleaned up the tank ray at Cliff's. We went down 15' of taking out soil and didn't hit water there. We went 14' down for perk testing at Cliff's behind the building for the new septic system, and we didn't hit water there. The 11' level that my engineer showed in within a reasonable safety.

Jack asked Bob Bullock if all the 13,000 cubic yards were to be taken out over the 3 acres that would amount to a straight removal of 3 feet. In your opinion, and the Committee's opinion, is that a problem? Bob does not see that as a problem.

Jack asked Peter if he had a problem if they put all of the Earth Removal Committee's conditions into the permit? Peter said probably not, he would have to see it.

Ramesh asked about the five year time duration. Have we ever given a five-year permit before for earth removal? Jack said that in the past, we had ongoing earth removal permits and the Earth Removal Advisory Committee would review them at the end of every year. It didn't go through all the rigors of a new submission, it was just a review. Ramesh agreed that if we did a five-year permit, he would like to see it reviewed annually without going through all the rigors, as mentioned. He said that he has lived with the moonscapes for so long, especially since this is a transferable permit. Ramesh was concerned about the permit being transferable, because he doesn't know what might happen in the future. He would like this in writing. Peter said this was discussed at length back in May. Reasons they tried to justify the length was it is to get the existing regulations into this plan, and into this site so they can work with the town and try to get grant money, get site plan approval, etc. It chews up time trying to get this done. This was the original reason back in May, and it is still the original reason now. He doesn't see it as a hardship, especially since we have a pretty onerous earth removal bylaw that ties it to a site plan. It would make it easier to market in case regulations change in the future. He doesn't see it as a problem.

Ramesh said he isn't against a five-year permit. He is not in disagreement with the reasoning for why you want a five-year permit. All he is suggesting that normally people come for an earth removal permit and want to start activity in a construction area that is the jurisdiction of an existing board. This board changes its composition on an annual basis. It isn't unreasonable to ask for a report back from the Earth Removal Committee annually. We wouldn't be asking you to go through any process. Peter said he doesn't have any problem with that, but like boards, bylaws can change and it can radically affect his permit.

Jack said he feels we could put wording in the permit that grandfathers you from any subsequent future bylaw changes. Jack said he agrees with Ramesh that the town has been stuck with moonscapes from many earth removal projects in the past. He said that this would protect us so that instead of looking at bare ground for five years, you would have to loam and seed it once it is complete. Jack agrees that we need to have a review of this on an annual basis if we are granting a five-year permit. We don't want to grant a five-year permit and then turn our backs on it for five years. We need it maintained. Peter doesn't want to have to come back and re-apply. The Board isn't asking him to re-apply. We would just review. Jim said that he remembers the conversation Peter is referring to. He said Peter is correct, this was discussed at length. The rationale for five years was also discussed at length. We are not disagreeing with

the concept. You should be comfortable with the review, as long as it is not conditioned on any changes, you are grandfathered for the current provisions so no one can retroactively change the conditions of the permit you applied for, and that the review didn't create any additional conditions or restrictions that weren't originally agreed upon in the original agreement. If it doesn't vary from the original agreement, then it is just a standard review without requiring any process to come before this Board for another approval. Peter asked if this includes further engineering, etc? Jim said he would not favor requiring him to come before the Board as long as it was consistent with what the agreement was that we originally worked through and we agreed to.

Jack said we will have a periodic review on an annual basis, and we will study whether he is in compliance with dust control. We may require him at that time to seed certain areas, whether that is in the permit or not, and we may require him to clean up certain areas if there is a problem in certain areas. Peter stated that only if it's after activity. Jack said yes. The Board all agreed.

Jerry Walsh, 225 Main Street, said he is an abutter to the property. Mr. Walsh asked if he starts the process, does he have a time limit to finish? What if he leaves it for 6 or 7 months? The Board told him that work wouldn't start until there is a site plan approval. Once the permit is granted, we will monitor it at intervals of one year. If nothing is going on, we will be checking it and having him seed it to control dust. If he sells it, the same conditions will apply. Mr. Walsh was fine with that.

Jack McFeeley closed the hearing for the purpose of the input of additional information. At 8:11 p.m., Ramesh Advani moved to close the hearing. Jim Lehan seconded, and it was so voted.

Jack said he would ask Marian to put together the permit, including all the conditions and extra comments made here tonight. At our next meeting, we will review it and take a vote on the issuance of the final, fully written permit.

## **PARAMEDIC SERVICES**

Chief Coleman Bushnell. He handed out a transition document to the Board. This explains the transition from EMT's to Paramedics.

He said that he would like to go back to how this transpired. A lot of this began under Chief Kelley. There were some paramedics certified. Under Acting Chief Petrushik, more paramedics were trained with the support of the Board of Selectmen.

Chief Bushnell said they should discuss tonight if we are going to make that crossover from EMT's to Paramedics. He said that the daily workload by the Fire Department certainly demands this type of service. In the transition document, there are some things that are mandated by the Office of Emergency Medical Services. The dictate that we must have two paramedics per each transport ambulance. This would give us a

better level of care to the residents, and would give us opportunity to set up a mentoring program for the existing staff as we marry them to the potential new hires that we look for.

Chief Bushnell said there is a window of opportunity that has opened to them. The State is now entertaining the ability to fast track the application. This could have to do with a situation that occurred with a member of the Police Department/Call Fire Fighter who went into anaphylactic shock and the publicity that this received. We are now in a position where we need to move on this.

Dr. Andy Geller, an Emergency Room physician at Caritas Norwood would serve as our Medical Control Physician. Dr. Geller's position has been to support the EMS regulations. Not from the standpoint that he believes that the two paramedic situation is paramount to the success of the program, but he looks at it from the standpoint of a practitioner. We would maybe be eligible to pursue what is called a "paramedic waiver". In such a situation we would be able to utilize one paramedic on an ambulance, with an EMT. Chief Bushnell said that we handle about 700 calls a year. About half of these calls would be ALS type calls. Dr. Geller looks at it from the standpoint that the skill level and practitioner level by those in the field would be such that if we ran with only one paramedic, we would be doing the paramedic harm and the patient harm. Dr. Geller stressed at a recent meeting we had, that it is for the safety of the paramedic and the safety of the patient to have two paramedics on board.

Chief Bushnell told the Board that what they are looking for is to begin their overall program in January 2005, by hiring two experienced firefighter/paramedics. They are not necessarily looking for someone to walk in with paramedic certification. They are looking for someone to walk in who is trained at a firefighter level, with certificates, has experience in that area, and most importantly, who has experience at a paramedic level. The two people they want to hire would be mentors to the two existing staff they have – Lt. Doug Johnston, and Firefighter Mike Findlen. They are the current two paramedics that we have on staff. They have been certified for over two years. Their skills are practitioner at the intermediate level. At this level, they are precluded from administering drugs and narcotics, or performing advanced heart monitoring, such as an EKG. He would hope these two mentors would train these two staff, and then when they become certified, they could help train other people as they become available to come online.

With this, we would need to purchase ALS equipment. We would need the heart monitors and medications. A heart monitor costs approximately \$25,000. Chief Bushnell said that the plan he has been working on with Richard Clancy is to pursue a new unit, and a refurbished unit. The reason they would want two units is they would have the 4 medics, two on each shift. In the event a paramedic is on vacation or unavailable for some reason, or if there was a shift not being covered by a paramedic, we would have the ability to deliver ALS service in the street. This would be a tremendous advantage. They could defibrillate in the street, using advanced life

support, including medication and intubation. We are not able to do that right now, at our licensure level. This would require about \$1,000 per drug kit that they would carry. Once they have the meds, they would have an agreement with Caritas that they would take expired meds, old equipment, etc., and replace it with updated stuff.

