

BOARD OF SELECTMEN MEETINGS

2003 MINUTES

REGULAR MEETING	JANUARY 13, 2003.....4
ACTION ITEMS	5
ACCEPTANCE OF MINUTES	5
TOWN ADMINISTRATOR REPORT	6
PROVO HEARING CONTINUATION	6
TOWN ADMINISTRATOR REPORT	8
OLD/NEW BUSINESS	8
WARRANT ARTICLES	9
REGULAR MEETING	JANUARY 27, 200310
POLE HEARING – ROCKWOOD ROAD.....	10
POLE HEARING – SHARON AVENUE.....	11
UPDATE – CARITAS NORWOOD	11
PETER CHIPMAN, PROPERTY ISSUES	13
REMO VITO, HIGHWAY SUPERINTENDENT.....	14
TOWN ADMINISTRATOR REPORT	15
OLD BUSINESS	16
REGULAR MEETING	FEBRUARY 3, 200317
KATHLEEN LOVELL – COMMITTEE INTERVIEW	17
TYLER’S FAMILY RESTAURANT	18
PAUL BORRELLI & JOHN GLOSSA.....	20
ACCEPTANCE OF MINUTES	21
ACTION ITEM.....	21
WATER DEPARTMENT AWARD.....	22
TOWN ADMINISTRATOR REPORT.....	22
OLD BUSINESS	23
REGULAR MEETING	FEBRUARY 24, 200324
ACCEPTANCE OF MINUTES	24
JOHN O’BRIEN, CPA – EXIT CONFERENCE	24
ACTION ITEMS	25
SENIOR CENTER ITEMS	25
OLD/NEW BUSINESS	27
FY’04 BUDGET DISCUSSION.....	28
TOWN ADMINISTRATOR REPORT.....	29
REGULAR MEETING	MARCH 10, 2003.....30
POLE HEARING – HOLBROOK ST/ROCKWOOD ROAD	30
COUNCIL ON AGING – SENIOR CENTER ISSUES	30
PAUL BORELLI – NORFOLK COMMONS.....	32
KING PHILIP REPRESENTATIVES	33
DPW AD-HOC COMMITTEE	34
ACTION ITEMS	35
OLD/NEW BUSINESS	36
TOWN MEETING WARRANT	36
REGULAR MEETING	MARCH 24, 2003.....37
REORGANIZATION OF BOARD	37
CAPITAL OUTLAY COMMITTEE.....	37

FIRE CHIEF KELLEY	38
MARIE CHIOFOLO, TOWN CLERK	38
ACTION ITEMS	39
OLD/NEW BUSINESS	39
TOWN MEETING WARRANT.....	39
BUDGET OVERVIEW	40
REGULAR MEETING	APRIL 14, 2003.....40
BONNIE DITTRICH – 9/11 SCULPTURE.....	40
ACTION ITEMS	41
TOWN ADMINISTRATOR REPORT.....	41
OLD/NEW BUSINESS	43
REGULAR MEETING	APRIL 28, 2003.....43
SENATOR CHERYL JACQUES & REP. SCOTT BROWN	43
EMPLOYEE AWARDS	45
RECREATION COMMISSION.....	45
ACTION ITEMS	46
TOWN ADMINISTRATOR’S REPORT	47
PERMANENT BUILDING COMMITTEE – SENIOR CENTER	47
HIGHWAY PROJECTS	48
OLD/NEW BUSINESS	48
TOWN ADMINISTRATOR REPORT.....	49
REGULAR MEETING	MAY 7, 200350
REORGANIZATION OF THE BOARD.....	50
OTHER BUSINESS	50
MOCK TOWN MEETING	51
REGULAR MEETING	MAY 19, 2003.....51
ACTION ITEMS	52
DEE HARPIN, NORFOLK FOOD PANTRY	52
FRED PFISCHNER.....	52
KATHY LOVELL, GRANT WRITING.....	54
ALICE BOYD, SENIOR CENTER	55
ACTION ITEMS (CONTINUED)	56
TOWN ADMINISTRATOR REPORT.....	56
OLD/NEW BUSINESS	57
REGULAR MEETING	JUNE 2, 2003.....57
ACTION ITEMS	58
HIGHWAY MATTERS	58
ROAD PROJECTS	59
SENIOR CENTER.....	60
ACTION ITEMS (CONT).....	60
TOWN ADMINISTRATOR REPORT.....	61
ACCEPTANCE OF MINUTES	62
SPECIAL MEETING	JUNE 17, 200363
REGULAR MEETING	JUNE 30, 2003.....63
ANIMAL INSPECTOR POSITION	64
REEMA CORPORATION – TRANSFER OF STOCK.....	64
DPW COMMITTEE.....	64
ACCEPTANCE OF MINUTES	67
TOWN ADMINISTRATOR REPORT.....	67
ACTION ITEMS	68

PLANNING BOARD APPOINTMENT – ASSOCIATE MEMBER	69
CHAPTER 40B – CRANBERRY VIEW ESTATES	69
ANNUAL APPOINTMENTS	70
OLD/NEW BUSINESS	73
REGULAR MEETING	JULY 14, 2003
POST OFFICE PARKING ISSUE	74
JOHN WASON, NORFOLK LIONS	77
FRIENDS OF COUNCIL ON AGING	78
ACTION ITEMS	78
TOWN ADMINISTRATOR REPORT	79
REGULAR MEETING	JULY 28, 2003
CHIEF STONE – POLICE BUDGET	79
CHIEF KELLEY – FIRE BUDGET	81
TOWN ADMINISTRATOR REPORT	82
ACTION ITEMS	83
GOALS AND LIAISONS	84
REGULAR MEETING	AUGUST 11, 2003
POLE HEARING – HOLBROOK STREET	85
ALLEN SHAW, CONSERVATION COMMISSION	85
ACTION ITEMS	86
TOWN ADMINISTRATOR REPORT	86
OLD/NEW BUSINESS	87
SPECIAL MEETING	AUGUST 25, 2003
REGULAR MEETING	SEPTEMBER 2, 2003
LINDA’S VARIETY STORE – LIQUOR LICENSE VIOLATION HEARING	89
ACCEPTANCE OF MINUTES	99
REVIEW OF DRAFT WARRANT ARTICLES	99
SPECIAL TOWN MEETING WARRANT REVIEW	100
ACTION ITEMS	100
REGULAR MEETING	SEPTEMBER 8, 2003
JAMES WHITE, COMCAST REPRESENTATIVE	101
DEBBIE ROBBINS, CHIEF ASSESSOR IGR	102
CONSERVATION COMMISSION INTERVIEWS	103
MATTHEW WATSKY – VALENTINE DRIVE	106
PLANNING BOARD APPOINTMENT	108
TOWN ADMINISTRATOR REPORT	108
ACTION ITEM	109
SPECIAL MEETING	SEPTEMBER 22, 2003
REGULAR MEETING	SEPTEMBER 29, 2003
NORFOLK HOUSING AUTHORITY	116
MASSACHUSETTS ASSOCIATION OF ASSESSING OFFICERS (MAAO)	118
GOALS AND LIAISONS	118
ADA COMMITTEE – RAMESH ADVANI	119
TOWN ADMINISTRATOR’S REPORT	121
FINANCIAL TRANSFER ISSUES	121
ACTION ITEMS	121
REGULAR MEETING	OCTOBER 6, 2003

NORTH STREET – STORMWATER DRAINAGE ISSUES	123
ACCEPTANCE OF MINUTES	124
ACTION ITEMS	124
REGULAR MEETING	OCTOBER 20, 2003.....125
REEMA CORPORATION	125
TOWN ADMINISTRATOR REPORT	125
PUBLIC HEARING - DAVENPORT DOG	125
PAUL ANDERSON, WATER SUPERINTENDENT	130
EARLY RETIREMENT INCENTIVE	131
TOWN ADMINISTRATOR REPORT (CONTINUED)	133
ACTION ITEMS	133
OLD/NEW BUSINESS	134
SPECIAL MEETING	OCTOBER 30, 2003.....135
EARLY RETIREMENT INCENTIVE.....	135
REGULAR MEETING	NOVEMBER 3, 2003136
DOG HEARING CONTINUATION	137
FRANK GROSS	137
OLD/NEW BUSINESS	137
ACCEPTANCE OF MINUTES	138
TOWN ADMINISTRATOR REPORT	138
ACTION ITEMS	138
OTHER BUSINESS	138
REGULAR MEETING	NOVEMBER 17, 2003.....139
DPW AD-HOC COMMITTEE.....	139
TOWN ADMINISTRATOR REPORT.....	140
ACTION ITEMS	141
OLD/NEW BUSINESS	142
REGULAR MEETING	DECEMBER 1, 2003.....143
ACCEPTANCE OF MINUTES	143
OLD/NEW BUSINESS	143
MARTIN MALONE, 142 NORTH STREET	143
TOWN ADMINISTRATOR REPORT.....	145
REORGANIZATION OF BOARD	146
REGULAR MEETING	DECEMBER 15, 2003.....146
TAX CLASSIFICATION HEARING	147
CLASS III LICENSE HEARING – NORFOLK AUTO REPAIR	147
ACCEPTANCE OF MINUTES	147
ACTION ITEMS	147
CLASS III HEARING – CALL AND WAIT AUTO, 15 LINCOLN STREET.....	148
CHIEF STONE – CHRISTMAS WALK	151
ANNUAL LICENSE RENEWALS	152
NEW BUSINESS.....	153
TOWN ADMINISTRATOR REPORT.....	153
OLD/NEW BUSINESS	154
SPECIAL MEETING	DECEMBER 29, 2003154

Regular Meeting

January 13, 2003

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

Joyce Terrio opened the meeting at 6:37 p.m.

Jack McFeeley moved to go into executive session to consider the discipline or dismissal of an employee. Joyce Terrio seconded, and it was a roll call vote: Joyce Terrio, **aye**; and Jack McFeeley, **aye**. The Board will return to open session.

Joyce Terrio reconvened the meeting at 7:42 p.m. Bob Markel read the agenda.

Joyce Terrio announced that this is our first World Wide Web meeting. It is broadcast live on the Internet and anyone with broadband or DSL would be able to hear it.

ACTION ITEMS

Jack McFeeley moved to approve a request of the Norfolk Community League to install a sandwich board sign at the corner of Rt. 115/Main Street near Daley's Sunoco, and in the median strip of Independence Lane near Main Street, at least two car lengths back, to advertise their annual Valentine Dinner Dance and Silent Auction. Signs may be installed from January 13, 2003 through January 29, 2003. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to release street opening permit #01/25, One Campbell Street, and to release said bond. Joyce Terrio seconded, and it was **so voted**.

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

Jack McFeeley moved to approve the use of the Creamery property and allow the discharge pipe to be constructed through Kids Place, according to plans filed in the office, for the Boardman Street Drainage Project. Joyce Terrio seconded, and it was **so voted**.

ACCEPTANCE OF MINUTES

Motion by Joyce Terrio to accept minutes as presented in draft form – September 9, 2002; September 16, 2002 – regular and executive session; September 30, 2002 – regular and executive session; October 7, 2002 – regular and executive session; October 28, 2002 – regular and executive session; November 4, 2002; November 18, 2002 – regular and executive session; and December 16, 2002. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel mentioned that Richard Herlihy of Department of Housing and Community Development would be here at 10 a.m., January 17th, to do a walking tour. Board members are invited. Mr. Herlihy will bring the letter and take a look at the lay of the land, and what was in the letter and report back to DHCD. Bob Markel will attend.

Bob Markel reported he met in Franklin this afternoon with Norfolk and Franklin officials. Officials from Norfolk were Jim Martin, Remo Vito, Highway Superintendent, and Allan Shaw, Conservation Commission, and a consultant who works for ConComm. They viewed erosion from water flowing downhill from a housing project on Wyllie Road, and harm being done to the site for a new Town well for the Town of Norfolk. There is also a wetland there, and they are concerned about both. There was a long discussion this afternoon. Mr. Fitzgerald, Franklin's DPW director, said they have done a better project than they normally would to make sure that it has no detrimental effect on the property. Norfolk ConComm sent a letter to Franklin ConComm asking that certain conditions be put on while this project is being done. It was heated at times, because Franklin officials felt this was already more costly than it should be. Bob Markel felt that they would move past problems of the past, and try to make this new investment by the Town of Franklin work. Our ConComm and Water Department has real concerns, and Franklin DPW felt that more effort had to be put in by Norfolk. Bob Markel felt the meeting was productive.

PROVO HEARING CONTINUATION

Present was Attorney David Murphy, representing Lesvos, Inc.; Jonathan Braun, current owner, Provo Liquors; Bruno Formato and Nicholas Papykrikos of Lesvos, Inc.; and Attorney Peter Harrington, representing David Fruci who has a pledge on the license.

Joyce Terrio reconvened the public hearing that was continued from December 16, 2002.

Atty. Murphy gave the Board additional paperwork that was needed. Joyce Terrio asked Attorney Harrington if the issues discussed at the last hearing have been resolved? Atty. Harrington said that issues have not been resolved between parties. Atty. Harrington said this pledge might be treated as personal property. He and Attorney Murphy have agreed that Atty. Murphy will not purchase the property until they receive a discharge of the UCC lien from his client (Fruci). Atty. Harrington said they would ask that if the Board grants this, they would have no objection as long as there is an addendum that the pledge of the prior owner be resolved or discharged prior to the actual transfer. He would like the prior discharge satisfied at the time of the closing. Attorney Murphy said he would expect Atty. Harrington to be present at the closing, and at that point he would give him and the other attorney a check, which has been agreed on.

Attorney Murphy said that when they take ownership of the property, they do not want any prior encumbrance on the license. It is in his interest to make sure that they get

something from Atty. Harrington's client stating that they are terminating the pledge of the license. He doesn't want to pay good money for something that is encumbered.

Joyce Terrio said that this isn't something that usually comes before this Board. It is usually taken care of outside of this Board. But Attorney Murphy would like something filed with our office stating that Atty. Harrington is satisfied that the pledge is resolved.

Jonathan Braun said he doesn't understand why we haven't heard from his attorney. Mr. Braun gave us a copy of a letter from his attorney to Atty. Harrington. Atty. Harrington said this is the first time he's seen this letter as he's been away, but won't respond to this letter as he's found this attorney very difficult to work with.

Atty. Murphy said if the lien remains on the liquor license, he couldn't buy it. He would be sued for malpractice. All he says is that he won't buy the property, until Atty. Harrington and Jonathan Braun's attorney resolve their issues. The attorneys need to agree to a sum that Atty. Murphy can put into escrow. That way Jonathan Braun will not get the money. The two attorneys would have access to the funds.

Jack McFeeley suggested that if you two are in agreement, that you would not conclude this transaction until this was done, we could allow to transfer this license and such a transfer would not take place until both attorneys file a notice with this Board that such an action has taken place. Both attorneys would agree that obligations have been satisfied regarding the pledge. Jack McFeeley said that Atty. Murphy would file a notice that the sale was completed to his satisfaction, and Atty. Harrington will file a notice that the sale was completed to his satisfaction. Atty. Rafaelson (Jonathan Braun's attorney) is the one holding the license. Jack McFeeley said he is asking it of them, because if they are not going to conclude the sale, we want it in writing.

Atty. Murphy said that we get approval from you. You submit it to the ABCC. Our P&S is contingent upon approval both from you and the ABCC. Atty. Murphy said when he gets that approval, he will set up an inventory taking and then they know they're in. He will find out what the agreement is, and how much to cut the check for. Atty. Murphy said that's after he receives an okay from the ABCC.

Jack McFeeley said the Board would file that notice with the ABCC with the addendum that we expect a notice to be filed with this Board that the sale will be concluded. Atty. Murphy said this would be in the future, but prior to the closing. The transfer will be contingent upon this notice being filed by the two of you with this office.

Jack McFeeley moved that we will file the license transfer with the ABCC and issuance of the license will be conditional on notice in writing from Atty. Murphy and Atty. Harrington that the sale is complete. Joyce Terrio seconded that they would approve the license transfer and forwarding of that approval to the ABCC based on the condition of notice received from both parties at a future date closer to the completion of the sale. It was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel mentioned settlement of the Mello case. Mello is the builder of the Town Hall. We have each had a lawsuit going since 1998. By settling, we avoided a long and costly court case, with appeals. There is an article on the warrant to address this issue.

Bob Markel announced that they were at the MMA meeting in Boston over the weekend, and heard Gov. Romney tell how bleak the fiscal forecast is. The State is \$600 million in the red for this fiscal year, and there will be a 5% cut in local aid for the rest of the year, as well as FY'04. This means that we will have to cut 10%. There will be a meeting Wednesday night to discuss the financial strategy of the Town with all departments. There will be another meeting which will be the Special Town Meeting on February 11th.

Jack McFeeley said that we should talk about a freeze on non-essential spending.

OLD/NEW BUSINESS

Jack McFeeley wanted to discuss liquor license violations, and suggested a policy. The Board discussed the inconsistencies of penalties set by different Board members. Jack McFeeley noted that different penalties were given by different Boards of Selectmen, and none are consistent. To be fair to all license holders, a standard policy should be in place. Jack McFeeley said he has had significant discussion with Chief Stone, and he in turn has had considerable discussion with his officers.

Joyce Terrio explained to residents listening that what we are talking about is a penalty for an establishment caught the first, second or third time serving liquor to a minor. Right now there is no standard policy, and the penalty given out is based on the consensus of three member boards, and all the penalties are from very lenient to very strict. It was at the pleasure of the current Board at the time. To be fair to our establishments, we would like to try to implement a policy that works for all.

Jack McFeeley would like a restaurant first offense to be: one-day (Saturday) donation of profits to a Norfolk charity of the type that appears on a list, or approved by the Board of Selectmen. The Board of Selectmen will devise a list of Norfolk charities acceptable to them for donation. The Saturday would be the third Saturday from the date of the hearing. The second violation will be two Saturdays in a row; third violation would be three Saturdays in a row. The Board of Selectmen would determine a more severe penalty, including loss of license. Bob Markel felt there should be a consideration made for a deliberate violation. They look the other way, or are very careless about management. In isolated cases, you may want a stricter penalty. Joyce Terrio said then we should make an addendum that would allow the suspension of license if deemed severe, including deliberate or negligence. Jack McFeeley said we

should leave it up to the discretion of the Board, in cases where a more severe penalty is warranted.

Jack McFeeley said he would propose penalties for package stores would be: first offense – one-day loss of profit of all alcoholic sales, to a Norfolk charity, if there is an Identiscan or security camera in place. If there is neither machine on premises, they must purchase both. Second offense would be a two Saturday loss; third offense would be a three Saturday loss, unless it is deemed to be more severe.

Bob Markel brought up the fact that if the offenses are close together, you may want to consider loss of license. Say they had three offenses all within a short period of time, wouldn't you consider revoking their license? Joyce Terrio said absolutely. She said that in some instances, it was considered on the second offense.

Jack McFeeley said that since we carry out two stings a year – this is getting complicated very quickly. Joyce Terrio said that is why she didn't feel we could adequately provide for a policy by our next meeting. We need to have verbiage in the policy that allows us to apply a fine based on the violation, and we need to allow ourselves and other boards to be able to go further. Jack McFeeley said that the points Bob Markel raised are good. If there were multiple violations in a short period of time, this would also constitute an additional severe penalty. Basically here, we are talking about what is the minimum?

Jack McFeeley would like Joyce Terrio, Bob Markel and Scott Brown to attend the Norfolk County Advisory Board meeting held at the end of January. Jack McFeeley will get the information to the office for reservations.

Bob Markel reviewed items with the Board that need funding. They would either need to be placed on the Special Town Meeting warrant, or given to the Advisory Board for a reserve fund transfer.

Two significant items were funding for the IT Coordinator, Chris McClure. His position needs to be funded for the remainder of the year. It was decided to request a reserve fund transfer for these funds.

Funds are needed in the Building & Liability Insurance account. The workman's comp issues of two employees who have been out for a long period of time have depleted this account. In addition, we still have invoices that need to be paid. The Board asked that this be placed as an article on the warrant. Funding for this is approximately \$36,000.

WARRANT ARTICLES

Jonathan Smith, Advisory Board Chairman was present. Bob Markel reviewed the articles for the Special Town Meeting warrant with the Board.

Jonathan Smith said they should take care of the snow and ice deficit in this year, rather than throw it onto FY'04. Jack McFeeley felt there was no real need to do this. He said we can fund this without appropriation, and will come from free cash anyway. Taking it from free cash doesn't solve anything.

Discussion centered on rescinding wording within the articles. We want to be able to cut budgets. Jonathan Smith felt it should say transfer and/or rescind. The Board felt it should say rescind.

The Board then reviewed each article on the warrant.

Jonathan Smith said the Advisory Board requested the auction monies be broken out from regular free cash, and the auction monies.

Jonathan Smith said that free cash should not be used for operating budgets. The Board agreed with that entirely.

Jack McFeeley moved to close the warrant, with the additional article for building & liability insurance included. Joyce Terrio seconded, and it was **so voted**.

Motion by Joyce Terrio to award the \$6,192,000 Town of Norfolk, Massachusetts General Obligation Bonds dated January 15, 2003, and maturing January 15, 2003-2023 to Morgan Keegan & Company, Inc., at a true interest cost of 3.9619% as set forth in a document prepared by Ropes & Gray, Bond Counsel to the Town to be inserted into the minutes of this meeting. Jack McFeeley seconded, and it was **so voted**.

Being no further business, at 10:52 p.m., Jack McFeeley moved to adjourn the meeting. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of January 13, 2003.

John J. McFeeley, Clerk

Regular Meeting

January 27, 2003

Present was Joyce E. Terrio, John J. McFeeley, and Robert Markel.

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

POLE HEARING – ROCKWOOD ROAD

Joyce Terrio opened the hearing at 7:06 p.m. Chris Parella, representative from Verizon, present.

Mr. Parella told the Board that this was a request of the Town, as part of a project the Town is doing. The poles are only being removed about an arms length, and it is basically moving the poles off of the roadway. There is minimal tree work involved. Jack McFeeley pointed out that Boardman Street does not tee off of Rockwood Road.

Jack McFeeley moved to allow the joint petition of Verizon and Boston Edison for relocation of poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by the petitioners, along and across Rockwood Road, on the westerly sideline, approximately 422 feet north of the intersection with Boardman Street, place new Pole #20 approximately 2.5 feet west of the existing pole location. Then approximately 116 feet north of new Pole #20, place new Pole #21 approximately 2 feet west of existing pole location. Then approximately 111 feet north of new Pole #21, place new pole #22 approximately 4 feet west of existing pole location. Then approximately 118 feet north of new Pole #22, place new Pole #23 approximately 4 feet west of existing location. Joyce Terrio seconded, and it was **SO VOTED**.

POLE HEARING – SHARON AVENUE

Joyce Terrio opened the hearing at 7:10 p.m. Joyce Terrio did not want to address this hearing as a representative from Boston Edison is not present. Jack McFeeley said that this is for the Water Department Well Site to provide electrical service to the site.

Jack McFeeley moved to approve permission to construct, and a location for, such a line of conduits and manholes to be located, substantially as shown on the plan mentioned in the petition, under Sharon Avenue, northwesterly, approximately 950 feet northwest of Dedham Street. A distance of about 106 feet, conduit at pole #121/7. Joyce Terrio seconded, and it was **SO VOTED**.

UPDATE – CARITAS NORWOOD

Delia O'Connor, President, and William Fleming of Caritas Norwood present.

Delia O'Connor said they just finished a 3.6 million capital campaign for the new emergency room. This is the first capital campaign they have had in 20 years. They are very grateful that people have been so generous, especially in these tough financial times.

They are building a radiology/oncology department at Caritas Foxboro, and hope to have that department moved out of Norwood Hospital and placed here. These were in Southwood originally.

They will move radiation totally out of Southwood, and they will continue with business offices there, as well as the paramedic services.

Another service is the physical therapy. They are currently housed in the old ER section of Southwood, but they are moving back to Foxboro to a physician's building shortly.

Delia O'Connor said that they do plan to sell the Southwood campus. They are still working on what they will consist of.

Bill Fleming said that Earth Tech completed the Phase II assessment phase and that was filed with DEP. There are a number of ways to resolve the issue, and they will be working to see what the best plan will be for that site.

Jack McFeeley said how are things going on the sale? Bill Fleming said they are still negotiating, and negotiations are revolving around the environmental issues right now, and people are waiting to see what the outcome will be. Delia O'Connor said that the Town of Norfolk has been very supportive, and these contamination issues have been huge, and they have taken a lot of time to work out how this remediation should be handled. They are using large and sophisticated companies to help work out who is going to pay, whose responsibility it is, etc. They plan to sell these premises and use the funds to continue renovating and upgrading Caritas Norwood. It's moving along, but at a very slow pace. They had hoped to be out of there way before now. Until this radiation department moves to Foxboro, they cannot close Southwood.

Delia O'Connor said that they have learned a lot more than they knew three years ago. It will help them sell the property because they have more data now and they know what they are talking about. Prior to that, they weren't sure what was there.

Jack McFeeley asked what buildings would go? Delia O'Connor and Bill Fleming replied all of them. They plan to raze all the buildings, and sell the property. Joyce Terrio said that this means they are probably looking at another two years. Delia O'Connor said that this could happen, looking at how long everything has taken, although they hope it won't be that long. Joyce Terrio asked how they are going to secure the buildings, if they are vacant? Delia O'Connor said they would employ a security guard and will take responsibility until the buildings are demolished. They understand kids would be vandalizing, etc.

Jack McFeeley questioned the paramedics. Will anything change? Bill Fleming said no. Jack McFeeley asked where the paramedics would be stationed once Southwood closes? Bill Fleming said they are hoping to keep it local, but are still working on that. Joyce Terrio said we are still trying to come up with scenarios that will work. Delia O'Connor said that would be wonderful. They would love to work with the Town to come up with something. They will be frank that they have no money for renovations. Delia O'Connor said keep in mind that the health care standards set by the State come with costly price tags.

Bob Markel mentioned that Bill Fleming had mentioned that the environmental cleanup was in the range of \$3 million. Is that still the figure? Bill Fleming said that is only

one part of it. He said that it is 4 to 5 times higher than that, including the demolition of the buildings.

Delia O'Connor said that the town has been excellent. The boards and volunteers have been cooperative and smart in looking at all aspects within the town.

Peter Chipman asked if a remediation plan has been filed yet with the DEP? Bill Fleming said not yet, but they are working on it. Peter Chipman asked about oil. Are you demolishing the building to see if the oil is under it? Bill Fleming said they have done test borings, and they showed that the oil isn't under the building, but under the pavement.

PETER CHIPMAN, PROPERTY ISSUES

Peter Chipman and Remo Vito present to discuss proposal for 201 Main Street with the Board. The Board considered whether this should be an executive session item, because Peter Chipman and Remo Vito both felt this was negotiation. The Board disagreed that this needed to be executive session. Jack McFeeley said he did not want to shut out the public. He said that negotiations were done in executive session; this is just discussion.

Peter Chipman said that #4 of the proposal was to keep the density of the property the same as when it was purchased. Jack McFeeley said that they need to go through the Zoning Board of Appeals for variances. Jack McFeeley said that he is sure the town would like to see commercial property developed to its fullest. The Board said they couldn't guarantee that he will get a variance. They can't speak for other Boards.

The Board questioned #1 – investigation and installation costs will be borne by the Town. They asked Peter Chipman what that meant? Peter Chipman said the Town discussed that when this was under executive session. It was basically the drainage. Peter Chipman said that this not something to be taken lightly. Jack McFeeley asked Butch Vito if he is in agreement with this? Butch Vito said yes. He said this was because of the ledge. Jack McFeeley said his only concern was we don't give away the store; we will give away excess. Jack McFeeley wants to be sure the Town's needs are well taken care of first. Peter Chipman said 80% is what is allowed under a multi-developed subdivision. He understands why the Town has to save it on the other end, also.

Jack McFeeley said #2 is not what the Board agreed to. Butch Vito said what he is talking about here is curb cut. What he is asking for here is the curb cut. The Board said no, he is asking for more than that. Jack McFeeley noted the Planning Board requirements. He was concerned about putting in a road. Jack McFeeley said he will approve the curb cut, but we won't build him a road. Discussion was whether this was Town property. Peter Chipman said he doesn't want to have to wait for the P-Wed grant, which could be years away, to access his property.

Jack McFeeley asked what #3 meant? Peter Chipman said sidewalks. Butch Vito said that Peter Chipman doesn't want to be responsible for the sidewalks. Butch Vito said the sidewalks are in the right-of-way, and traffic controls, etc., should be under the P-Wed grant.

Jack McFeeley questioned #5 – earth removal permit. Jack McFeeley asked how much? Peter Chipman said he put this on because he saw the revisions being proposed at the time for new bylaw changes with stiff fees attached, and that made Peter Chipman become cautious. The Board explained that this was shot down, and did not come from the Board. Jack McFeeley also said that they couldn't rule for something that may happen down the road concerning a change in the law. However, they can consider any application under current conditions.

Peter Chipman said that #6 is a new condition. He would like to leave this as green space until such time as the road is developed on the 201 Main Street property.

Butch Vito noted to the Board that nothing discussed affects the TIP project.

Jack McFeeley asked that Butch Vito and Karen Mitnick work up an acceptable agreement and put in the conditions that the Board approved tonight, and they will agree to it.