In most instances, the Memorandum of Agreement (MOA) is signed by the Fire Chief, as opposed to the Selectmen or Town Administrator. He said they can certainly sign, but the MOA is the cornerstone document in the creation of a paramedic service. We need eight (8) paramedics before we can become an ALS; two (2) paramedics on each shift.

They would need to file application with OEMS. The licensure would cost about \$1,100. This breaks down to the \$600 cost for the upgrade of their licensure, \$300 cost for the Department of Public Health, which give authorization to maintain and administer medications and narcotics. It also includes \$200 for a second vehicle to be licensed to Norfolk that could bring equipment to the scene where a paramedic could administer ALS service without the benefit of an ambulance. The cost that they would be looking for in January would be \$52,092. He presented the Board with a breakdown. In discussions with everyone, it has all come back to the ambulance fund. Chief Bushnell said he wants to be sure that once they start this, if they have any funding problems in 2005, they can continue using the ambulance fund. They don't want to start this, and then have to discontinue it. They would lose their license, and if they went to re-apply, it probably wouldn't be viewed favorably by the State.

Chief Bushnell presented a timeline that shows what they are trying to do, and the approval they are seeking tonight. He had previously given them a draft schedule, as well. It looks like the ALS program will get off in January without a hitch. It was supposed to start in September, but had problems.

Chief Bushnell said they are open to recommendations and suggestions. They would be looking for 4 new hires over the 3-year period. Personnel would be in place before licensure took place. Now they have given us 3 years. This is one option that he has given them tonight on the sheet.

Jim Lehan complimented him and the staff for their fine job. It was noted that Richard Clancy, Peter Petruchik, Mike Findlen and Peter Curran were in attendance tonight. In 2006, we would be done school. Jim said the only issue he sees here is the funding issue, because once we start this, he doesn't want to stop.

Ramesh wanted to layout the full cost impact of this program. 2 additional 2 hires - \$110,000. Two more additional staff members and the training of upgrading the current two, and coverage while people are in training, etc. One new and one refurbished heart monitor, medications, etc. Ramesh suggests that someone put the whole thing together and see what the actual cost is. Not to question the worthiness of

this program, but it is a significant program, and we should see the funding impact. He would like to see this happen.

Chief Bushnell said Dr. Geller wants all staff to have 40 hours per year, so that each individual will stay skilled. Once we are onboard, the Agreement will be renewed annually at no cost to us. Chief Bushnell said that Dr. Geller does charge for his services, which is an additional cost.

Jack Hathaway will work on the funding impact they have requested.

If we move within the next few weeks, we can probably be approved by the end of the calendar year. We could have our licensure for the beginning of January. Without solicitation, they have received 4 resumes from firefighter/paramedics from other towns. It is a buyer's market.

Chief Bushnell said he would like to drive home tonight the point that they would really like approval from the Board to get the application going. Ramesh did not feel that we had to hammer out the values of the program, but he feels that the funding needs to be looked at. Bob said we would have this before town meeting. Everyone agreed that's too late. We need to know immediately.

Questions were: Do we have enough money in the ambulance fund for January to meet the FY05? Having taken that out, do we have enough over the next 3 years to implement these options? Do we have enough in the ambulance funds to do long term?

Chief Bushnell said that the ambulance is on its last legs. It will cost \$150,000 for a new ambulance. He said that the ambulance doesn't have much time ahead of it. He would beg that the Board begin the process of bidding the ambulance. Of the last six days, the ambulance has been down three. Paul Vito has done a super job keeping the ambulance running. Delivery of an ambulance is 4-6 months. Jack McFeeley said that this needed to go through Capital Outlay.

Jim asked Jack Hathaway if there is enough time to have this for next Monday's meeting. The Board could perhaps make their decision next Monday.

## **DPW UPDATE**

Present was Ellen Friedman, Harvey Nasuti, Jack Hathaway, Ed Melanson, and Debbie Robbins.

Jim Lehan thanked them all for coming. He said that this has been a very controversial issue. The voters have spoken, and they would like a DPW. Whatever differences we've had in the past have to be put aside, and this group has to move forward. We need to work under the premise that this is going to work.

Ramesh said he pushed to have this happen. Ramesh asked each of them to share 3 things: 1. Why are you interested in serving on this interim DPW board; 2. Give a brief background of your experience; and are you a water taker? and 3. What are some of the challenges that you see?

Harvey Nasuti said he is interested because he has been serving on the ad-hoc committee for over a year and a half. He has put so much time and effort into this that he wants to see it get off the ground. He was DPW director for the Town of Franklin for 5-6 years. Mr. Nasuti has had a DPW background for years. The new DPW director will be able to come before this Board and it would be helpful to have someone with experience in this field, so that the new Director won't be able to snowball the Board. He is a water taker and is very concerned about the changes that are occurring in the Water Department. He wants to go along the same lines of updates they were doing. There is room for improvement in the Highway Department. Different approaches to road maintenance, catch basin replacements, etc. Challenges will be improving the water system and in the Highway division – maintaining the road systems and do the necessary work so things don't deteriorate and cost thousands of dollars down the road.

Ed Melanson said he has a professional background – registered engineer in MA and five other states. Electrical and controls is his specialty. Involved in water management (wastewater) for over 23 years. He has no experience in the highway side, but does on the water side. He is interested because he has spent a lot of time on the ad-hoc committee and wants to finish what he has started. He sees the 3-year timeline and knows that a lot has to be done within that timeframe. He sees getting everything done as a challenge. He is not a water taker; he is on a well.

Ellen Friedman was also an integral part of this committee and would like to see it to fruition, too. She works for a wastewater company, too. She is a water taker. Some of the challenges she sees now are that we are without a Water Superintendent. She thinks we need to get the DPW Director on board ASAP. She said the road situation is a hot topic for residents, and would like to see a plan in place. We are looking at 6 to 9 months before we get a Director on board. We are paying a consultant to operate the Water Department. Ellen has a tremendous amount of energy and would like to help.

Jack Hathaway is our Finance Director. Jack said he sees a lot of complex financial transactions taking place here, securing the enterprise fund, and setting up how to take advantage of combining the two forces. It will be an education and allow him to do a better job as Finance Director. He sees a lot of borrowing on the water side, and grants for the Highway side. This will help his understanding in what is going on here. There may be opportunities to save money in other places. Jack said he is a water taker.

Debbie Robbins is a former Water Commissioner, and Chief Assessor. Her main interest is to make sure that the programs that have been implemented in the water dept. stay and grow. She is concerned about getting the third well on line. She is concerned about getting a Water Superintendent. Debbie said they have to have a Water

Superintendent in place by February, or we will be fined. They won't continue with what they have in place now. She is a water taker.

Harvey asked once this committee is formed, what is the availability of this committee for a meeting place, funds to advertise for a director, secretarial assistance?

Jack McFeeley said that as soon as the committee is formed, you have to get sworn in. You need to discuss when you can meet, and elect a Chairman. It was mentioned that Maryellen Brooks has been providing secretarial assistance, and will continue until they determine what will be permanent. Funds – water or highway? Funds for this year at the October town meeting. Bob said that questions have arisen as to who signs payroll, etc. Another question was use of the old Highway garage. The Water Department put about \$30,000 worth of improvements into the building. Debbie said that since the DPW was voted in, thousands of rumors have been floating around. She feels that one of the first things we need to do is squash the rumors. Debbie heard that the Asst. Highway Foreman was appointed a Foreman, and she thought that this was one of the positions that were going to be eliminated. There should be a freeze on anyone in either department hiring anyone. Bob will check with Butch and see if this really happened.

Ramesh wants public communication put in place so that the public knows what's going on. He also said they should meet with the Board of Selectmen so that what they have to say is televised. Jim also asked that they draft a thorough business frame. They should put one together early on.

Jack McFeeley reminded everyone they will be working together for the good of the town as a whole. Bob Markel will forward things on to you for your thoughts, not necessarily for action.

Ellen would like to attend meetings and step in if needed.

Ramesh Advani moved to nominate, on behalf of the Board of Selectmen, Harvey Nasuti, Ed Melanson and Jack Hathaway to serve as members on the interim Board of Public Works. Jim Lehan seconded, and it was so voted.

## **REVIEW OF FALL TOWN MEETING WARRANT**

Steve McClain from Planning Board was present to discuss Planning Board and Zoning Bylaw Study articles.

Article 4. Bob will ask George if \$10,000 will work for funding for the 59 Cleveland Street article, for a 5-month period.

Planning Board articles.

Article 26 – Steve said they are fine with this article.

Article 27 – Steve said they don't recommend this. Only relief for the 70% is in this bylaw. This will be left on the warrant, because we don't know how the Zoning Bylaw Study Committee feels.

Article 28 – don't recommend abandoning all controls for streetscape. Steve said to put a special permit from the Planning Board, built right in to the site plan review. That would give them relief. The language will be inserted.

Article 29 – If Article 28 is revised, we won't need Article 29.

Article 30 – Jack suggested to IP this at town meeting, but don't take it off the warrant.

Ramesh Advani moved to delete Article 30 per Planning Board's recommendation. Jim Lehan seconded. Jack McFeeley asked how many Planning Board members discussed this and voted? Steve McClain said 4 out of 5. Jim Lehan and Ramesh Advani voted aye; Jack McFeeley voted no.

Article 33 – Will remain on the warrant.

Article 34 and 35. Will remain on the warrant.

Article 36 – Will remain on the warrant.

Article 37 – Will remain on the warrant.

Article 23 – Change the date "removing a date requirement"

Article 18 – Will be moved after Article 25.

Article 10 – Get something in writing.

Article 1 – Bob reviewed this with the Board.

Ramesh Advani moved to accept the warrant as presented. Jim Lehan seconded, and it was so voted.

### **ACTION ITEMS**

Jim Lehan moved to approve the Consent Agenda. Ramesh Advani seconded, and it was so voted.

The Consent Agenda consisted of: (1) the Norfolk Community League asking permission to install their signs for the Haunted Train Ride at the entrance/exit of Independence Drive, and the Pond Street Recreational Facility from October 8th through October 23; (2) Stony Brook requested permission to advertise their Fall Fair by installing signs at 6

locations: Boardman at the intersection of Medway Branch; Union at the intersection of King; North at the intersection of Pond and Needham; Main at the intersection of Independence Drive; Liberty at the intersection of Independence Drive; and the Pond Street Recreational Facility; and (3) Highway Superintendent has asked us to award the joint salt bid for winter 2004-2005 to Granite State Minerals, Inc. of Portsmouth, NH – cc delivered at \$38.12/ton. Alternate supplier would be American Rock Salt Co., Mt. Morris, New York – cc delivered at \$40.49/ton.

The Board discussed the letter from Jeff Weaver asking questions. The Board will respond that they are not in a position to answer any of his questions, because of the lawsuit pending against the town. Bob will advise other Boards to respond in the same manner.

A letter was sent from Bob Evans of Winston Road regarding the subdivision Fern Ridge. Bob Markel will find out more information from Planning Board, and possibly schedule a Planning Board member in to a meeting to discuss this.

The Board prepared and executed a Proclamation for Mass. Audubon Society commemorating their 40th year.

At 11:25 p.m., being no further business, Jim Lehan moved to adjourn the meeting. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of September 27, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**October 4, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

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

### **CHAPTER 40B NORFOLK LANDING**

Sarah DelMastro, Co-chair of the residents group by Norfolk Airport, was present. She wanted to discuss the proposed 40B project, Norfolk Landing. Sarah said this is a small 15-acre lot owned by Jose Martins and Ron Nation. It does consist of two areas, Lots A & B on the map. This does not include the airport fields. The tie down area and woodland area is the small 15-acre lot. Since the field is not part of their overall plan,

they have redone their plan. The lot will consist of 32 single-family homes – 3 bedroom, 2-½ bath, 2 car garage, and single septic – private lots.

Sarah said that they now have a quiet neighborhood. They are looking at 32 single-family homes with 2-car garages. You assume 64 more vehicles, not counting boats, etc. She said two adults and two children alone would be over 100 people. They are concerned about 32 septic systems on 15 acres. We need to consider the impact on the existing residents. Sarah read a list of issues they would like addressed. They want as many trees kept as possible; possibly a no cut zone. She would like the vernal pool cleaned out, and certified, with maybe fencing around it. They would like a road maintained and become a public road. Would blend the new neighborhood with the old neighborhood. She described an area they would like as an emergency access only.

Jack asked if the developer was receptive to the comments. Sarah said yes. He has been very interested and has made plans accessible, etc.

Sarah asked if you can issue a permit that the developer would cut the trees lot by lot, rather than clear cutting? Jack said that the developer could do what he wants with his property, unless it's a scenic way. You would need to discuss this with the developer.

Sarah expressed an interest in setting up a roundtable. She would like to have everyone involved and discuss it as a group. How do you set that up? Jack said if the Board agrees, perhaps we could have Jason jump in on this. Ramesh suggested we wait until the developer has filed and see where it ends up. Sarah wondered if she could go to the ZBA? Again, the Board suggested she wait and said once he's filed, you will have something specific to go on. Jim agreed that you should wait until he has filed. Mass Housing will ask us for comments.

The Board would like Sarah notified when the letter arrives from Mass Housing.

### **Oversize Load**

Present was Paul Jacobs, Jr., Construction Supervisor for Charleyjane Development, LLC.

Paul Jacobs was present to discuss an oversize trailer move coming from Pennsylvania. Paul told the Board that the heaviest unit is 22,000 lbs. They are relatively light. This is split over four oversize trucks, and a fifth truck will be carrying dormers. They will have four axle trailers to distribute the weight. They will be coming down Rt. 115. They have looked at the capacity of the bridge at Stony Brook.

Ramesh questioned the weight and size. Mr. Jacobs stated the maximum weight is 22,000 lbs. 52' plus the 6' for the hitch makes them 58' long and 14' wide. Two flag cars accompany each truck. They will be coming in from Rt. 95 to Rt. 1 to Pine St. to Rt. 115. They will come straight through to this intersection here to Castle Road. Mr.

Jacobs said that the width is a little bit wider than a normal trailer truck, which is why they have the two flag cars. The oversize part is the width.

They expect to arrive as close to 2 p.m., and as late as 2:45 or 3 p.m. Jack said that the Police Chief asks that the arrival time be 9 a.m., and the delivery part be over by the time school lets out for the day, which is 2:30-ish.

Mr. Jacobs said he can accommodate the 2:30, but he doesn't think they can leave Pennsylvania in time to accommodate the 9 a.m. Jim said that school buses would be traveling down Rt. 115 and Union St. specifically. They were asked if they could be out by 2:30 definitely. Mr. Jacobs said yes. Ramesh said or they could wait. Mr. Jacobs said yes, they would most certainly put them aside at the police department's request. They have no problem with holding them at a specific location, if needed.

Jack said Chief Stone wants two detail officers per oversize trailer. They have four oversize trailers. Mr. Jacobs said he doesn't mind paying for the extra officers. He said the trailers would be staying at Castle Road for at least a week. They won't be returning through town.