Bob Markel asked what the current disposition was of 220 Main Street? Peter Chipman said he has a demolition permit. Not sure yet what will happen after that.

Butch Vito will get us a proposal, and we will forward it to Town Counsel for review. The Board will vote when they see a final version.

REMO VITO, HIGHWAY SUPERINTENDENT

Butch Vito was present. The Board wanted to review the Creamery property for the Boardman Street drainage project. The Board wasn't sure where the drainage pipe was. Butch Vito showed the Board on a plan.

Jack McFeeley asked Butch Vito if he saw the Act on the DPW that was drafted by George Hall. Butch Vito will attend the Advisory Board meeting on Thursday evening, as this will be discussed. Bob Markel noted that there were several versions, and wanted to be sure everyone was working off of the updated version.

Jack McFeeley questioned the TIP project, Town Center, whereby Butch Vito submitted the 100% definitive design plan and the 100% construction estimate to the Mass Highway Department. They discussed funds for the non-participating items.

Butch Vito discussed whether next year's budget is a 52 week year, or a 53 week year. Bob Markel stated that Susan Gagner said it's a 52 week year. We will count the weeks, and let department heads know.

Jack McFeeley publicly thanked Butch Vito for all his work. He is involved in everything, and goes out of his way to do things.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed budgets. Bob Markel said he needs to set a date to bring the budget before the Board for their approval. Bob Markel will present it to the Board on the 14th of February. The Board will review it and make their individual comments and provide them to Bob Markel. He will incorporate the comments into the budget, and the Board will vote on the budget at their February 24th meeting.

Bob Markel told the Board that he met with Joe Chessie from the Department of Revenue. He told Mr. Chessie that he planned a 10% cut in budgets. Joe Chessie directed that they look at 15-20% cuts in budgets. Bob Markel relayed this information to the department heads. Bob Markel said we may have to cut \$354,000 out of the operating budget, and layoffs would be unavoidable, and would affect the major departments. This would include not filling positions created by the early retirements. This will be a year unlike any we have had in the last decade. We are hoping it doesn't turn out that way, but it doesn't look any different. It appears now we will have to trim by \$354,000.

Jack McFeeley said we would know Wednesday night when Governor Romney gives his speech. Jack McFeeley said we should try to absorb as much as we can now, to make it that much easier for FY'04. We need to absorb part of the burden now, and as we move into '04, absorb the rest of it then. Joyce Terrio agreed with him. Bob Markel said we need to protect the amount of free cash that flows in, in FY '04.

Jack McFeeley said one person said we should take all our free cash and pay off all our debts. But Jack McFeeley was concerned about Moody's rating looking at us with no debt, but also no cash. Bob Markel said any new debt would carry a higher rate of interest. The long and short of it is that the school projects could become more costly for the Town. Implications at the local level are not very favorable.

Bob Markel said the Board has been interested in cutting on the amount of lawsuits, and legal fees. Bob Markel said that three cases have been settled in the last six weeks. The Matulewicz case is settled; the Mello case (Town Hall) was settled through mediation. It is not a settlement that either party liked, but it did settle the case. Lastly, the BBC case has been settled. The outcome is more favorable to the Town; because we settled with the amount we had at no further cost to us.

Jack McFeeley said that Town Counsel issued marching orders to get these cases closed. Jack McFeeley said that we haven't lost any of these cases. We may have settled, but we haven't lost. Jack McFeeley said that in the past year, we have knocked

seven cases off the list, and the top three that were big money are gone. We do have new lawsuits, but they are small land issues.

Bob Markel mentioned that the poster contest that has been going on all month, to see what the public wants done with the old Town Hall, is coming to a close. We have had a few ideas, but they have been slow coming in. Bob Markel will refer the suggestions to the Board.

Bob Markel updated the Board on the search for a Finance Director. As you know, Susan Gagner left to take a position in Franklin. We did receive 12 applications. Only four of those 12 had municipal experience. The rest were from the private sector. Bob Markel had a Screening Committee who had some interest in, or had to work directly with the Finance Director. Bob Markel said they chose the candidate who was chosen unanimously by the Screening Committee. They opened negotiations with this individual and they have been fairly extensive. They could not reach an agreement with this candidate, primarily due to salary issues. State law provides that a personal services agreement can be made with a Finance Director. This means that you can go above the salary recommended through the Personnel Plan. Even though we tried to go with a higher salary, they still could not reach agreement. Bob Markel said they did not feel it was prudent in these tough times to go with the requested salary. Therefore, we are still in the need of a Finance Director. Bob Markel said we could either proceed with some of the other candidates, or subcontract with a private firm to perform oversight and guidance. The Town of Franklin did this, and was very happy with it. Jack McFeeley asked what the salary difference was. Bob Markel said it was approximately a \$3,000 difference. But there had to be a cap. It could not exceed what other department heads already receive, and they had to consider the consequences.

Joyce Terrio said she is sorry, because it makes Bob Markel's job more difficult, and that is not where we want Bob spending his time. It will make our office stretched, as well as the already dedicated Finance Department staff who has given their all.

OLD BUSINESS

Jack McFeeley and Joyce Terrio read several thank you letters that they received from Troop 4739 for letting them sell Girl Scout cookies at the Transfer Station.

Jack McFeeley would like a thank you note sent to Sgt. Tim Heinz for his professionalism in his delivery of a baby girl recently. The Board received a commendation letter from Stephen Monteiro, Department Manager of the Caritas Norwood EMS. The Board will send a letter of commendation to Sgt. Heinz.

Jack McFeeley noted a letter from DEP regarding notice of a hearing regarding an electric generating facility in Medway.

Regarding the letter from Rich Herlihy, of the Dept. of Community Housing and Development. Bob Markel said that they did come out and review the property. They haven't given us a response yet. Borrelli's do still plan to do age restrictive housing and 40B.

Jack McFeeley questioned the recent problem with the neighbors of the Senior Center. Bob Markel said that he has been aware that one of the residents hired an attorney, who claims that the agreement was never recorded in the Registry of Deeds. Bob Markel said he spoke with the person who recorded the document, and has a copy with the citation number on it from the Registry. He also discussed lighting and landscaping issues, as well. The lighting is the one issue that is an irritant. The neighbor complains, but the Council on Aging feels that the lighting complies.

Jack McFeeley noted the email from John Oliveri regarding fire grants. He suggested we have Chief Kelley look into this. Other departments should get more actively involved in grants.

At 9:33 p.m., being no further business, Jack McFeeley moved to adjourn. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of January 27, 2003.

John J. McFeeley, Clerk

Regular Meeting

February 3, 2003

Present is Joyce E. Terrio, John J. McFeeley, and Robert T. Markel, Town Administrator.

Joyce Terrio opened the meeting at 7:15 p.m. Bob Markel read the agenda.

KATHLEEN LOVELL – COMMITTEE INTERVIEW

Present was Kathy Lovell. Kathy Lovell told the Board she has lived here for 12 years, at 93 King Street. For 11 years, she has traveled with her job and wouldn't have been able to participate. She does want to become more involved now, and came down and looked at the list of vacancies.

Kathy Lovell has 25 years experience in the business industry. She is interested in the Capital Outlay Committee as well as the Insurance Advisory Committee.

Bob Markel did discuss with Kathy Lovell, the Insurance Advisory Committee and what their charge is.

Jack McFeeley said that he is biased. He believes that both committees are equally important, but he feels at this crucial time, the Capital Outlay Committee is more critical for members. Jack McFeeley sits on the committee, although he is not a member.

Jack McFeeley said that he feels Ms. Lovell will enjoy this committee. Kathy Lovell said that the Capital Outlay Committee was her first choice; however, she felt that she should put down a couple committees.

Jack McFeeley moved to appoint Kathy Lovell to the Capital Outlay Committee, for a term as designated. Joyce Terrio seconded, and it was **SO VOTED**.

TYLER'S FAMILY RESTAURANT

Present was Chief Charles Stone, Detective Leo Ethier, and Brian and Roger Ring, co-owners of Tyler's Family Restaurant, 218 Dedham Street.

Detective Ethier said he conducts two alcohol compliance checks per year. He conducted one on December 22, 2002. Everyone passed except for Tyler's Restaurant. A server named Michael served the minor. Joyce Terrio questioned if the department sent a letter to all establishments informing them that the compliance check would be happening? Detective Ethier said yes, and showed the Board his list of guidelines he follows. Joyce Terrio said, then Tyler's was informed that they had a violation? Detective Ethier replied yes.

Brian Ring said that he and Roger, his brother, own the restaurant. They have spent 24 years in the restaurant business. They have, since day one, cautioned their employees about serving to minors. They try to act responsibly. Brian Ring said he was informed at 9:30 p.m. that evening that they had a violation.

Brian Ring told the Board that his server made a judgment call on the age. That was where they made their mistake. Mr. Ring said their policy is that they card everyone who looks under the age of 30. Michael made a judgment call in trying to assess her age. He should have refused her, but he didn't. Roger Ring agreed that he did the best of his ability. They had the notice of the compliance check posted in the restaurant as a motivation tool to the servers.

Roger Ring said he wasn't in the building when this happened. It was a reasonable execution of a compliance check. He said that Michael saw the male's ID first, and he was of age, and Michael thought he looked younger than the female. Roger Ring said they constantly inform the staff that they need to look at the ID. If it looks questionable, they are to call a manager.

Michael, the server, spoke next. Michael told the Board that when the couple came in, he asked for an ID. The male was forthright with his ID. He said that he looked at the

male's ID very carefully. He felt that the male seemed younger than the female. To be honest, he asked the female for her ID and she said she didn't have it. She seemed much more mature and older than her male friend. So he let it go. Michael said this was his own personal error, and doesn't represent the staff at the restaurant. He said he has done this for 15 years, and has never had an altercation. Michael said he was very embarrassed by this incident. He was not being reckless. He was very impressed with the demeanor of the couple – polite, clean cut, and very mature. Michael said he was suspended for a week without pay, which was awful. This is not something he is taking lightly. Michael did want to impress upon the Board that it isn't the restaurant's fault, it is his fault. The restaurant is very firm that they don't serve anyone under 30. They drill the compliance checks into their heads. This was his error, and does not reflect on the restaurant. Joyce Terrio asked how long he has worked there? Michael replied, 5 months.

Jack McFeeley asked the two underage operatives if the information they heard tonight is correct? They said yes. He asked if they wanted to add anything. They said no.

Jack McFeeley said that he has had individuals try to deny what has happened. Jack McFeeley said it is not the case here. He understands that they are part of Norfolk's family, and we are all sorry it happened, but it happened nonetheless. Michael said he feels bad that this happened. He would like the restaurant not to be penalized, and would like to be able to take the penalty himself rather than it being a burden on the owners. He suggested community service, etc.

Joyce Terrio said that we have a policy in place. Jack McFeeley agreed that we received criticism from their last penalty given, and they set a policy because of that. Joyce Terrio agreed, saying they have a standard policy in place. Joyce Terrio said that because of our zero tolerance, we must impose our first violation penalty, which we have. This is the minimum first violation. Michael asked that he might be able to work with the charity? Jack McFeeley said that's a nice offer, but doesn't feel this will work. Jack McFeeley explained that they used to revoke the license, but no longer do that. He prefers that they donate profits to a charity.

Roger Ring said that no one in their industry is doing this deliberately. He said we should try the reverse, and have the person come into the establishment and have a fake ID and the managers could be part of the compliance check. This would help their staff as well. The Board suggested that this be discussed further with Chief Stone. Roger Ring said that they are as upset as Michael, and they are embarrassed and humiliated as well.

Joyce Terrio and Jack McFeeley unanimously agreed to issue a first offense penalty of a donation of the profits of the sale of alcohol to a Norfolk charity. The profits must be from a Saturday of their choice, within thirty (30) days of this hearing tonight. Joyce Terrio said that there is a list of Norfolk charities in the office, if they need a copy.

PAUL BORRELLI & JOHN GLOSSA

Present was Paul Borrelli and John Glossa, Glossa Engineering, Inc.

John Glossa presented the Board with a plan of Phase II, Norfolk Commons. He told the Board that they wanted to be sure that they were in compliance with their earth removal permit. Mr. Glossa showed the Board on the plan what areas they would like to remove earth. He did say that blasting would be necessary. They would like to blast and remove approximately 6,000 cubic yards of ledge. They would put a crusher in a location below the water tank. John Glossa said they would spread in an area that needs fill near the assisted living site. They will not be bringing material onto the site, nor will they remove material from the site. All of this will be taking place on Phase 2, in the upper portion.

John Glossa said the second part of the request is that they do have 3,400 cubic yards of material stockpiled. It needs to be screened, and the loam, that is part of that material, would be used to cover the "leach bed" part of the wastewater treatment plant.

Joyce Terrio asked proximity of where you want to blast to the water tank. John Glossa showed on the plan.

Jack McFeeley would like to reserve comment until the Water Department engineers have come out to review this, with respect to the water tower.

Jack McFeeley asked approximately how much blasting do you want to do? That is, the volume and depth, and the duration. John Glossa said the volume is 6,000 cubic yards. The depth would be about 6 feet.

Paul Borrelli said they have already blasted as close to the water tank as they would. They are away from the water tank now – they are on the town easement side. Paul Borrelli said that the blasting company has to notify the Fire Chief, Water Dept., etc., and they have to go through proper channels – notifying abutters, etc. Paul Borrelli said this is only an extension of their permit. They did not finish at the time, and now they want to be able to get an extension and complete it.

Jack McFeeley asked when they want to start. Paul Borrelli said this is a good time of year, because they don't get the dust problem, etc. They would like to start sooner than later.

Jim Martin, Water Superintendent came into the meeting, and John Glossa explained to him the blasting they want to do (using the plan). Mark Wetzal, engineer for the Water Department from Dufrense-Henry was also present. Jim Martin said that if the same guidelines were followed for this blasting that they did previously, then he doesn't have a problem with it. Jim Martin said they have very tough restrictions, so he isn't worried about it. He said that they previously had seismic readings for the water tank, and he

would like to have that done again. Mr. Martin received the pre-blast survey and charge pattern before.

Jack McFeeley said they are not asking permission to blast, they are asking permission to move the material from one parcel to another parcel. Jack McFeeley has no problem with their request.

Joyce Terrio questioned the starting dates of April 1 through November 28, 2003. Paul Borrelli said he would like to start earlier – March 1 through November 28, 2003. Mark Wetzal said March 1 gives them enough time to review. Paul Borrelli said he hopes to finish earlier.

Jack McFeeley moved to allow the amending of the earth removal permit to allow for the additional movement of 6000 +/- cubic yards of ledge material within the two sites within Norfolk Commons, and scheduled to take place March 1, 2003 and November 28, 2003. Joyce Terrio seconded, and it was **SO VOTED**.