Mr. Jacobs said that an hour before delivery, they will probably be halfway through RI, and they can call ahead and we can advise them if we want them to hold somewhere, like the interstate or Route 1. Jack said make the call ahead to Chief Stone and/or his officers. Mr. Jacobs said they would bring them into town in any frequency that Chief Stone desires. One at a time, or two at a time, whatever he wants.

Ramesh Advani moved to allow the oversize trailers to deliver sections of modular homes to Castle Road, subject to the conditions stated in Chief Stone's letter. Jim Lehan seconded, and it was so voted.

## **PARAMEDIC FUNDING**

Jack Hathaway, Finance Director and Fire Chief Cole Bushnell were present.

Jack Hathaway said this is a continuation of last week's discussion. Jack Hathaway gave a spreadsheet to the Board, and showed the impact of ALS staffing.

The impact of adding these additional staff vs. the receipts, the receipts will rise at a higher clip than the expenses will rise. This doesn't include the staff we have on hand today. You need to decide how important this program is. Ramesh pointed out that this is the ambulance and the ALS. He said that this is very good. Jack Hathaway said that Peter Petrushik put a lot of this together.

Chief Bushnell said that the only component that Peter left out was the town's share of the health insurance. Chief Bushnell said that Jim Lehan, Jack Hathaway, and Peter Petrushik did hours of work. Jim said that the Chief has been very aggressive in

showing the financial analysis. These are also firefighters, not just someone certified at this level.

Ramesh asked about '08. The year we complete the program. It shows a shortfall of \$116. What is the \$120 below that? Jack said they carried forward the ambulance receipts fund. This is cumulative.

Ramesh asked if you are restricted by law how much you charge for an ambulance? Chief Bushnell said that insurance companies regulate some of it. Chief Bushnell said you can change the rates, but isn't sure what they'd be up against with the insurance co. They review the rates and make adjustments. Medicare flat lines the rates.

Chief Bushnell said that with the State they tied the town's hands by saying that we had to sign an agreement. They signed the contract and we received a \$20,000 check that was for arrears. Now they are trying to get paid currently. They met with the prisons back in June. Chief Bushnell said that the ambulance was going to the prisons quite regularly for non-emergency calls. It was supposed to be for critical care only. He put a stop to that, and very rarely do they go in now. They use private transports now.

Jack M. asked how much an ambulance goes for now? Chief Bushnell said around \$150,000. They are looking to downsize their ambulance. The current ambulance is a truck, and they would like a smaller vehicle. They would also like to be able to have two ambulances in service. They could use the older ambulance as a backup. In Norfolk, an ambulance lasts 4 to 5 years. We are now in the 5th year of the ambulance. They have exhausted the repair account. They had a serious problem with the rear end of the unit. Patient care was that they would not drive the ambulance, and there was a safety problem that took weeks to determine. Tires, drive train and a number of issues. Of the last 10 days, we did not have the ambulance four days. The ambulance will be used as a reliable backup.

Chief Bushnell said that the dates aren't firm. They have changed the dates. Certification is waiting for favorable approval from the State, so they can get in a Wrentham class. They could bring them back for an emergency if they are in Wrentham.

Jack McFeeley said there would be four additional personnel at the end of the program. How many of the number of people who are full-time firefighters are going to be constant? It appears there is no consideration for change in the Fire Department during the life of this program. Barring the most development process, the number of three personnel is going to be staffing to take us down the road for a good number of years. This is backed up by the Fire Chief, and backed up by swing. Once they have reached three, they will have the required number of personnel required. It still leaves one person in the station.

Staffing is now nine, plus the Fire Chief; 10 career positions. It will be a transition to 13.

Ramesh recapped what was discussed with the financial analysis. Not sure where the funding will come from. Additional taxes? Are the taxpayers willing to pay for ALS services?

Chief Bushnell said they wanted the actual cost ensured that it was money that was not derived from tax revenue.

Jack McFeeley said that the Advisory Board doesn't believe the ambulance should be in the ambulance fund, it should be a capital item. That would remove \$40,000 from that budget.

Chief Bushnell said the ambulance being replaced might come to a very critical position. Chief Bushnell would like to do the ambulance through a lease-purchase plan.

Jim Lehan moved to authorize the Chief to hire two paramedics, subject to funding at Town Meeting. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to authorize the lease-purchase over a 4-year period for an ambulance, subject to transfer of \$20,000 from the ambulance fund and subject to town meeting vote. Jim Lehan seconded, and it was so voted.

Chief Bushnell thanked the Board and said this is a historic moment in Norfolk as it is a quality of life issue.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel reported on the 2006 budget. Budget sheets will be going out, along with the Board of Selectmen's guidance letter. Bob will do a draft guidance letter and have the Board look at it. Jack McFeeley said to relay that we are still in a tight fiscal environment.

Bob informed the Board that the warrant is ready for the printer. We will do one mailing with the Advisory Board recommendations in it.

Issue Tracking Form. Will be online this week.

Bob discussed the brochure on Roundabouts. It will be mailed to every household, and given as handouts.

Bob will discuss with Butch the NSTAR poles that are still not down. The Board asked Bob to contact Barry Salvucci.

## **ACCEPTANCE OF MINUTES**

Ramesh moved to accept the minutes of August 24, 2004, Special Meeting; August 30, 2004; September 7, 2004, Special Meeting; September 13, 2004, Regular and Executive Session, and September 15, 2004, Special Meeting. Jim Lehan seconded, and it was so voted.

## **CONSENT AGENDA**

Ramesh Advani moved to approve the Consent Agenda. Jim Lehan seconded, and it was so voted.

Items on the consent agenda were: Friends of the Council on Aging wish to hold their Coffee Bar at the Fall Town Meeting on October 26 and 27. Butch Vito requests the release of street opening permits #03-19 – intersection of Medway Street and Chatham Road, and #03-21 – 23 Spring Street. All work is complete.

## **REVIEW OF GOALS**

Bob Markel reviewed the Board of Selectmen's goals.

Jack McFeeley felt we are meeting our expectations. Jim said we have made a good start. Ramesh agrees, but feels the Board could put more input into the goals.

Jack McFeeley would like an audit of all of the personnel evaluations. Who has had a performance review, and when. He would like a documented review. Jim would like to know signature sign-offs. Secondary reviews as well. Who does the Selectmen sign off as secondaries?

Bob told the Board he is in touch with two people who are willing to help us with grants. One is the executive director of SERSG. He also knows another woman who does this. He would like someone who wouldn't be an employee.

At 10:00 p.m., Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of October 4, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**October 18, 2004**

Present was John J. McFeeley, Ramesh H. Advani and James C. Lehan. Robert T. Markel, Town Administrator was absent.

Jack McFeeley called the meeting to order at 7:32 p.m. Marian Harrington read the agenda contents.

### **BOB BULLOCK, BUILDING FEES**

Bob Bullock, Building Commissioner present. Bob presented the Board with a packet of building fees, and outlined the revisions. He said that he mostly increased the inspector fees, such as electrical, gas, etc. He pretty much made the minimum fee \$50. He said most fees hadn't been changed since 1996, or 1999.

Jack questioned the \$80.00 per square foot. Bob said that they came up with this to get an average cost to build a house. They use a 1999 Means book. Ramesh said that costs have probably increased since then.

Ramesh said that this is long overdue. We did research and found that there was not a level of consistency. Ramesh would have preferred a matrix of other towns, because they are all over the place. Ramesh would like to see more definition in our fees, and doesn't feel we have enough detail in our fees.

Ramesh would like to see what is exempt and what isn't. He said we don't have enough detail. We need to spell out as much as we can to avoid a lot of controversy.