John Glossa said the other end of this process is the crusher and screening. He wants to be sure they are aware that a crusher will be put up there, and they will do some blasting. The Board is aware of that.

ACCEPTANCE OF MINUTES

Jack McFeeley moved to accept the minutes of January 13, 2003, regular and executive session, and January 27, 2003, regular session. Joyce Terrio seconded, and it was **SO VOTED**.

ACTION ITEM

The Board considered the request of Remo Vito, Highway Superintendent, for a fee increase at the Transfer/Recycling Station. He submitted this letter prior to the Board determining that it will be a 52-week year. Mr. Vito still needs the increase to become self-supporting. They are shy of being self-supporting.

Butch Vito asked the Board to approve an increase of \$0.10 on bag stickers from \$2.00 to \$2.10 per bag sticker, and an increase of \$5.00 on vehicle decals, increasing from \$45.00 to \$50.00 per vehicle, and increasing the senior citizens vehicles from \$35.00 to \$40.00.

Jack McFeeley moved to approve the fee schedule that Remo Vito is proposing in his memo of January 27th. Joyce Terrio seconded for discussion purposes. Joyce Terrio questioned large items. Is there a fee for this? Bob Markel said the bulky waste fee would apply here. The person would pay a fee and a receipt is given. It was **SO VOTED**.

WATER DEPARTMENT AWARD

Debbie Robbins, Jim Martin, and Larry Kennedy. Mark Wetzel of Dufrense Henry was present. He discussed the Engineering Excellence Awards. Engineering firms could submit projects for consideration. They submitted on the Spruce Road Water Facility. Norfolk's project finished second, to the Leonard Zakim Bridge, which won first place. They were ten submittals, and five received awards. Norfolk won the Platinum Award. Mark Wetzel showed the Board a poster made of the award, and Jim Martin had the actual platinum plaque award that was made out of limestone. Debbie Robbins said that they received a citation from Senator Cheryl Jacques.

TOWN ADMINISTRATOR REPORT

Bob Markel read the annual town meeting schedule, and asked that the Board vote to open the warrant. Bob Markel read the dates, and asked that articles be submitted to him in electronic format. The Warrant will open tonight, February 3rd, and articles must be submitted to the Selectmen's Office **no later than** March 7, 2003.

Jack McFeeley moved to open the warrant for the May Annual Town Meeting. Joyce Terrio seconded, and it was **SO VOTED**.

Bob Markel forwarded some emails to the Board regarding earth removal. He said people are concerned about this becoming a moneymaking business. The Board should look at their fee structure, so that this type of business would be discouraged.

Bob Markel gave the Board copies of the Patrolmen's contract, and asked that they execute it. The Board signed the contract.

Bob Markel gave the Board emails of uses for the old Town Hall.

Jack McFeeley discussed the trust set up when we were self-insured. We have tapped into it twice this year. We used it in the spring, and we used it in the fall. Joyce Terrio asked why we couldn't use this fund for the \$38,000 sum that we need in our insurance account. Bob Markel said we could. It depends on whether this is how you want to use it. Bob Markel said this is just an emergency fund, but we can use it if we need to. The Board agreed to use just how much we need for the workmen's compensation deficit.

Bob Markel said that he would be meeting with the Highway Union, the Police Union, and the Fire Union tomorrow to discuss the financial crisis.

The fiscal year coming up will have cuts in services, and the residents should be aware of this. We will try to provide good services, and save money.

Bob Markel said that he has a tentative contract for a new Finance Director. He will hopefully sign tomorrow morning.

OLD BUSINESS

Jack McFeeley mentioned building fees. It requires a vote of the Board to change things, but it doesn't require a vote to not change things. Joyce Terrio will speak with Supt. McAlduff tomorrow.

Jack McFeeley mentioned the Advisory Board recommendations. He said that we could pay Jane Lepardo for tax title custodian duties out of the proceeds of the sale, according to State Law. We can take care of it without the appropriation of town meeting.

Jack McFeeley said that with the shed being destroyed behind the old town hall, this was a public hazard. The Board of Selectmen had the authority to remove the building, and they chose to.

Joyce Terrio noted a meeting with the Housing Authority. Both she and Jack McFeeley will try to attend.

Joyce Terrio announced that town reports would not be reserved for residents.

Joyce Terrio mentioned a letter to the Advisory Board whereas we need to temper our concern for budget crisis. She noted that we have tried to be pro-active. They have tried not to be reactionary. The Board, as well as Bob Markel, has attempted to very realistic using the information they are getting from the federal and state level, and try to equate that to the town finances. She does not feel we need to temper our concern; we need to keep looking out for the best interest of the town. In that frame of mind, it is the Board's responsibility to do the best they can, and be pro active, and look at the budgets to see where they need to be cut. They are trying to take a look at projections, and do the best they can with it for the residents and the employees of the town.

Bob Markel said we couldn't submit a budget to the town meeting based on phantom revenues. If we do, some of that revenue may not materialize, and the town would run a deficit. That isn't legal. So we have to be very cautious with the revenues we use to balance the budget.

Joyce Terrio reminded everyone to attend the Special Town Meeting Monday night, February 10th.

At 9:17 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 February 3, 2003.

John J. McFeeley, Clerk

Regular Meeting

February 24, 2003

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

Joyce Terrio opened the meeting at 7:06 p.m. Bob Markel read the agenda.

ACCEPTANCE OF MINUTES

Jack McFeeley moved to accept the regular minutes of February 3, 2003. Joyce Terrio seconded, and it was **so voted**.

JOHN O'BRIEN, CPA – EXIT CONFERENCE

John O'Brien, present. Jane Lepardo, Treasurer was also present.

John O'Brien discussed the General Purpose Financial Statements first. John O'Brien said that he had to make a lot more adjustments to the year-end balance, and it made a difference of about \$350,000.

Mr. O'Brien reviewed these statements in detail with the Board.

John O'Brien then reviewed the management letter. He felt we made a fantastic effort in collecting tax title monies. This initiative definitely helped the town financially.

There still is no policy on the bad debt for Water Receivables. This really needs to be addressed.

Mr. O'Brien discussed the Gasby 34 limitation. This is required for this fiscal year coming up. He asked about this. Bob Markel said we have a contract from FY'02 and we have been working on it. John O'Brien said that it works on the fixed assets. John O'Brien mentioned the incomplete General Ledger. He said the figure is significantly different than what they had, to what was sent in as a balance sheet to the Dept. of Revenue. There were \$1,600,000 worth of entries for the Water Department that weren't posted where they should be. This means 86 adjusting entries that need to be made before the end of the year. This is not a burden to do if you are familiar with a general ledger. John O'Brien said that in prior years, this has been done for them. These entries should have been done monthly or weekly, but at least by the end of the year.

Mr. O'Brien mentioned inaccurate reporting of debt. Advance refunding of debt is a real sophisticated entry. John O'Brien said they couldn't criticize, because they even

had a tough time with it. Once it was made, it made a difference of \$233,000 on the balance sheet. There was a lot of revenue reported to the Dept. of Revenue.

John O'Brien asked about the use of school grant funds - \$47,000. Bob Markel said they are making every effort to recover these funds. John O'Brien is looking for paperwork that will assist him. Bob Markel said he thinks he can provide it, once the school gives it to him. John O'Brien said he would hold off until he gets the information. Bob Markel will provide this.

John O'Brien suggested making these entries, and to try to get the free cash recertified. He feels the figure is significantly higher. This would be for FY'03.

John O'Brien would like this resolved with a couple weeks, if possible.

ACTION ITEMS

The Board discussed a request from the Norfolk Lions Club for events for Norfolk Community Day on May 31st. This request was tabled as the Board needed further information.

SENIOR CENTER ITEMS

Atty. Craig Ciechanowski and Ron Burke regarding issues regarding the Senior Center agreement.

Joyce Terrio asked for a summary of what his letter entails. The attorney said they have repeatedly raised these issues with the Town Administrator and none of these issues have been addressed. Atty. Ciechanowski said he doesn't know why they are here tonight. He indicated two other residents who have signed the Settlement Agreement are also here.

Jack McFeeley asked for detail of the four issues. Atty. Ciechanowski said that we have not recorded the Settlement Agreement, and has not provided the information, if done. Landscaping is not completed. The Town continues to operate the Senior Center on a temporary occupancy permit. He is concerned about the hours. They are supposed to close at 4 p.m. Tonight it was still open at 6:30 p.m. This is a routine event. He is concerned about the temporary occupancy permit.

Jack McFeeley stated that it is his failure to understand the comments made here. He is in a completely different position. He does not recall these being repeatedly requested. He feels that everything is resolved.

It is open tonight because the heating system has gone out. They are trying to repair the system and it is an emergency issue that needs to be fixed before they open tomorrow morning.

Bob Markel said the Settlement Agreement has been recorded. Jack McFeeley said that he could have gone to the Registry of Deeds and find it. He said he did and it wasn't there. Bob Markel gave him the information from an email from Gail Bernardo, Secretary for the Permanent Building Committee.

Jack McFeeley felt that they both had a difference of opinion as to what the lighting meant in the Settlement Agreement. Jack McFeeley said we have focusing devices on the lamps and do have them downward. We are trying to comply. We are focusing the major portion of the light downward. We did not agree to eliminate lateral light. We cannot do that, and that was not part of our agreement. There is a difference of opinion. There is a significant difference with the shields, and it is our intent to lessen the lighting impact.

Jack McFeeley said they state the opening of the site has not met the Settlement Agreement. Mr. Burke and the abutters asked for a 100' opening. We cannot make a decision for the Planning Board. They are an elected board. We did not agree to change the opening from 170 to 100. We stated that the Town will prepare and seek approval from the Planning Board, and we did so. The Planning Board investigated, and decided that 135 was the proper width – not 100.

The abutters waived any right to appeal as far as the Planning Board's decision. Jack McFeeley said that the Planning Board's decision was 135, so that stays.

Jack McFeeley said the landscaping issue might be true. This is still an active construction site. Landscaping is not completed, because that is usually the last to be done, and construction is still ongoing. We have done that twice, because some of the initial plantings died, so we replaced them. We need to wait until Spring to see how they survived.

According to Atty. Ciechanowski, he has information that was not communicated to him. There was an August meeting, and since that time he has not heard a word from anyone. Atty. Ciechanowski said that these recordings should have been followed.

Bob Markel said that since he has been here, there seems to have been a laundry list of problems here. He said the plantings seem to have been one problem. The lights are very vexing. He did have a conversation about that, and discussed it with COA members. He was trying to see if the lights complied with that agreement. They felt the agreement had been complied with. There is an issue with the temporary occupancy permit, but the Building Inspector said he would go out and extend the hours until 8 p.m. on the Senior Center so that this won't be an issue. Bob Markel said he looked at each issue one by one, and it seemed to him that they were legitimately addressed. Bob Markel said that his attorney should have been able to find the filing at the Registry. Bob Markel said he spent considerable time trying to find out why the filing was not done. He was told it was a zoning change, and that it was not necessary. He looked further, and found it was done.

Ron Burke said he discussed this with former Selectman Bill Perron and said he kept the Board informed about problems with the lighting. He also discussed the hours of operation – open after 8 p.m. By August of 2002, he was concerned that the pine trees had all died. Ron Burke said he discussed several issues with Bill Perron and the Board, and the Town Administrator. He said he was told they were sorry, and would review the issues and get back to him. Other than a few phone calls with Bob Markel, he said that he has heard nothing. No one answers his letters, or emails him, or calls him. He then hired an attorney, and he sent several letters, which weren't answered.

Mr. Burke said the lights have lenses, but do not have shields. He recently went to the Planning Board meeting where the Planning Board told Mr. Vito not to install the same lights that are on the senior center, on the Highway Garage. The architect selected the lights on the Senior Center. He said they are objectionable lights because they light up his whole garage, room over garage, family room, etc.

Regarding the Planning Board on the opening, he understands that the Board had to file a plan. He realizes that he attended the meeting, and has the decision, and it was never discussed at all at the Planning Board meeting. He does not accept the Board's response and does not believe it.

Trees were installed that were of a better quality than what was there before. He hopes that they take this time.

Jack McFeeley said the lights you refer to are on the back of the building, and on each side. They focus downward. If there is light that is going out laterally, and there is, that's not beyond what was agreed to. If it does shine into your garage, these lights are there for security purposes. Jack McFeeley said that they would look at the lighting if it is bothering you, but you cannot say that we are not living up to our agreement. Ron Burke said that the town can easily put shields on the lights and that would keep the residents happy. These would not be a budget-buster. Jack McFeeley told Ron Burke to look into this, and get some information back to us. Joyce Terrio said that we will in turn send this information to the Fire & Police Departments, and Planning Board to be sure it complies with them.

Joyce Terrio asked if anyone had anything further. Atty. Ciechanowski said that information is forwarded to the Town Administrator, but apparently it doesn't get forwarded to the Board.

OLD/NEW BUSINESS

Jack McFeeley approved the Household Hazardous Agreement by Remo Vito on 2/21/03. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to award a contract to Health Resources for three (3) years for the federal drug and alcohol testing program. Joyce Terrio seconded, and it was **so voted**.

FY'04 BUDGET DISCUSSION

Bob Markel and Jack McFeeley discussed the budget, and how the information the former Finance Director had in her computer is not there.

Bob Markel did not have the budgets complete to hand out this evening, but did give the Board a summary sheet of all the budgets.

Bob Markel said that this summary is an equal pain, except where it absolutely needs to be firm. Jack McFeeley asked if the equal pain was only boards under the Selectmen? Bob Markel said no, it would be every Board. The Water Department is not reflected here, because we do not have their budget as yet.

We need to change the retainer figure on Town Counsel's budget, because there is an increase.

Jack McFeeley wanted to keep the Computer Committee to \$1, instead of wiping it out.

Jack McFeeley suggested putting a lot of things on timers. He questioned the insulation on the roof, because there were a lot of icicles, which meant heat was escaping.

Bob Markel said we need to spend another \$8,000 to finish repairs on the HVAC, and if we are able to do that, we can go one year without a service agreement on the HVAC. We won't have to dish out the \$12,000 for the service for a full year. We could save that money.

The Town Clerk budget has three parts. Two parts are increased, and one is decreased, which is a savings.

The Planning Board budget received a 10% reduction as a result of having a retiree. Bob Markel put Grade 7, Step 3 in the budget.

Bruce Simpson asked to speak to the Zoning Board of Appeals budget. He commented to the Board that the ZBA budget isn't even \$25,000. Their caseload has increased by triple. They end up with 7 cases in an evening, and they are there until midnight. He said that in some instances, it is costing the developer a fortune. Bruce Simpson said they have the Library coming up, and a couple of 40B cases. It is not possible to keep up. They have a small staff, and they are trying to deal with expensive and huge projects. They can't do it. They need more staff, because with the Administrative Assistant also doing Conservation, she cannot work 80 hours.