Jack has no problem with what he sees tonight, but he agrees it is confusing. He preferred a matrix. Jack asked for a spreadsheet as opposed to the paperwork. Bob said he would prefer a month to do this, and he will lay out the groundwork. Jim agreed that a spreadsheet would help. He would like to see clearly defined rules as far as who gets charged, who doesn't, what buildings are exempt, what isn't. The Board will pass along their comments to Bob as to what they would like to see.

Bob will be rescheduled in a month or so.

### **SANTA PARADE**

Al Rao and Marie Chiofalo, Lions members and Ann Proto, Recreation was present.

Al explained that because of the construction both in the center of town (Town Hill) and Library, they thought using the lower level of Town Hall would work for this event. Regarding the parade route, they would defer to whatever Chief Stone recommends.

Ann Proto said that Recreation would like to use Town Hall as opposed to Town Hill in order to have the tree lighting. They have ordered a 20' tree from the Lions that they hoped to put at the Town Hall.

Al said that they have never had a problem with parking. They said that they could use the MBTA parking since it is on a Sunday. The Board reminded them that the MBTA lot

is owned by the MBTA, and we cannot give them permission to use this property. Jack said he is concerned about all the parking, use of town hall, etc.

Al stated that there is more parking available here than other venues. There is only more parking at the schools. They did consider the schools, except they cost more, and they are working on a limited budget. They prefer to use the center of town.

Jack said he doesn't want to be a hard nose. Where is the crowd going? to back up into and where are they going? Concerned about going into the other two floors of the building. Ann said they would have people to control the crowd. Both Al and Ann stated that with the exception of handicapped individuals, who would need to use the elevator, there will be no elevator access and they will put people there to monitor kids and adults try to leave the first floor. It was agreed that the main door to Town Hall off the parking lot would remain closed and locked during this event. People will enter and exit through the two entrances by the Multi-Purpose room.

Ramesh said that if we limit the parade route on behalf of the police, he thinks we should have the tree lighting in front of town hall. If you keep watch at the doors, he is in favor of doing this with some precautions. Ramesh feels that with all the construction, we should do it here.

Jim agrees that the Town Hall should be used. As long as we manage the people, we will be fine. It would be a great location, and as long as Chief Stone is okay with the route, he is okay with having it at Town Hall. Ramesh suggested if the weather is nice, refreshments could be outside. They discussed where KP Band would stand. It was suggested that saw horses be placed in the front driveway turn so no one parks near the front door by Town Clerk's office. It was also mentioned that Lions/Recreation members should make sure people stay on the sidewalk going to and from the parking lot, and not stray into the driveway.

Jim Lehan moved to allow the Santa Parade and Tree-Lighting Celebration to be held at Town Hall on Sunday, December 5, 2004, beginning at 3:30 p.m., with the conditions mentioned above. Ramesh Advani seconded, and it was so voted.

### **CLIFF'S CYCLE SHOP**

Frank Hallion present. He explained that Cliff Frazee is retiring, and he and his partner, Ronald St. Pete will be taking over the business. Mr. Hallion said he will make no changes, and there will be no additional products. It will be done exactly as it always has been.

Jim asked if he would be adding anything or doing anything different. Mr. Hallion said no. Jim asked if they have had any complaints? Frank Hallion said not that he is aware of. He doesn't think there has ever been a complaint since they've been in business.

Bob Boucher, an abutter of Fleetwood Drive, asked if he had any affiliation with the other business on the property? Mr. Hallion said no, they just rent space in the same building.

Jim Lehan moved to approve a Class I license to Cliff's Cycles, Frank Hallion and Ronald St. Pere. Ramesh Advani seconded, and it was so voted.

### **OVERSIZE LOAD**

Paul Jacobs, supervisor of Charleyjane Construction was present to request permission for another oversize load move. Mr. Jacobs apologized again to the Board for the problem with the last move. He assured the Board he would be using a company approved by Chief Stone this time.

Mr. Jacobs told the Board that he has been instructed to pour the foundation, and the Building Inspector has asked them to bring a machine in. They will have to move the trailers off site and bring in an excavator. They are limited by Conservation so they cannot extend the excavation at all.

Jack mentioned that we are not given much notice. Paul Jacobs said that they are using land on Pine/Valley Streets, across from Fore Kicks. Trailers will be well set off the road. No concerns with State Police or Mass Highway to use Rt. 115.

Jim thanked him for his apology and is comfortable, if Chief Stone is. Ramesh wants to be sure the hauler has the bond, and that our office has a copy. The Board would also like written permission from the landowner, giving them permission to use his land. Ramesh questioned notifying the electrical or utility company. Paul Jacobs said no, they are well under the height requirements.

Jack said we would put the same restrictions on the permit as last time.

Ramesh Advani moved to allow Paul Jacobs, Charleyjane Construction permission to move an oversize load to the vacant lot on Pine/Valley Streets, with the same conditions as the last permit, in addition to written permission from the landowner, and a Certificate of Insurance. Jim Lehan seconded, and it was so voted.

### **UPDATE ON FIRE/POLICE STATION**

Jim said they met this week and discussed several sites. The most feasible plan right now would seem to use land from the Federated Church. They will be looking at certain locations to see what will and will not work. Right now it is just a feasibility study.

Jack said that Millis Selectmen asked would something be able to be done as a substation of their Rockville station? It would not be our main station, but just something to consider.

This is all very preliminary for the future. Nothing we are going to do right now.

### **PERSONNEL STUDY COMMITTEE**

Jim gave an update of where this Committee is right now. The Committee has not accepted the report yet. It is a very positive group. They will give a report at town meeting.

### **CONSERVATION COMMISSION**

Ramesh noted that there was a good discussion about having a Conservation agent. He talked with Dr. Markel about several budget items. Bob Markel had done some research about how towns are staffed, and the ConComm did the same.

### **MISCELLANEOUS ITEMS**

The Board discussed reviewing what is in our wetland bylaws, and having Town Counsel conduct seminars or workshops. Bob should talk with George Hall to have some of these things happen. The Board would especially like some workshops for reviews for the Conservation Commission.

Jack reported that he attended the Lt. Governor's forum today. He brought up lack of PILOT funds; regional transportation; and 59 Cleveland Street.

Ramesh wants to know the current status of the poles coming down. There are certain poles that have street lighting. What is the plan? He would like Barry Salvucci from NSTAR in at our next meeting.

### **ACTION ITEM**

Ramesh Advani moved to proclaim October 24th as United Nations Day, and issued a Proclamation. Jim Lehan seconded, and it was so voted.

Jim Lehan moved to approve the earth removal permit for Peter Chipman, with the conditions specified by the Board. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to allow Norfolk Marketplace to use the parking lot at Town Hall as their satellite parking for their event at the H. Olive Day on November 6th. Jim Lehan seconded, and it was so voted.

### **NEW BUSINESS**

Jim brought up the letter from Art Spruch expressing his views on the Fire Chief's fees. The Board would like either Art or the Planning Board to give us some specific examples, and clarify their memo.

Jim discussed the report on the ambulance, and that it is not critical to get it repaired ASAP. It will be serviceable for quite some time. Bob will discuss this with Cole.

Jim mentioned the letter from Elizabeth Manning regarding speed on Massachusetts Avenue in the Christina Estates subdivision. She requested stop signs be installed to control speed in the development.

Jack and Jim agreed with Chief Stone's recommendation. Ramesh said he wasn't clear about the Chief's recommendations. Jack said the Chief was suggesting that stop signs be installed on the side roads, not the main roads. Jack said that her complaint was the speed of the traffic. Chief Stone's comment was that you don't put stop signs up for that purpose. Ramesh said that the Chief did recommend a stop sign at Applewood, Willow, and Mass Ave. Jack said yes.

Ramesh Advani moved to agree with Chief Stone's recommendations for stop signs. Jim Lehan seconded, and it was so voted. The Board would like a letter sent to Mrs. Manning with respect to this decision.

With respect to the Trout Club letter, the Board would like the departments to tell us what is their position? Should we support it, or not support it?

## **WARRANT**

The Board discussed their positions on articles for the Fall Town Meeting.

Bob Markel will address Articles 1, 2, and 3. Jim Lehan will talk to the ALS salaries, if needed.

Article 4 – 59 Cleveland Street legal funds will be addressed by Jim Lehan.

Article 5 - Homeland Security Firefighter's Assistance Grant will be addressed by Bob Markel, Jim Lehan, and Chief Bushnell.

Articles 10 and 11 – Redevelopment Authority – addressed by Bob Markel and Jack McFeeley.

Article 12 – Committee Reports. Bob Markel will report on the Board's goals.

Article 13 – Capital Improvement Stabilization Fund. Jack McFeeley will address this.

Article 14 and 15 – Stabilization Funds for Ambulance and Sidewalks will be addressed by Jim Lehan.

Article 16 – Cottage Court. Ramesh Advani will address this.

Article 17 – Pine Road. Bob Markel will address this.

Article 23 – Litter Bylaw. Ramesh Advani will address this.

Article 24 – Wetlands Protection Bylaw. Ramesh Advani and Larry Harrington will address this.

At 9:53 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Selectmen’s Meeting of October 18, 2004.

---

Ramesh H. Advani, Clerk

**SPECIAL MEETING**

**November 16, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:23 p.m., prior to the Fall Town Meeting.

Jim Lehan moved to impose the Winter Parking Ban, effective November 15, 2004, through April 15, 2005. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to approve a street opening permit to Bay State Gas Company for installation of a new gas service at 167 Seekonk Street. Jim Lehan seconded, and it was so voted.

At 7:26 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of November 16, 2004.

---

Ramesh H. Advani, Clerk

**SPECIAL MEETING**

**December 2, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

Jack McFeeley called the meeting to order at 7:03 p.m.

Ramesh Advani moved to approve a street opening permit for P. J. Hayes, Inc. for installation of a new water service at Lot 2A Main Street. Jim Lehan seconded, and it was so voted.

Ramesh Advani moved to approve the request for Chapter 90 funding, recommended in a November 23, 2004 memorandum from Remo Vito, Highway Superintendent for unforeseen expenses in the amount of \$150,000.00 for the town center project. Jim Lehan seconded, and it was so voted

Ramesh Advani moved to approve a street opening permit to Bay State Gas Company for installation of a new gas service at 45 Everett Street, with the condition that if there is any pavement disturbance, an infrared repair will be used in the spring of 2005. Jim Lehan seconded, and it was so voted.

At 7:13 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jim Lehan seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of December 2, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**December 6, 2004**

Present was John J. McFeeley, Ramesh H. Advani, James C. Lehan, and Robert T. Markel, Town Administrator.

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

### **BUILDING COMMISSIONER**

Bob Bullock, Building Commissioner was present. Ron Bain, Electrical Inspector was also present. Bob said he wanted to increase fees, and discussed the building fee structure with the Board. Bob said he felt fee levels being charged weren't covering all costs. He said the fees weren't increased since 1996. He said most fees increased were for electrical, gas, and plumbing. They reviewed the fees and took a look to see if they would meet the needs for the number of inspections that would take place.

Bob Bullock explained that they did a review of seven area towns and tried to do a comparison. This review was given to the Board.

Bob forwarded an exemption sheet for the Board to review. He gave four reasons and some of these could be an assumed exemption, and the person wouldn't have to come before the Board to have this waived.

Jack told Bob Bullock that the language read, "Any permit fee that would be subject to disbursement from Norfolk's general fund would be exempt from a permit fee." Jack would like the words "general fund in total". Jack said in other words, if the entire fee is paid from the general fund.

Jim Lehan said where it says "any civic organization" on bullet #3; he would feel more comfortable if you would add "not-for-profit civic organization". Jim said there are many profit-making civic organizations. Jack still wants "in total" added there as well. It was decided that the words "exclusively for the town's interest" would be added instead. For example, if the Lions Club took on a project to construct the dugouts.

Ramesh asked where does this go, in the bylaws? Bob Bullock said it will go on the building permit fee schedule, and will be on the Building Department's website. As you are looking at the fee structure, the exemptions would be listed below it. Ramesh said we should run this exact verbiage by Town Counsel so that it does not open itself up to issues and interpretations.

Ramesh noted that the following conditions will apply: Any permit fee subject to disbursement from the general fund in total will be exempt from a permit fee. Enterprise and revolving fee would not be exempt from the permit fee. Any not-for-profit civic organization made up of Norfolk residents working on a project exclusively for the town's interest will be exempt.

Ramesh questioned if we have funding for some Norfolk project that the funding comes from the Community Preservation Act, would these three things cover? Ramesh said suppose we paid 100% for the funding. Jack said he would include this with the general fund – this is solely taxpayer monies.

Jack said in addition to the enterprise fund, we should add anything from the tax base. This would exclude the Transfer Station. Bob Bullock said he considered the Transfer Station as a revolving account.

The Board asked Bob Markel to have these reviewed with Town Counsel. Jack McFeeley also asked Bob Markel to put the building fee comparison on our website. Jim Lehan felt this information would be confusing and misleading to the residents, as it differs from community to community. Ramesh agreed, but said some of the information is valuable to the residents, but not the commercial information. It was agreed to put the residential information on the website, but not the commercial.

Jim Lehan to accept the recommendations of the Building Commissioner for the new schedule of building permit fees, to be effective 1-1-05. Ramesh Advani seconded, and it was so voted.

### **NORFOLK AUTO – CLASS III HEARING**

Kevin Roche, was present representing Norfolk Auto.

At 7:20 p.m., Jack McFeeley opened the public hearing for renewal of a Class III license for Norfolk Auto, 38 Main Street. Jack read the language on the current license. Jack noted that there have been no problems or complaints of that establishment, and Bob Bullock, Building Commissioner concurred. Jack asked if any of the Board members had any concerns or comments. They did not. There were no abutters present.

Jim Lehan moved to close the public hearing. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to approve a Class III license to Norfolk Auto for calendar year 2005. Jim Lehan seconded, and it was so voted.

### **ARTS COUNCIL INTERVIEW**

Richard Denzer, Berry Lane was present.

Jack McFeeley thanked him for coming, and asked him to tell us about himself.

Mr. Denzer said he works in commercial printing, selling graphic design to museums and universities. His interest is in promoting the arts in town. He would love to encourage young people to get involved and explore their talents.

Mr. Denzer said he is aware there is space in town hall to be used as a gallery.

Ramesh thanked him for volunteering. Ramesh mentioned a project he may be interested in, and related the Mass. Municipal Association's contest of town-wide photos that best depict your town.

Jim said he was thrilled that he volunteered. He suggested they secure some of the artwork in children's books and display it in the children's library or school libraries. Jack suggested there is grant money available for that purpose.

Jim Lehan moved to appoint Richard Denzer to the Arts Council. Ramesh Advani seconded, and it was so voted.

### **JACK HATHAWAY, FINANCE DIRECTOR**

Jack Hathaway was present to update the Board on two of the budgets that are historically problematic; the Town Hall budget and the Fire budget.

Jack Hathaway would like the Board to focus on the utilities within the Town Hall budget. He is working with Bob Bullock regarding the electricity budget. It is running high – about \$5,000 a month. Bob Markel explained to all he had a company come and look at our rates, and they said they can't do better. We are having special rates right now that expire in spring of 2005. Once these rates expire, we can look at the competition and try to get better rates.