Jack McFeeley asked what the fees are. Mr. Simpson said \$300 each, and they are in line with other towns. Bruce Simpson said that they are not a self-supporting board. Jack McFeeley said that perhaps the fees should equal the budget.

Bob Markel said that if a service only benefits a small majority of people, such as this Board, then perhaps we should look at this.

Jack McFeeley suggested that everyone be made aware that if anyone feels they need to make a particular argument, they should have the opportunity to do so before the Board.

Joyce Terrio questioned if hiring a town engineer would help those boards. Would it ease the burden for any of these boards? Bob Markel said yes, with ConComm and Planning Board, but not ZBA.

Joyce Terrio questioned if the office could be restructured so that Marie Simpson isn't sitting right in front of the window. Perhaps a volunteer, or someone could field the window.

In other business, Jack McFeeley would like to see a joint meeting sometime in March of the school, BOS, and Advisory Board – open to others as well – to come together on this.

Regarding the KP budget, this is only a decrease of \$75,000. This isn't being "socked". Our assessment is going up 10%. We know that already. If the KP budget is decreased by 2%, then our assessment should be 8%, or something similar. We need to verify this money.

TOWN ADMINISTRATOR REPORT

Bob Markel said that all he wants to discuss is our lack of a Finance Director. Our most recent candidate refused the job to stay at his current employment. Bob Markel suggests that we readvertise, and contract short-term to get some expertise for a couple hours weekly to provide some support to the finance staff. There are some journal entries, and other things that are critical that need to be done by a finance director. Bob Markel would like to contact the individual tomorrow and get some numbers for the Board.

Being no further business at 9:57 p.m., Jack McFeeley moved to adjourn. Joyce Terrio seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of February 24, 2003.

John J. McFeeley, Clerk

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

Joyce Terrio called the meeting to order at 7:03 p.m. Jack McFeeley read the agenda.

POLE HEARING – HOLBROOK ST/ROCKWOOD ROAD

At 7:05 p.m., Joyce Terrio opened the public hearing for a joint request of Verizon and NSTAR to install thirteen (13) new JO poles, as attached. Present was Chris Parella, Manager of Verizon.

Chris Parella told the Board that this is at Holbrook Street and Rockwood Road. They will be bringing the utility lines up from the center of town. There are 13 new JO poles, and one to be relocated. They are servicing a part of town that did not have service previously.

Jack McFeeley questioned cable service. Having these poles here would mean that ComCast could bring cable to these residents who have been without. Jack McFeeley suggested we contact Frank Foss and advise him that he no longer has the absence of poles as a reason not to put in cable in that area.

Thomas DiPlacido, Jr. said that he is putting in age restricted housing across the street in the old sand pit. He is concerned that the placement of some of these poles may block the entrance of his driveway. Mr. DiPlacido brought a plan for Verizon to review prior to installing the poles.

Chris Parella said that he would have his engineering department look at this. He did not want to discuss redesigning the plan tonight. This wasn't his job.

Remo Vito, Highway Superintendent, who was in the audience for another matter, told the Board that he wasn't aware of this request before the Board. He asked Mr. Parella if he was aware that development was happening there, and that he has a plan before the Town with respect to sidewalks and intersections for the same area. Mr. Vito was concerned about the possibility of some of these poles ending up in the sidewalks. He said it is critical that he discuss this with Verizon before they put the poles in.

Jack McFeeley moved to continue this hearing to March 24, 2002 at 7:05 p.m. to allow Verizon to discuss this with Mr. DiPlacido and Mr. Vito. If this date and time does not work because they need more time, we will reschedule to another date. Joyce Terrio seconded, and it was **so voted**.

COUNCIL ON AGING – SENIOR CENTER ISSUES

Present was Georgia Jones, Richard Connors, Debbie Owen, and John Evans of the Council on Aging; Norma Shruhan, Executive Director – COA; Buddy Bowden and

Robert Lowndes of the Permanent Building Committee; Gail Bernardo, Clerk of PBC; Robert Nicodemus, architect for the Senior Center; Steven McClain, Planning Board, and Remo Vito, Highway Superintendent.

Discussion centered around the Senior Center construction not being complete. Richard Connors said he was told there is \$17,000 that the Capital Outlay Committee is reserving to complete the work.

Butch Vito said that there was a shortfall of \$45,000 on the project about a year ago. They tried to whittle it down, and submitted the amount of \$17,000 to the Capital Outlay Committee as what they absolutely needed.

Jack McFeeley said the Capital Outlay Committee votes tomorrow, but he thinks they still have the \$17,000 on their final list.

Steve McClain said the top of the grade of the driveway is 135'. The bottom is 85'. This was never appealed by anyone at the time.

Richard Connors referred to a list of things still outstanding. He has been working with Bob Nicodemus, and the Permanent Building Committee. Some of the defects border on safety issues.

Bob Nicodemus said he isn't aware of any defects, and don't know what they consist of, but they can be fixed. He said he would like to see a priority list created. Bob Nicodemus said that the sprinklers could be repaired. Some funds were held. They should pay for claims for other subcontractors who haven't been paid. He isn't sure if we have enough money for it all. Bob Nicodemus said that he has repaired the floors 4 times, and other things twice.

Richard Connors said that it is nothing personal with Bob Nicodemus, but these things need to get fixed. Tiles are lifting up off the floor, etc.

Debbie Owen was concerned about the heating system. She was told the system isn't large enough for the building, and will burn out again.

Bob Lowndes said that he felt a list is reasonable. He would like to yield to the expertise of Bob Nicodemus. Bob Lowndes said there isn't a lot of money left. They have no handle on how much it will cost to repair everything. He can't prioritize until he has this. Mr. Lowndes said we need to focus on items that will help us get from temporary occupancy to permanent occupancy. The seniors have legitimate gripes.

Jack McFeeley agreed, and said he is afraid that some of the issues will affect occupancy unless repaired. Jack McFeeley feels that someone needs to put together a priority list for a Reserve Fund Transfer. If no funding is available elsewhere, we will have to put it on the town meeting warrant.

Jack McFeeley said it doesn't sound like we are all on the same page. Some of you are just hearing about this for the first time tonight.

Joyce Terrio said we could always add to the list, if necessary. Joyce Terrio agreed that they need to present the list to the Permanent Building Committee and Bob Nicodemus, who will prioritize the list. They should then bring it to the Building Inspector to see what can be done to get full occupancy. Get prices, quotes, etc. for the priority items so we have a final figure to work with. Once you come back to us with a final figure, we can present it to the Advisory Board. Joyce Terrio stressed that this needs to go before the Permanent Building Committee and Bob Nicodemus – not the Board of Selectmen.

Buddy Bowden said that he feels that in order to get permanent occupancy, you need to take care of any code issues such as sprinklers. Buddy Bowden also said he has discussed this with the contractor, and the contractor is willing to come in and talk with us and resolve all these issues, even if he forfeits his \$6,000.

Jack McFeeley asked if they would be ready to come back in two weeks? Bob Lowndes said he doubted they would have this resolved within two weeks. Bob Lowndes was also surprised that the contractor wanted to resolve the issues. He didn't find the contractor particularly helpful. Bob Nicodemus agreed that the contractor isn't cooperative.

It was agreed to shoot for the date of April 7th to discuss this matter again. If this date didn't work, we would push it off to a future date agreeable to all.

Jack McFeeley mentioned to everyone that the lights at the Senior Center are much too bright, and we need to do something. The lights on the building itself need to be replaced. Site lights need to be softer.

Debbie Owen said they also need to add a light toward the back of the parking lot, because it is very dark.

Richard Connor agreed, and said we should look at the lights here at Town Hall, or at the Post Office. They provide enough light for safety, but are subtle.

PAUL BORELLI – NORFOLK COMMONS

Present was Paul Borrelli, John Glossa, and James Giebfried, Conservation Commission member.

Mr. Borrelli was present to discuss an extension of his earth removal permit.

Joyce Terrio reiterated the procedures. She said that in reviewing the procedures, Marian Harrington noted that the permit had expired. They wanted to have him in to discuss this with him.

Jack McFeeley said he did not believe that a permit is needed. Mr. Borrelli is not removing earth from the site, but rather just moving the earth from one location to another.

The Board was concerned that Mr. Borrelli had sold this property, and wanted to be sure that they wouldn't be taking loam from this property, since he no longer owned it.

Paul Borrelli said that he absolutely would not touch the sold property. He told the Board that they would crush ledge from Phase 2. He would take from one area of Phase 2 to another site of Phase 2 – about a 30 yard distance.

Jack McFeeley felt that they did not need an earth removal permit. We don't approve a blasting permit. That comes from the Fire Chief.

Joyce Terrio stated that the Conservation Commission had questions, and Jim Giebfried was here tonight to speak with him. Mr. Borrelli was not in favor of speaking with him, but reluctantly agreed.

Jim Giebfried said that what they are doing is in order to meet the goals of the Conservation Commission. He asked John Glossa to put the drainage calculations in a letter to him. John Glossa agreed. Jim Giebfried asked about vegetation there, and is there any return. The Board suggested that they continue this conversation offline.

The Board suggested Mr. Borrelli discuss the blasting with the Fire Chief. They informed him that no materials are to be removed off site. Mr. Borrelli agreed. He has an approved grading plan that they will follow.

KING PHILIP REPRESENTATIVES

Present was George Cronin, Chairman, KP School Committee; Bill McAlduff, KP Superintendent; and Beth Gilbert, KP School Committee member.

George Cronin said that he was here with an update on the KP North actions by the School Committee and the KP Building Committee. Mr. Cronin said they came away from the last meeting thinking there would be discussions about the building fee. Obviously, the Board of Selectmen isn't interested with further negotiations, and now the Building Inspector has threatened the project with a Cease and Desist Order.

Mr. Cronin said they would process a check for the building fee. The School Committee has voted to file litigation to recover any and all fees and will have another vote once Norfolk appoints a third member. George Cronin said he would ask the Board to hold off asking for the building fee for another seven (7) weeks, until the third member is elected.

Jack McFeeley said he would not change his mind, so the fee must be paid.

George Cronin said that decision forces them to enter into litigation. He feels as a taxpayer in Norfolk, the decision is irresponsible and reckless.

Joyce Terrio suggested that the Board could bring this up for a vote at our May 7th reorganization meeting.

George Cronin said there has been no communication from the Board of Selectmen. How can the Selectmen order the Building Commissioner to do something without having a meeting? He was under the impression further communication would happen, but it never did.

Joyce Terrio said at this time, the Board would do nothing, as there are two distinct opinions here.

George Cronin told the Board that litigation would follow.

DPW AD-HOC COMMITTEE

Present was Rob Garrity, Ellen Friedman, John Olivieri, Ed Melanson, Henry Nasuti, Ramesh Advani, and Larry Kennedy. Remo Vito, Highway Superintendent was also present.

Joyce Terrio welcomed all the members of the DPW Ad-Hoc Committee. Joyce Terrio told them that the Board of Selectmen would like to propose a Department of Public Works. We would like this committee to work toward this goal, and the Selectmen would like to try to present this again in the Spring. Joyce Terrio told them that the point person for this committee would be Dr. Markel.

Jack McFeeley said that they are not looking to bind themselves irreversibly in May. A lot of this can be done after the May town meeting. You can make a more efficient, leaner, and more responsive service to the Town.

John Olivieri commented that he thought there was a freeze on hiring, and said he heard that a new Water Superintendent would be on board soon. He feels this may color what the committee is trying to do.

Joyce Terrio asked them to do the research, and present to the Selectmen what the pros and cons are for a DPW.

Ed Melanson asked if this would be a 3 or 4 step process. If so, won't it take a couple of years? He wanted to know if the new Water Superintendent is aware we are looking at a DPW?

Larry Kennedy, Water Commissioner, responded yes, they told the individual up front. The Water Commissioners are okay with this, and are looking at this with an open mind.

Jack McFeeley stated that this is not a power grab by the Board of Selectmen. They want to look at this as an opportunity to do things efficiently.

Harvey Nasuti asked if we have our minds made up that we want a DPW, or is all this work for naught?

Both Joyce Terrio and Jack McFeeley said they would go with the Committee's recommendation.

Rob Garrity asked what process the Board is envisioning? Joyce Terrio said she would like to see them meet, exchange phone numbers and email addresses, and do research independently, as well as together.

Jack McFeeley suggested they meet first with Dr. Markel and Butch Vito, and take it from there.

ACTION ITEMS

Joyce Terrio moved to rescind the vote of February 3, 2003 raising the decal cost by \$5 for residential and senior stickers. Jack McFeeley seconded with discussion. Jack McFeeley said the Transfer Station pays for itself, and Butch Vito took another look at revenues, and decided instead of raising the costs, he will find the funds somewhere else. It was **so voted**.

Joyce Terrio moved to approve the Transfer Station Spring newsletter. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley moved to approve the location of a sign for the Norfolk Community League for advertising their Norfolk Nearly New Consignment Sale from March 23rd to April 5th, at Independence Drive and Main Street. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve the location of a sign for the Norfolk Community League for advertising their Easter Bunny Breakfast from April 6th to April 12th, at Independence Drive and Main Street. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to appoint John Olivieri as Custodian of Veterans Graves, replacing Artie Keenan, who passed away in November. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to grant permission to Norfolk Baseball Little League to hold their opening day parade on Saturday, April 19th, with a rain date of April 26th. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to approve a Common Victualler License to Norfolk Baseball Association for their baseball season (April 19th through August 30th) at their two concession stands at 70 Boardman Street fields. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to allow the Tom Daley Foundation to sponsor their annual Water Cooler 5K road race on Sunday, June 8, 2003, at 11 a.m. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to grant a Common Victualler License to the Norfolk Lions Club for the sale of food at Norfolk Community Day on May 31, 2003. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to grant permission to the Norfolk Lions Club to hand out fliers at the Transfer Station on May 10th, 17th and 24th for Norfolk Community Day on May 31, 2003. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to grant a Banner Permit to the Norfolk Lions Club to hang a banner in the center of town across Rt. 115 to advertise Norfolk Community Day on May 31, 2003. The banner is to be hung by the Norfolk Fire Department. Joyce Terrio seconded, and it was **so voted**.

OLD/NEW BUSINESS

The Board discussed a letter from Fred Pfischner addressing staffing issues in the Conservation Commission office. The Board asked that a letter be sent to Mr. Pfischner advising him that we are looking into the situation, and will get back to him.

Jack McFeeley questioned a comment that Dr. Lukon mentioned that a report is in the hands of the Board of Selectmen, regarding summer insurance. Jack McFeeley would like us to find out what the Board is supposed to be handling, as he is not aware.