Jack Hathaway noted that in the fire budget, we are already over in the vehicle repair account. Besides the vehicle repair account, he feels they are doing okay. Jim stated that the ambulance is 151% over the budget for ambulance vehicle repairs, and we are only halfway through the year. The vehicle repair is 115% over budget.

The Board commended the Chief for keeping them well informed. Jack Hathaway noted that Peter Petruchik is watching the budget closely with Jack Hathaway.

Jack Hathaway gave the Board a report of capital items and where each department is. The Board was impressed with these reports.

Jack Hathaway will be meeting with Kathy Reed tomorrow to look over the tax recap. He said it looks like ballpark of \$12.50. Tax classification hearing will be in two weeks.

Jim asked for a copy of all our debt and the expiration dates.

Jack McFeeley noted the adjustment for the rate for the Water Department. We need to do this before March. This also now requires a public hearing to set the new rates.

## **TOWN ADMINISTRATOR REPORT**

Bob Markel reported that beginning December 13, he and Jack Hathaway would begin budget meetings with the department heads. The School Committee will present their budget on December 22. Bob is trying to get King Philip to submit their budget as early as possible. They will be looking at capital requests. Ron Bain will be submitting 5-year maintenance budgets for all buildings. That way we will have preventative budgets, and we can keep ahead of maintenance and repairs.

The Board discussed a zero based budget for some departments, namely, DPW and Highway.

Bob said that Jack Hathaway has also been involved in health insurance. We have looked at the Southeast Massachusetts Medical Group, which is similar to the West Suburban Group. It's a group of 19 towns with excellent records, so they have low rates. Bob noted that the Insurance Advisory Committee, appointed by the Selectmen, is going to do the investigating for us.

Bob Markel said that they have received applications for Chief Assessor. Interviews will be started soon. The Screening Committee will be Jim Lehan, Jack Hathaway, Bob Markel, and a member of the Assessors.

Bob Markel said he advertised today for the DPW Director and Water Superintendent.

Bob noted that the Issue Tracking System is up and running. Ramesh wants a printout.

### **ACTION ITEMS**

Ramesh Advani moved the consent agenda. Jim Lehan seconded, and it was so voted. The consent agenda consisted of a request from Paul Jacobs to move the oversize load again, this time returning to White's Pond Road from Rt. 115. He would like to do this December 7th, and will use the same mover as last time. Chief Stone said there were no issues on the last move, and he approves this one.

King Philip DECA students requested permission to locate signs at Main Street and Independence Drive, and Union Street at the intersection of King Street to advertise their Holiday Gift and Craft Fair. They will advertise from now through December 12th.

Jim Lehan moved to allow the Lions Club to hang their banner in Norfolk center advertising their Christmas tree sale. Ramesh Advani seconded, and it was so voted.

### **OLD/NEW BUSINESS**

Jim questioned the memo from the Water Department. Bob said he spoke with Art Spruch, and Art Spruch said that it is far better and the one limited area is the former cul-de-sac on Mass Avenue. The Board is confused and needs more information. There will be no cost to the town.

Jim Lehan discussed the letter from Fred Pfischner. Jack said he will respond.

Jim Lehan discussed the issues at the Library. The Library cannot go forward without having the Historical Commission being involved because of our current bylaw. They are going to look at alternatives because they don't want to wait the six month time frame.

Jack wants Bob to speak with ComCast and have them explain the rates. If not satisfactory, have them come in. This is regarding the ComCast \$40,000. Bob and Jack McFeeley need to meet with them and discuss this again.

At 8:56 p.m., Ramesh Advani moved to go into Executive Session for collective bargaining. Jim Lehan seconded, and it was a roll call vote: Ramesh Advani, aye; Jim Lehan, aye; and Jack McFeeley, aye. We will not return to open session for business, but only to adjourn.

This is a true and accurate report of the Selectmen's Meeting of December 6, 2004.

---

Ramesh H. Advani, Clerk

## **REGULAR MEETING**

**December 20, 2004**

Present was John J. McFeeley, James C. Lehan, and Robert M. Markel, Town Administrator. Ramesh Advani was absent.

Jack McFeeley opened the meeting at 7:13 p.m. Bob Markel read the agenda contents.

### **BUCKLEY & MANN PROPERTY**

Present was Attorney Neil Roche, Roche & Murphy; Scott Colwell; Richard Mann, and Paul Cutler, Engineer. Tom Poppey, Clerk of Planning Board was in attendance as well.

Mr. Roche gave a general overview. He represents Hoover Realty Trust, developing a large site on Lawrence Street known as Buckley and Mann. They have applied for a Special Permit from the Planning Board. They would like to construct 25 single family house lots. Mr. Roche said they brought Mr. Cutler with them tonight, along with many plans. This property is in Land Court currently.

Paul Cutler said that 57.9 acres would be transferred to the town for open space. There is a state restricted wetland on the property. All land has been perked and has good perk rates and good gravel material, which will be good for septic system. Our Board of Health has observed all the test holes. Scott Colwell said there is one building that they would like to donate to the town. It is a brick building, and he thought it could be rehabbed and used for community use. It can be taken down if the town doesn't want it. He suggested a parking area could be constructed there with a launch to Bush Pond so that people could launch canoes, etc., on the pond. He suggested that the open space could be used for fields. There are no trees, and it is level property.

Tom Poppey said the Planning Board did vote favorably to grant the special permit. It was a conditional permit. The open space plan was superior to a conventional plan. It will be the intent of the Planning Board to solicit comments from the different boards.

Bob Markel questioned the building. Bob remembered a building with low ceilings and not much space that was referred to as the dollhouse. Is this the same building? Scott said no, this is a large useable building. The dollhouse building collapsed.

## **TAX CLASSIFICATION USE HEARING**

Jack McFeeley opened the public hearing at 7:30 p.m. Jim Lehan moved to adjourn the hearing to 8 p.m. Jack McFeeley seconded, and it was so voted.

## **BUCKLEY & MANN PROPERTY (continued)**

Jim Lehan asked Tom Poppey what their next step is. Tom said the applicant has 7 months to file a definitive plan. They are just waiting for that. There is no activity by them until this happens. Tom said that with respect to the open space, they will work with the Conservation Commission, and also see if any restrictions are necessary.

Atty. Roche said they will be extending the water main from Park Street to the site, so all the homes will be accessed through town water.

Jack would like to see the paperwork with the State regarding the remediation of the contamination on the property to review if the town is to accept a gift of land. Mr. Mann said he will try to find all the documents. Atty. Roche suggested that the Conservation Commission has a wealth of information pertaining to this.

Mr. Colwell said he will demolish all buildings on the property. Water brought in will be at his expense.

Jack told Tom Poppey that we need to include the Conservation Commission, as they were very vocal in this. Bob Markel suggested George Hall be included early on in the works as well.

## **CAPITAL OUTLAY COMMITTEE**

Jim Rayner was interviewed as a possible candidate for the Capital Outlay Committee. He told the Board he has been a resident since 1980. He has owned Norfolk Car Care since 1981. Arlie Sterling suggested he be a member because he could assist with the vehicle replacement aspect.

Jim Lehan explained that this is a critical committee to us, and we need people. Jack agreed, saying that many members have left. Jim told the Board he attended the Capital Outlay meeting Thursday evening.

Jim Lehan moved to appoint Jim Rayner to the Capital Outlay Committee. Jack McFeeley seconded, and it was so voted.

## **TAX USE CLASSIFICATION HEARING**

Jack McFeeley called the hearing to order. He read the advertisement of the public hearing that appeared in The Sun Chronicle.

Jack Hathaway, Finance Director, discussed how they arrived at the new tax rate. We are going from \$11.93 to \$12.50.

Jack Hathaway said it would be \$12.50 per 1,000 evaluation. There was not a full reevaluation this year. It is only required every 3 years.