Jack McFeeley moved to appoint Anne Glickstein as a part time dispatcher, matron, and special police officer, per Chief Stone's recommendation. Joyce Terrio seconded, and it was **so voted**.

Jack McFeeley moved to ratify the Town Administrator appointments as Reserve Officers for the Police Department as follows: George Labonte, Mark Ludwig, Neil McGrath, Mark Vendetti, and Nathan Fletcher. Joyce Terrio seconded, and it was **so voted**.

TOWN MEETING WARRANT

The Board briefly reviewed a draft of the articles for the Annual Town Meeting Warrant for the first time. They will review it more fully, and have comments for next week's meeting.

At 10:10 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 10, 2003.

John J. McFeeley, Clerk

Regular Meeting

March 24, 2003

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

Joyce Terrio opened the meeting at 7:07 p.m. Bob Markel read the agenda.

REORGANIZATION OF BOARD

As the first order of business, it was decided to reorganize the Board. When Bill Perron resigned in August, the Board decided then that Joyce Terrio would chair the Board for a period of time, and then they would switch. Now was the time to change.

Joyce Terrio moved to appoint Jack McFeeley as Chairman until May 6, 2003. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley moved to appoint Joyce Terrio as Clerk until May 6, 2003. Joyce Terrio seconded, and it was **so voted**.

CAPITAL OUTLAY COMMITTEE

Present was Tom Poppey and Nancy Seitz, members.

Tom Poppey gave the Board an update of the Capital Outlay Committee's recommendations for the annual town meeting. There was also a brief discussion on what the Committee has done for the year.

Bob Markel and Jack McFeeley sat in on almost all of the Capital Outlay Committee meetings, and were aware of what had transpired.

FIRE CHIEF KELLEY

Chief William Kelley told the Board that he applied for a grant for the replacement of Engine One. The replacement cost is \$350,000, and the Town has to contribute 10%, which would be \$35,000. Chief Kelley said that the higher we contribute, the better. Chief Kelley feels we have a good shot at this.

We would need a warrant article for the \$35,000. He said that Engine One is becoming very undependable, and is getting tired. He has had this on the Capital list for the last five or six years. It was purchased in 1976, and we spent \$75,000 on reconditioning the vehicle about 12 years ago.

Joyce Terrio asked Chief Kelley if he discussed a warrant article with Bob Markel? Chief Kelley said no, this just came about March first, and apologized, but there was no time. Joyce Terrio asked about closing the warrant. The Board decided to put an article on to cover us if the grant is awarded.

Joyce Terrio moved to add an article to the warrant to raise and appropriate \$35,000 as Norfolk's share of the federal grant for replacement of engine one. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley announced that Michael Findlen has recently been appointed a full-time Firefighter/Paramedic.

MARIE CHIOFOLO, TOWN CLERK

Marie Chiofolo, Town Clerk, was present to discuss fees for NSTAR and Verizon for pole hearings.

Marie Chiofolo told the Board that she is having trouble with NSTAR paying the fees for pole hearings. She said that Verizon pays immediately, but she is fighting with NSTAR as they are complaining that the fees are too high. Marie Chiofolo explained the fee system to the Board.

Jack McFeeley moved to make it a policy of this Board that any decisions on pole relocations or installs be contingent upon no fees outstanding by the company to the Town, and the fee for the current request be paid prior to the vote of the pole location request. Joyce Terrio seconded for discussion. Joyce Terrio said that this would hold up Verizon, if it were a joint pole petition. It was **so voted**.

Marie Chiofolo then discussed the article on the town meeting warrant from the Community Preservation Committee. She said that another individual, but not the Community Preservation Committee, submitted an article for the warrant. They have not met and voted on this yet. Jack McFeeley said that they should let the Town Administrator know what they vote, as soon as possible so that we know whether to keep the article on, or remove it.

ACTION ITEMS

Joyce Terrio moved to grant the Norfolk Garden Club permission to hold their annual Plant Sale on Town Hill on Saturday, May 10th from 7 a.m. to 4 p.m. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to grant the Norfolk Federated Church permission to hold their Easter Sunrise Service on Town Hill on Sunday, April 20th. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to allow the Norfolk Recreation Commission permission to hold their Summer Concert Series on Town Hill on the following Thursdays – June 19, June 26, July 10, July 17, July 24, July 31 and August 7th. They can also reserve June 3rd in the event the King Philip Band is able to perform. These will be held from 6:30 to 8:00 p.m., with rain dates scheduled as needed. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to grant Gasoline Storage Licenses to W.T. Holmes Transportation, Norfolk Highway Department, G. Cronin & Sons, Daley's Sunoco Station and Camger Chemical Systems. Jack McFeeley seconded, and it was **so voted**.

OLD/NEW BUSINESS

Bob Markel reported to the Board that Debbie Owen has resigned from the Council on Aging, effective April 23rd because she is moving to Cape Cod.

Bob Markel told the Board that the project for redesigning the post office parking lot has been cancelled. This was done out of economic necessity, and there are no funds.

The Board suggested we forward this to Barney Frank's aide, and ask that they follow through. We feel it is a safety issue, and are surprised that after all this time, they now tell us the project is cancelled.

Jack McFeeley discussed the letter from MetroWest Medical advising us that they are terminating paramedic services as of May. Jack McFeeley wasn't aware that we were receiving services from them, and asked for Chief Kelley's response.

Jack McFeeley feels that there is a need for a Facilities Manager for maintenance at the Senior Center.

TOWN MEETING WARRANT

The Board reviewed all the articles for the Annual Town Meeting Warrant.

The Board wanted a figure from Chief Kelley on Article 18, regarding the reimbursement to the paramedics.

The Board questioned the 11 p.m. curfew for town meeting in Article 25.

Joyce Terrio moved to accept the warrant with the conditions as specified, and close the warrant as of tonight, March 24th. Jack McFeeley seconded, and it was **so voted**.

BUDGET OVERVIEW

Bob Markel presented the Board with a short form draft of the budget, and reviewed it with the Board.

In the Governor's budget, the most important change in the Cherry Sheets is that regional school cherry sheets have been eliminated. The total shown in his figures is KP and Tri-County.

At 9:35 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of March 24, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

April 14, 2003

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

Jack McFeeley opened the meeting at 7:04 p.m. Bob Markel read the agenda.

At 7:10 p.m., Joyce Terrio moved to go into executive session for the purpose of pending litigation. Jack McFeeley seconded, and it was a roll call vote: Jack McFeeley, **aye**; Joyce Terrio, **aye**. It was **so voted**.

At 8:03 p.m., the Board returned to open session.

BONNIE DITTRICH – 9/11 SCULPTURE

Bonnie Dittrich was present to discuss the 9/11 sculpture to be placed on Town Hill. She told the Board that there is not enough money to do the Peace Garden, and wondered if the Board would still want to use Town Hill, or should they consider another location like the Town Hall, Schools or Library. It appears that the sale of the

bricks isn't forthcoming, and therefore, there is not enough money to do the peace garden.

Frank Gross felt that the Town Hill is the perfect place for the sculpture. The money for the rose bushes is already there. They just need the construction of the walkways, etc. The sooner, the better.

Bonnie Dittrich said that the sculptor has agreed to complete the sculpture at cost, and will not be making any money from the sculpture.

The Board agreed to keep it on Town Hill.

ACTION ITEMS

Joyce Terrio moved to approve the request of Rachel Shanor to hold the 3.1K Connor's Fun Run/Walk. Jack McFeeley seconded for discussion. Jack McFeeley and Joyce Terrio both liked her detail in the letter. Jack McFeeley said we should hold this letter as an example. It was **so voted**.

Joyce Terrio moved to approve the Poppy Drive by the American Legion at the Transfer Station on Saturday, May 17, 2003. Jack McFeeley seconded, subject to placement of personnel by Transfer Station at their discretion. It was **so voted**.

Joyce Terrio moved to approve the request of the Norfolk Community League to conduct a road race for Norfolk Community Day on Saturday, May 31, 2003, at 9:00 a.m., race route consistent with what's on the correspondence. Jack McFeeley seconded, and wanted to be sure Chief Stone has spoken with race personnel and has received payment for detail. It was **so voted**.

Joyce Terrio moved to appoint Richard Morris to the Council on Aging, replacing Marty Moeckel, who passed away. Mr. Morris' term will expire 6/30/06. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to allow the Friends of Council on Aging to do their Coffee Bar at town meeting. Jack McFeeley seconded, and it was **so voted**.

The Board discussed appointing Phil Briselli to the Permanent Building Committee. Jack McFeeley suggested we have him notify us that he is interested. A letter will be sent.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed a situation where a resident is parking dump trucks and other vehicles on town property. He and Marie Simpson went out and viewed the property. It is not owned by the resident or the Conservation Commission. The Town of Norfolk owns it. A letter is being written to the person whose vehicles are encroaching that they need to be removed or they will be towed. He also paved the roadway (driveway) and will be instructed to remove the blacktop, as well.

Bob Markel read a letter that KP will vote to incur debt for KP High School. The State is putting a very significant restriction in the number of new projects, and will extend the number of years for the reimbursement itself. Dr. Markel said, as you can see from the letter, the Supt and School Committee feel now is the time to get this project in to the Department of Education and SBAB, or it may face postponement.

This requires the three towns to schedule a special town meeting to seek approval of the debt. The vote would be to approve the debt. If the debt is not disapproved, the project goes forward. Bob Markel said if we post on the 29th of April, we could piggyback the special town meeting onto the annual town meeting. There are decisions to go forward or not, have a STM and election in June, or have STM in May with an election on the 23rd of June. June 23 is going to be the target date for the ballot elections. This will be the subject of tomorrow's KP meeting.

Jack McFeeley said a couple of things are missing here. We need to get the appropriate sections of the law that list the procedures, and how many days and the options available. Jack McFeeley said once they vote this on April 28, we have no choice.

Joyce Terrio moved to open the Special Town Meeting warrant as of 4/14/03. Jack McFeeley seconded, and said they will meet before the end of the week to close the warrant. It was **so voted**.

Bob Markel presented the Board with the Intermunicipal Agreements for the Old Populatic Sewer Project. Both towns are in agreement.

Lt. Jon Carroll is back to work in an administrative capacity after his severe injury to his left hand in December. The Board commends Lt. Carroll for coming back to work so quickly.

Bob Markel discussed the letter to the Governor regarding Chapter 40B changes.

Dr. Markel discussed the paycheck issue with Mr. Marland. We have revamped the procedure so the time sheets will be accepted on Friday morning. This will comply with the guidelines of paying employees within 6 days of when they worked. Warrant will have to be signed on Thursday. Town Administrator can be given the delegation of signing the warrant for payroll only, and not vendor warrants.

Joyce Terrio moved to allow the Town Administrator to approve the payroll warrant. Jack McFeeley seconded, and it was **so voted**. Jack McFeeley asked for an amendment of the motion saying that this will be for one year. Joyce Terrio seconded, and it was **so voted**.

Bob Markel said this is a temporary measure. When we get new software, it will speed things up.

Bob Markel presented the Board with a confidential memo from Town Counsel regarding a wireless facility. He will discuss it later.

Bob Markel gave the Board a copy of the old Chapter 70 funding formula, which has 35 steps. The legislature is considering a new formula.

Bob Markel told the Board that the candidate for Animal Inspector has turned down the position. We need any candidates who are interested to contact the office.

OLD/NEW BUSINESS

Frank Foss will no longer be our contact person at Comcast. Joyce Terrio would like to have Jim White, our new representative, attend our meeting.

Bob Markel announced that Bob Bullock has passed another exam. The Board noted this accomplishment, and commended him.

At 9:28 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of April 14, 2003.

Joyce Terrio, Clerk

Regular Meeting

April 28, 2003

Present: John J. McFeeley, Joyce E. Terrio, and Robert T. Markel, Town Administrator.

Jack McFeeley opened the meeting at 7:05 p.m. Bob Markel read the agenda.

SENATOR CHERYL JACQUES & REP. SCOTT BROWN

Present was Senator Cheryl Jacques, Rep. Scott Brown, and Rita Noonan, Sen. Jacques' aide.

Senator Jacques commented that she enjoyed being here Saturday for the Little League parade. She brings grim news today with respect to the budget. Norfolk did not have good news.

Senator Jacques mentioned the Senate Ways & Means Committee, which she is on. They would like to ride to the rescue, but she doesn't see that happening. They have warned communities to brace for up to a 20% cut in local aid. This will help you in preparing your own internal budgets. Senator Jacques said she is seeing the Senate and House work together, in a good spirit of cooperation, which she has never had happen before. They are hoping you will have your numbers by early summer, so you can plan accordingly.

Rep. Brown told the Board the House is debating their budget on Wednesday. He has previously faxed us the figures, and will have updated figures that he will get to us. Norfolk has a 7.8% increase over what the Governor proposed. Of course these figures may shift differently. Clearly, there needs to be some changes made. He thinks things can be streamlined. Rep. Brown said they are not avoiding the Board. They want to help us properly plan.

Jack McFeeley wants to know how they properly plan? Rep. Brown said he doesn't think the Senate would take much more than they have from the Governor. Rep. Brown suggested starting with the House number. Sen. Jacques talked about the senior Rx program. It is not in the budget. It is a fantastic program, and they don't feel that is the place to take money. She said that Massachusetts is a model for this program, and the elderly are benefiting from it. Sen. Jacques said we are talking about \$90 million for this program that would have to be found somewhere else. Rep. Brown thanked everyone for funding for the SBAB funds. The efforts of all here are what helped. He commended the school committee.

Jack McFeeley questioned whether they should address the budget in June. Rep. Brown thinks it will be a waste of our time to do it now. Jack McFeeley said that you mentioned early summer. Senator Jacques said they are backing up Memorial Day weekend, and then it goes to Conference Committee. She said that it would sometime in June. There is less to argue over because when the cupboards are bare, there is less to fight over. The goal is to have this out mid to the end of July. Jack McFeeley said that he asked the question of the governor's aide in a recent telephone conference call. What about next year and the year after?

Sen. Jacques said that people have asked how did Massachusetts get here? What did we do wrong? Sen. Jacques mentioned that there isn't much we did wrong. To Massachusetts' credit, they tried to prepare for the downfall. They put money away when money was pouring in. It's just that it wasn't enough. Sen. Jacques said that going into FY'05, and because reserves are completely depleted, we are looking at a very grim situation. Rep. Brown said that this was a worldwide recession, not just Massachusetts. With the cuts and being pro active, he doesn't believe next year we will have to take as severe of a cut. Rep. Brown said to continue to march, and watch the spending. He hopes by FY'06, there will be a turnaround.

Bob Markel said that when State Aid diminishes, and our own local resources are down, local government tends to be able to fund mandates. There is no discretion in how we use our own funds. Whatever they can do to promote mandate relaxation or reform would be very helpful to us. With Chapter 70, and the adding on of professional development, which Bob Markel said he feels is important, but when your back is against the wall, requiring communities who receive Chapter 70 to fund that is a tremendous burden, and takes away from classroom instruction.

Rep. Brown said Dr. Markel isn't the first one to bring this up, and he knows the Governor has proposed terms of relaxing the mandates. Rep. Brown said he looks at what we get as scraps, compared to what the cities get. Suburbs seem to always require overrides, where the cities have never had an override.

Marcia Lukon thanked everyone for being here tonight to share your advice and wisdom. She said she attended a meeting today of school superintendents, and said what was wrapped up for them. She discussed mandates that were issued by the State. Rep. Brown told her that the School Committee has made wise decisions, and always have since he's known her. He suggested they keep up what they are doing.

Senator Jacques said don't disguise the numbers. Give us the real thing. She said that they, in the Senate, have been very careful to be straightforward and give people the money the way it is. She said that they didn't want to disguise the funding. She is optimistic that they will match, but not enough to get excited about.

In another matter, Bob Markel mentioned the bill on May 27th for Regional Transportation. Senator Jacques explained what was going on with the MBTA and the RTA. Senator Jacques said Norfolk isn't the only town paying an assessment and getting nothing for it. In fact, she said that Millis has succeeded with The RIDE battle. Millis actually has an \$8,000 check coming to them for providing transportation to the elderly.

EMPLOYEE AWARDS

The Board of Selectmen once again awarded employees with Certificates of Appreciation for years of service to the Town. The following awards were presented: Five Years: Greg Graves, Mark Haigh, Peter Curran and Doug Johnston, Fire Department; Kathy Astley, Library. Ten Years: Debbie Robbins, Chief Assessor, and Robin Glasser, Library Director. Twenty Years: Cheryl Kelley, Assistant Treasurer, and Marilyn Ghioni, Administrative Assistant, Water Department.

RECREATION COMMISSION

Todd Chisholm present.

Todd Chisholm said that there are many programs that run at the Old Town Hall consistently, as many as 100 people going through the building. It is used quite a bit.

The Recreation Commission was concerned, because the newspaper said that there was only one program being run there.

Jack McFeeley asked that the Recreation Commission provide the Board with a schedule of activities there on a weekly or monthly basis. Jack McFeeley mentioned concerns the Board has with the septic, the boiler, etc. He mentioned also budget cuts and running the building. Jack McFeeley said that since Recreation is collecting fees for all these programs, could they help with the building costs? Todd Chisholm said yes, they could help out. Bob Markel suggested that could they also look at heat and lights for that building, as right now it is coming out of our budget. Joyce Terrio asked for a timetable as to when they are going to publish their program schedule, so that as further discussions of that building go on, we will know when we could take action.

Jack McFeeley asked for a schedule of how many programs are run here, how many are run at the Old Town Hall, and any other facilities used. Todd Chisholm said they would be happy to provide the information.

ACTION ITEMS

Joyce Terrio moved to approve a street opening permit for P.J. Hayes, Inc., for 156 Seekonk Street, for April 30, 2003, to install a new 1" copper service. Jack McFeeley seconded, and it was **SO VOTED**.

The Board received a street opening application from the Water Department for an emergency repair at 108 Union Street on April 18th. The Board took no action, as they felt the problem had come and gone, and required no action by the Board.

The Board received a request from Attorney Robert Shelmerdine to approve streetlights for Christina Estates. The Board took it under advisement as they had questions.

Bob Markel discussed the bid award for the Senior Center. Alice Boyd, who is also the Project Manager, has done the entire project. Jack McFeeley would like to have seen the comments on the contractor. Jack McFeeley would like to discuss this with her, and asked that we schedule her in.

Joyce Terrio moved to award the bid for construction of the lower level of the Senior Center to Vareika Construction, Inc., of Canton, MA, for the sum of \$113,695, plus \$79,000 for Alternate #1. Jack McFeeley seconded. Joyce Terrio noted that there were four bidders, and Variieka was the low bidder. It was **so voted**.

Paul Borrelli requests an extension of his earth removal permit at Canterbury Estates. Joyce Terrio said that he can come in, and bring his plans, and we can discuss it. Jack McFeeley said that the 6, 720 cubic yards is not to be stockpiled, and they should spread it out.

Joyce Terrio moved to approve a Common Victualler License to the Norfolk Firefighter's Association for the purpose of selling hamburgers and hotdogs at Norfolk Community

Day on May 31, 2003, and that the fee be waived. Jack McFeeley seconded, and it was **so voted**.

Joyce Terrio moved to allow a sign for Connor's Walk be placed 5 feet back from curb at the intersection at Independence Drive. This sign will be placed April 29th and remain through May 7th. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR'S REPORT

Bob Markel discussed an application for Animal Inspector that was received.

Bob Markel discussed the reimbursement to the Town for a grant application for MEMA - \$47,000 for the February snowstorm.

Bob Markel noted a letter from Conservation Commission with respect to a \$600 fine. He said the developer who received the fine came in and paid it, and then returned to the property and continued on. The penalty isn't high enough to deter the behavior.

PERMANENT BUILDING COMMITTEE – SENIOR CENTER

Present was Buddy Bowden, Bob Lowndes, and Larry Cheever. Also present was Gail Bernardo, Secretary to the PBC, and Remo Vito, Highway Superintendent. Council on Aging was represented by Richard Connors and Norma Shruhan.

Bob Lowndes said that the contractor was present to look at the various problems. The architect has given them the cost to fix up the problems. Building deficiencies - \$22,000; Site work that is not completed is \$17,000; \$3,400 of unpaid bills; and \$1,200 for a flooring claim. Additionally, there is the architects request of \$2,000; \$5,000 to tear up and replace the wooden floor; and \$1,500 for additional cleaning. The total is \$52,100. Bob Lowndes said these numbers are Bob Nicodemus' numbers.

Butch Vito said that he isn't sure how it would play out with litigation. They figured they would give the Board a safe figure of \$52,000, and that will finish the project. This is a good solid figure that they can work with. Butch Vito said that we are chasing people, and getting nowhere. We can take money back from the contractor, and finish it ourselves. The funds that they are already discussing are available funds on hand. This figure includes the lighting problem with Mr. Burke.

John Olivieri said that the work wasn't done right to begin with. Why are we paying for the deficiencies that aren't done right to begin with?

Ramesh Advani asked where the \$52,000 would come from? Jack McFeeley said either before or after town meeting, there will be funds available to do this. We will not have to go outside for funds.

HIGHWAY PROJECTS

The Board briefly discussed a few items with Butch Vito.

Discussion on Pennacook Street. The Board reviewed a letter from Holly Powers, of 4 Pennacook Street, asking when her street would be paved. Butch Vito spent a lot of time talking with the Board on his road projects. He has been reserving his Chapter 90 funds for the town center project, as that is a critical area. He wants to commit, but isn't sure the funding is there.

The Board said it was good to know what projects he is working on, because residents call the office. Bob Markel suggested that a sign be erected telling residents what is going on, on-site. Butch Vito agreed, and even thought of putting something on their website. He said that they have many projects going on, and time lines, and funding sources.

Butch Vito briefly discussed the Library and the septic issue there with their addition.

Bob Markel stated that the Intermunicipal Agreement has been signed and delivered to Franklin.

OLD/NEW BUSINESS

Joyce Terrio announced that there was an error made by the auditor and there is no "bundle of money", and that she commends Susan Gagner that she came forward and pointed out that indeed she had done the journal entries, and things were done correctly.

Bob Markel explained the whole thing. He said there would be a follow up story in the press that both the office and the books were properly maintained. Water debt – principal and interest is paid by the general fund, and then the Water Department reimburses the town.

Joyce Terrio commended the KP band at Symphony Hall and commends the children for being dedicated.

Joyce Terrio commended two officers for their assistance in February – Sgt. Paul Murphy and FF/EMT Greg Graves who worked with the family during a 911 call. The Board appreciated their concern, and efforts.

Joyce Terrio moved to approve the three streetlights at Christina Estates – (1) intersection of Pond View Road and Evergreen Road; (2) intersection of Massachusetts Avenue and Willow Place; and (3) intersection of Massachusetts Avenue and Pennacook Street, contingent upon bylaw and Mr. Shelmerdine purchasing all the fixtures. Jack McFeeley seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel said that the Special Town Meeting warrant has been printed and will be mailed tomorrow.

Bob Markel discussed political signs, that were placed on public property, and notifying candidates of proper procedure.

Bob Markel mentioned a meeting with emergency personnel on Thursday, May 1st at 5:30 p.m. to review SARS.

Bob Markel mentioned the glycol leak in the air conditioning system. This happened Friday, and was contained. We need approximately \$8,000 to repair the HVAC system to where it should be so it won't keep going down this summer.

KP is having a meeting on May 5th to discuss their budget. They have made no changes to the budget we have. They are planning on attending the Advisory Board meeting Thursday evening.

KP will get a gain of \$145,000 in the House Ways and Means budget.

Jack McFeeley commented on the Advisory Board's position on the KP and other school budgets. He is concerned about the three towns getting together to discuss the budget. Joyce Terrio said that she doesn't recall the three towns getting together to discuss this. Bob Markel said that he is meeting with the Town Administrator's of the three towns on Thursday.

Bob Markel said he talked with the attorneys regarding the KP litigation, and they won't agree to any discussions until there is a third member on the BOS. Jack McFeeley asked what is wrong with this picture? He feels that their position is totally wrong, and all we are asking for is to sit down and talk, and they are refusing, even though they said they would talk about it.

Bob Markel discussed the budget, and waiting until June to present it to town meeting. Sen. Jacques and Rep. Brown said that they wouldn't have figures until July. Joyce Terrio said we've never had perfect figures before, so why would we have them now? What good does waiting do?

Jack McFeeley told Dr. Markel that he wants a budget weekly; based on the budget information we currently have for that week. The final budget will be the last one. He would like to see a budget weekly.

At 10:03 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of April 28, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

May 7, 2003

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

At 7:14 p.m., Jack McFeeley called the meeting to order. Jack McFeeley congratulated Ramesh Advani on his success at winning a seat on the Board at yesterday's election, and he and Joyce Terrio welcomed Mr. Advani to the Board.

REORGANIZATION OF THE BOARD

Joyce Terrio nominated Jack McFeeley as Chairman of the Board for a period of six (6) months. Ramesh Advani seconded. Jack McFeeley accepted, saying that sometime around November we will reconsider Chairman. It was so voted.

Ramesh Advani nominated Joyce Terrio as Clerk for a period of six (6) months. Jack McFeeley seconded, and it was so voted.

OTHER BUSINESS

Jack McFeeley questioned the health insurance benefits for ten-month school employees. Ramesh Advani said others do it by taking funds from paychecks for ten months, and we should only offer that option. The Board discussed taking it out of May and June paychecks, and then the procedure could start in September. This would cover them during the summer months when they are not working.

Joyce Terrio moved that ten (10) month employees be allowed to take advantage of paying for their share of medical insurance through their ten (10) months paychecks to cover them through summer months. Ramesh Advani seconded, and it was so voted.

Bob Markel discussed the costs being borne by the School Department. Workers Comp insurance will be put into separate accounts.

MOCK TOWN MEETING

Present for the town meeting discussion was Frank Gross, Moderator, and Jonathan Smith, Chairman of the Advisory Board.

Joyce Terrio left the meeting at this point for another appointment.

Jack McFeeley said that we would begin with the Special Town Meeting at 7:15 p.m. – the King Philip article. Frank Gross said that he would then recess the Special Town Meeting at 7:30 p.m., in order to open the Annual Town Meeting. We would then adjourn back to the Special Town Meeting. Once the Special Town Meeting has been completed, we would move on to the Annual Town Meeting.

It was decided that Articles 6, 7, 8 and 11, and possibly Article 2 would be deferred to the June town meeting. June 17 and 18 has been reserved for that meeting.

The Board reviewed all the articles, but they were pretty routine.

At 9:25 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 Selectmen's Meeting of May 7, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

May 19, 2003

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

At 7:07 p.m., Jack McFeeley opened the meeting. Jack McFeeley welcomed Ramesh Advani to the meeting. He noted that we had a prior organizational meeting that wasn't televised, so he welcomed Mr. Advani to the Board for the viewer's benefit.

Joyce Terrio announced that she and Jack McFeeley attended a Girl Scout Award Ceremony for Abby Dalton and Janine Molino on Sunday. They achieved the highest award a Girl Scout can receive, and the Board presented them with proclamations, designating Sunday as Abby Dalton Day and Monday as Janine Molino Day in Norfolk.

Bob Markel read the agenda contents.

ACTION ITEMS

Joyce Terrio moved to approve two street openings, per the recommendation of Remo Vito. One is for a new water service at 34 Kingsbury Road, and the second is for a water tap at 60 Priscilla Avenue. Work to be done on both May 21, 2003. Ramesh Advani seconded, and it was **so voted**.

DEE HARPIN, NORFOLK FOOD PANTRY

Dee Harpin, of the Norfolk Food Pantry was present.

Jack McFeeley announced that the Norfolk County Commissioners has awarded the Norfolk Food Pantry with a check for \$500. He presented this check to Dee Harpin, who runs the Food Pantry. Dee Harpin told the Board that this check would be used for food for people in Norfolk who need assistance. Jack McFeeley asked her to tell everyone where they are located and what they do. Dee Harpin said they are in a small building behind the Emmanuel Baptist Church. They are open on Saturday mornings from 10 a.m. until noon, and they will help anyone. Donations can be made on Saturday mornings, or they can contact the offices at either the Federated Church, or the Emmanuel Baptist Church. Joyce Terrio thanked them for being a community service for the town.

FRED PFISCHNER

Fred Pfischner, 5 Cleveland Street, was present.

Jack McFeeley told Fred Pfischner that he was here tonight because he sent the Board a letter. Mr. Pfischner mentioned in his letter that he did not receive any acknowledgement, nor has he heard any discussion on this subject at any of our meetings.

Fred Pfischner congratulated Ramesh Advani on his victory. Mr. Pfischner told the Board he wrote this letter three years ago, and has sent it to the Selectmen three times since. He said what prompts him is when he hears the Conservation Commission talk about the burden on their office. His primary concern is that there is a Request for Determination Applicability (RDA), which the applicant files with the Conservation Commission. He said the State and the Town allow it, and the Conservation Commission rarely uses it. Mr. Pfischner thinks that much of what the Conservation Commission does could be handled with a RDA, especially work within 100' of wetlands.

Fred Pfischner feels that there are things that can be done to reduce the burden of the staff in the Conservation office. He came to the Board because they oversee the Conservation Commission. Mr. Pfischner said he did not want to get into too much without the Conservation personnel having an opportunity to respond. He thought someone might be here tonight.