Jack Hathaway said that he did the split tax rate. He explained to the Board how he arrived at those figures.

Jack Hathaway recommends that we stay at a single rate. Jack said that the new property values are online, or you can call the Assessors office. Many factors go into your personal assessment.

Jim Lehan moved to approve a single rate and keep parity between all. Jack McFeeley seconded, and it was so voted.

### **FIRE CHIEF BUSHNELL**

Chief Bushnell submitted a letter to the Board. He came before the Board with a budget issue, as he neglected to put funds in his current budget. He has 3 attending a class, Peter Curran and Richard Clancy. This had to do with training costs. He further discussed pre-payments. The course is through Safety Program. The cost is \$17,910 for 3 individuals to attend.

Jim Lehan said that this is in the projected future budget. It is not included in the current budget. Chief Bushnell said it was an oversight on his part in the transfer at town meeting.

Jack said he would suggest a reserve fund transfer, although the Advisory Board is very possessive this early in the year. The other option would be to look at your budget and see if you can "borrow" now, and then go in May for money for your budget. Chief Bushnell said he is reluctant because of all the problems with the engine and the ambulance.

Chief Bushnell also noted that Medicare costs are changing as of January 1st, and he needs the Board's approval to increase rates. Jim Lehan moved to approve all rates as recommended by Chief Bushnell. Jack McFeeley seconded, and it was so voted.

Chief Bushnell discussed open air burning. It is done January through May, and they usually issue 200-300 permits. He would like to charge a fee of about \$5 per permit. He suggested having a retired firefighter help answer phones, and handle inspections of the site where burning takes place, etc. He felt either \$5 or \$10 a permit is reasonable. Jim Lehan moved to establish a \$10 permit fee. Jack McFeeley seconded, and it was so voted.

### **TOWN ADMINISTRATOR REPORT**

Bob reported that he has spent much time with department heads individually on their budgets.

Bob reported that they have closed applications for Chief Assessor. We will be arranging interviews for the candidates after the first of the year. There will be a screening committee.

Bob reported that he and Jim attended a meeting on a feasibility study on the Freeman/Centennial School. It is a fact finding search at this point. Jack would like a report from the School Committee, so that the Board is kept informed. Jack said that it will be at least 3 years before this will be considered. Bob said that they are aware of this.

## **LICENSE RENEWALS**

Jim Lehan moved to renew the following Liquor Licenses for 2005, with current restrictions and guidelines on all: Restaurant – All Alcoholic – Eagle Brook Saloon, 258 Dedham Street; Tyler’s Family Restaurant, 218 Dedham Street; and the Horse `N Carriage Restaurant, 210 Dedham Street. Package Store – Wine and Malts – Norfolk Food Mart, 10 Rockwood Road; Package Store – All Alcoholic - Norfolk Fine Wine and Spirits, 206 Dedham Street; Provo Discount Liquors, 282 Dedham Street; and Linda’s Variety Store, 158 Main Street; and On-Premise – Wine and Malts – Fore Kicks, 10 Pine Street. Jack McFeeley seconded, and it was so voted.

Jim Lehan moved to allow the three restaurant establishments, Eagle Brook Saloon, Horse `n Carriage Restaurant, and Tyler’s Family Restaurant to remain open until 2 a.m. on New Years Day. Jack McFeeley seconded, and it was so voted.

Jim Lehan moved to renew the Common Victualler Licenses for 2005: Eagle Brook Saloon, 258 Dedham Street; Tyler’s Family Restaurant, 218 Dedham Street; Horse `n Carriage Restaurant, 210 Dedham Street; Norfolk Town Pizza, 158 Main Street; Bourque’s Restaurant, 194 Main Street; Dunkin’ Donuts, 134 Main Street; Fore Kicks, 10 Pine Street; and Center Ice, Inc., One Dean Street. Jack McFeeley seconded, and it was so voted.

Jim Lehan moved to renew the Entertainment Licenses for 2005: Eagle Brook Saloon, 258 Dedham Street, Live Music, secular days and Sundays, 1-5 instruments, 8 p.m. to 1 a.m.; Tyler’s Family Restaurant, 218 Dedham Street, Coin Operated CD-Player, secular days and Sundays; one coin operated “arcade” style machine, secular days and Sundays, 11:30 a.m. – 10 p.m.; Fore Kicks, 10 Pine Street, Eleven (11) coin operated “arcade” machines, secular days and Sundays, hours for winter: 4 p.m. to 9 p.m. Monday through Friday and 8 a.m. to 10 p.m., Saturday and Sunday; summer hours: 9 a.m. to 10 p.m. Monday through Sunday; and Norfolk Rink Management, One Dean Street, Six (6) coin-operated “arcade” machines, secular days and Sundays, normal business hours – Monday through Sunday 7 a.m. to midnight. Jack McFeeley seconded, and it was so voted.

Jim Lehan moved to approve a Class II license for Mitch’s Repair, 269 Dedham Street, for 2005. Jack McFeeley seconded, and it was so voted.

Jim Lehan moved to approve a Class II license for Norfolk Auto Repair, 38 Main Street, for 2005. Jack McFeeley seconded, and it was so voted.

Jim Lehan also moved to increase the number of vehicles for sale outside the fence at Norfolk Auto, 38 Main Street from seven (7) vehicles to not to exceed twelve (12) vehicles outside the fence. Jack McFeeley seconded, and it was so voted.

Jim Lehan commented on WSAB, 84 Rockwood Road. Why does he have more cars than allowed by the Zoning Board, or our permit? Jack said the property was grandfathered. We granted the license under the impression that we should be transferring for 15 cars maintained on the property. Jack said this was a mistake. A year or so later, the Building Commissioner said that isn't allowed because of a non-conforming use. The Selectmen voted not to extend the license further pending outcome by the ZBA. Mr. Crawford came to the Board and said he needed his license renewed in order to keep his Class II license, even if it were for one vehicle. The Board then granted it for one vehicle. BOS was served with subpoenas. We have about 8 letters from the Building Commissioner of non-compliance, and there are outstanding fines. Bob noted that the owner is taking us to court. Mr. Crawford is a tenant. James Gagne owns the property.

Jack McFeeley said he would not even entertain any motion, or second any motion. Jim said he wasn't going to make a motion.

Jim Lehan moved to approve a Class II license for R & D Automotive, 46 Main Street, for 2005. Jack McFeeley seconded, and it was so voted.

Regarding the Call & Wait license, Jim Lehan said he has no intention of making a motion.

Jack McFeeley said our options are: we do not make a motion; or we vote no. They feel he is selling parts under his Class 2 license to circumvent the wishes of this Board. If you look at his property, it is a junkyard. He submitted 110 titles, and Jack will have Chief Stone look at the VIN #'s to see if they are part cars, or whole cars.

The Board will do nothing on this license. Jack asked Bob Markel to check with Town Counsel to see if they need to vote on these two issues. However, they decided they should at least take a vote.

Jim Lehan moved for a renewal of the Call & Wait Class II license. Jack McFeeley seconded, there was no vote in favor. Two voted NO.

Jim Lehan moved for a renewal of the WSAB Class II license. Jack McFeeley seconded, there was no vote in favor. Two voted NO.

Jim Lehan moved to approve a Taxi License for Foxfield Taxi, 29 Wall Street, Foxboro, MA, for 2005. Jack McFeeley seconded, and it was so voted.

**OLD/NEW BUSINESS**

The Board briefly discussed a letter from Bob Bullock on demolition of part of the Library.

The Board noted a letter from the Water Department regarding Christina Estates.

At 9:24 p.m., being no further business, Jim Lehan moved to adjourn. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of December 20, 2004.

---

Ramesh H. Advani, Clerk