Jack McFeeley asked Fred Pfischner if he has discussed this with the Conservation Commission? He said yes, with the former Chairman. He said he was told that they like the Notice of Intent (NOI) process, because they like to put conditions on things, which is why they don't use the process.

Jack McFeeley said that in his letter, Mr. Pfischner said he was prompted to write this letter after hearing an appeal for more funding by the Conservation Commission and Zoning Board of Appeals.

Joyce Terrio gave a little background for Ramesh Advani's benefit. Joyce Terrio said when the first letter arrived, there was no Town Administrator, it was election time, and the office was crazy. It slipped through the cracks. Joyce Terrio said the second letter was put aside because we were, at that time, discussing this with the boards mentioned.

Joyce Terrio said if an RDA is presented to the ConComm, is there an opportunity for them to put conditions on this, same as they like to with an NOI? Fred Pfischner said absolutely they could. The easiest way to do this is to make sure the applicant has a complete plan showing what they want to do, and have the plan show hay bales and siltation control and things like that. The plan is a matter of public record, so you can put conditions on that plan. We are talking about protecting a buffer zone, not wetlands. You reference the plan in the decision. "An NOI is not required as long as things noted on the plan are followed".

Joyce Terrio asked how an individual would go about asking for an RDA when they came to the window. How would they know that this is what they wanted, as opposed to an NOI? They may not know the difference. Fred Pfischner explained the difference.

Ramesh Advani asked from the standpoint of the administrative workload, moving from an NOI to an RDA, you say an NOI takes about 3 months. What is the time frame for an RDA? Fred Pfischner said it's a difference between what the State requires, and the Town requires. Such as the state requires 2 copies of the plan; and Norfolk requires 14 copies. Fred Pfischner said you could go to the next meeting, present your case, and get a decision. You don't need public notice, notifying abutters, having a hearing, continuing the hearing for a site walk, etc. You could probably do it within a month, following the State process. Norfolk requires the public hearing, so it would be about 2 ½ months.

Fred Pfischner and members of the Conservation Commission will be invited in for further discussion.

KATHY LOVELL, GRANT WRITING

Kathy Lovell present. Jack McFeeley said that he had a lengthy discussion several weeks ago with Kathy Lovell regarding grants. He considers her somewhat of an expert on grant writing.

Jack McFeeley said he would like Kathy Lovell to give us an abbreviated update on what she told him.

Kathy Lovell felt that people were trying to do things, so she looked up what is out there, and came up with foundation grants, corporate grants, state grants, etc. She said that applying for grants is very competitive right now, if the grants are even there right now. There are grants out there. Ms. Lovell said we need to establish a relationship with the people behind the funding. She said that this is not something you just instruct someone who has no background in this.

Kathy Lovell said that you need to read through the documents and pull out the things that pertain to you, and how you could structure a grant proposal around that idea. Town wide needs assessment. Look at our grant award history, and look at the departments, and what they want. We could do a statistical sampling of MA townships, and how many have permanent, or full time grant writers. We should do a first match of state opportunities. Prepare a 12-month grant plan and do a matrix for grant approval. Ms. Lovell said we must support the short and long term goals, as well as what each department is looking for. Once you establish it, there is a lot of boilerplate information that you can use. You could have an ongoing grant writer.

Jack McFeeley asked for comments? Jack McFeeley said that he is not looking for a decision at this moment, but would like questions asked. In the very near future, he would like to discuss this further, and see what their thoughts are.

There is a "getting started" proposal that he would like, that would be about 348 hours. It needs to be funded, as well. In order to be successful, you also need someone who is more focused and can pull out the nuggets and match the specific nugget with the specific needs of the town.

Ramesh Advani said he doesn't know enough about this yet, but would like to see how other towns go through this. Does anyone have a permanent grant writer? Bob Markel said that some are bounty hunters and seek out these. Once you have a needs assessment and feedback from the department heads, then that person would have the skill and knowledge to do this. He feels the town could significantly increase the amount of grant monies that we are now getting. Bob Markel said that usually the department head, through some association, becomes aware of grants that are available, and that is how we hear of funds. Bob Markel said that he doesn't think we are aware of non-governmental and foundation monies that are out there.

Joyce Terrio feels this is an absolutely wonderful presentation. She understands the time with Jack McFeeley was more extensive. She would like to see us getting involved in something like this. We don't have the personnel and time to delve into something like this. Joyce Terrio said that the office staff couldn't take on any more research of this magnitude. In the "getting started" phase, is there anything that can be written into a contract for services that says what 4 or 5 grants we are going for this amount of money, and if we get the grants, can you take part as compensation? Kathy Lovell said that if you contract with a grant writer, this is what you'll run up against. Ms. Lovell said that she felt it should be a percentage of the funds obtained. Joyce Terrio would like the board to take this under advisement, and we can discuss this further in a more open structure with less time constraints.

Jack McFeeley said we did talk about a consortium of towns, and the less the liked the idea after talking about it. The other was going after a lot of the smaller grants. There is probably more chance of getting it if you go for the smaller grants. We could get ten \$20,000 grants, rather than go for one \$100,000 grant.

ALICE BOYD, SENIOR CENTER

Alice Boyd present, and Bill Reich, of WW Reich, the Project Manager present.

Ms. Boyd gave an update of the grant. She said that when Council on Aging members said that there weren't enough funds in the grant, which is false. She mentioned adding a door, and a deck around the back. They will do everything from cork floors to custom cabinets. They are very close to going forward with construction.

Ramesh Advani asked who would be overseeing the grant funds. She said that in 14 years of doing this, she has never gone over the allotted grant funds. Jack McFeeley questioned seeing a change order, and asked her about a change order when construction hasn't begun yet.

Alice Boyd said there was a couple of add alternates. One was a handrail for the ramp. That was okay. The second add alternate was the generator, and that came in too high. They did not accept this, and are in the process of negotiating this and trying to get the price down.

Jack said that we have also had some bad experiences in town, and his interest in having her here is just to be observers and would be a good learning experience for them, as we usually do things a little different. Joyce said that due to prior knowledge on the construction side, she has been comfortable with the players in this project. Bob said that this is a very well run project and should be a model for future construction projects in the future. There has been very significant attention to detail.

Pre-construction meeting will be May 29th, and she will send us an invitation.

Bill Reich, W.W. Reich, Project Manager. Alice said she has never had a problem with him. They are just finishing working on another senior center together. He is absolutely wonderful to work with.

Bob Bullock asked for an invite to the 5/29 meeting, and would like to see plans. They assume a 10-week time frame for work.

ACTION ITEMS (Continued)

Ramesh Advani moved to allow the Norfolk Community League to hold a children's musical performance on Town Hill on August 6, 2003, from 6 p.m. to 8 p.m. Joyce Terrio seconded, and it was **so voted**.

Ramesh Advani moved to allow the Friends of the Public Library to hold a children's musical performance on Town Hill on July 8, 2003, from 1:30 p.m. to 3:30 p.m. Joyce Terrio seconded, and it was **so voted**.

Joyce Terrio moved to approve a request from the Norfolk Community League to place a sandwich board sign advertising their charity run/walk at Independence Drive and the Recreation Complex, May 20 thru May 31. Ramesh Advani seconded. It was discussed that a town official will view the signs once placed, to be sure that there is not a site distance problem to the drivers. It was **so voted**.

Joyce Terrio moved to accept the FY'04 SERSG DPW Supplies, as indicated on the award sheets forwarded to us by Catherine Salisbury of SERSG. Ramesh Advani seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel reported receiving a letter from Daniel Grausbauskas responding to our letter regarding THE RIDE and public transportation. Copies will be given to the Council on Aging representatives.

Bob Markel said that we have signed and sealed the agreement that will take care of updating our EO418 grant. It will update all our plans, including our Open Space Plan. We can do economic development, historic preservation, open space and housing. Gino Carlucci will do this in conjunction with MAPC.

Bob Markel said that we are not being assessed the early retirement incentive. It will become effective in FY'05. There is a significant increase of \$44,000 in our regular retirement assessment. Mr. Markel has a call in, and thinks this reflects a decline in investment income from our retirees.

Bob Markel reviewed the budget with the Board. This is a draft, and he will have another version tomorrow. This budget does not include the 1½ increase given at

town meeting. The departments have all submitted their figures, and Bob Markel will work it out tomorrow. He discussed each line with the Board.

OLD/NEW BUSINESS

Jack McFeeley asked about the Finance Director resumes. Bob Markel said he is encouraged, and has three very good ones.

Jack McFeeley would like Butch Vito in to discuss road maintenance programs. He mentioned Mr. Vito telling us last year that he would be spending \$800,000 in roads.

Joyce Terrio read the notice regarding the Memorial Day Parade. The Board should meet at 7:30 between the Federated Church and Police Department. The parade starts at 8 a.m. Joyce Terrio will attend and speak. Ramesh Advani and Jack McFeeley indicated they would attend and speak, as well.

Ramesh Advani questioned the FBI/Dept. of Justice notice regarding the child identification program. The Board suggested Chris McClure put this on the website.

Ramesh Advani moved to vote for Bedford and Framingham as representatives to the MPO organization. Joyce Terrio seconded, and it was **so voted**.

At 9:53 p.m., Joyce Terrio moved to go into executive session to discuss litigation. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, **aye**; Joyce Terrio, **aye**; and Ramesh Advani, **aye**. The Board will not return to open session.

At 11:10 p.m., being no further business, Joyce Terrio 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 May 19, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

June 2, 2003

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

Jack McFeeley called the meeting to order at 7:12 p.m.

Bob Markel read the agenda.

ACTION ITEMS

Joyce Terrio moved to allow the Friends of the Council on Aging permission to conduct a "Coffee Bar" at the June Town Meeting, exactly as they have in the past. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to approve a request by Andrew McFarland to sell soda/water at the Pond Street Recreational Facility on the dates and times designated in his letter. Ramesh Advani seconded for discussion purposes. Joyce Terrio said she was not sure when she first saw it. Mrs. Terrio suggested the Board set up a procedure/policy. Jack McFeeley said he would like the approval to require that he bring trash bags and remove all cans and bottles from the property before he leaves. Joyce Terrio amended the motion by putting a condition that Mr. McFarland is to provide bags to clean up cans and bottles off the premises. Ramesh Advani seconded. With further discussion, Ramesh Advani said he wants rules for all town properties, not just this one. Jack McFeeley said he did not want Mr. McFarland in the parking lot, as suggested in his letter, but rather in the grassy area where the building should be. It was **so voted**.

Joyce Terrio moved to award a two-year contract to Staples Business Advantage for office supplies, at a discount of 72.25%, commencing on July 1, 2003. This will cover FY'04 and FY'05, through the SERSG Cooperative Invitation for Bids. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to award a one-year contract to WB Mason for paper supplies, commencing July 1, 2003, through the SERSG Cooperative Invitation for Bids. Ramesh Advani seconded, and it was **so voted**.

HIGHWAY MATTERS

Present was Remo Vito, Highway Superintendent.

Jack McFeeley asked for an update on the center of town project. He said he has heard comments from residents about how terrible the center looks. Butch Vito said this is the underground wiring project. NSTAR's goal was to come in May 31st and start putting in cable. Mr. Vito said you will see the cabling done the end of June. Butch Vito said they are trying not to impact the businesses, such as the dentist office and Dunkin Donuts. They are trying to tie in the cable hook-up with the Town Hall and Police Station, using their cable hook-up, rather than ours. Mr. Vito has to coordinate with the church and other business', to be sure there is no impact. They hope to finish mid-summer, because they need to be finished by September. Butch Vito said the roads won't be paved because the TIP project will be coming in. Mr. Vito attended a meeting in Boston for funding. They are switched to federal funding for the project. There is always the chance that others can come in and say their project is more worthwhile than ours, but no one sees that happening. They have until June 15th to do that. The TIP project will either start in the fall or spring. Butch Vito said he is not going to put

the overlay on because the TIP project should start in September. If it doesn't, he will put a thin covering on for the winter, and the project will begin in the Spring.

Bob Markel explained that the entire project will be funded by state and federal monies. There is \$2.2 million in federal and state funds for the town center project. No local monies will be used. He will use a portion of Chapter 90 monies for the non-participating items. Ramesh Advani asked if we use this money, does it take away from something else? Butch Vito said yes, it takes away from road projects.

The Board discussed updates on the website for the town center project. We will make a town center page and put the updates on there. Ramesh Advani feels this is good communication to the residents if they know what is going on.

Butch Vito said the project should take about a year.

ROAD PROJECTS

Butch Vito said they added Main Street to the list. They can't wait any longer.

Butch Vito gave the Board a list of how he expects the roads to be done. Jack McFeeley said that the problem is that people feel that if there is \$400,000, then we should have new roads everywhere. Butch Vito agreed they think that way, but said you will see a lot of patching, as opposed to complete overlays.

Jack McFeeley would like to see this on the website, as well.

Ramesh Advani asked questions about the road program. He is having trouble with the original plan, and then the list that was provided tonight. Jack McFeeley tried to explain how the roads were placed on the list, and why. Butch Vito added his explanation as well. He said that he was losing funds at the time, at the State level. Both Chapter 81 and Chapter 90 were being cut. Butch Vito said they would like to recalculate the list in five years, and see what roads have slipped into poor, good, and excellent condition. They were going nowhere when they created this. Butch Vito said when he first came on board for the Town, the roads weren't being repaired at all. The problem was Norfolk always depended on Chapter 90 funds to repair roads. Over the years, the State has cut the amount of Chapter 90 funds that we now receive. Butch Vito said his road maintenance budget when he first came here was only \$40,000.

Butch Vito explained that the list is an accounting sheet of what happened to \$840,000 over two years. It gives you a breakdown of what has happened.

Ramesh Advani said that he doesn't feel residents are confident that the funds are really being spent, if they don't see improvements. They ride around town, and see the roads still in disrepair, and lose faith in the program. Butch Vito explained that we are trying to keep the roads from getting worse. It may appear that nothing was done, but

the roads will not get worse. The roads that are really in bad shape are the ones that will get done last. We are trying to keep the excellent, good, and intermediate roads from becoming poor roads. Some of the funds are spent on engineering of the roads, as well.

Jack McFeeley asked for an explanation of the three types of maintenance – overlay, leveler and drainage. Butch Vito said that overlay is a finish product. The leveler changes the profile of the road, recrowns it, takes the bumps out of it. Eventually an overlay goes on it. Drainage is self-explanatory. Many roads have drainage issues.

Ramesh Advani feels we should update this list on an ongoing basis, as opposed to five years. Butch Vito said he would like to stay focused on a three year plan. If changes are necessary, he can come before the Board.

SENIOR CENTER

Butch Vito told the Board they put July 1st as the target date. They hope to see the contractors in and out of there by August 31. The design for the walk area has gone to Planning Board. This whole project, transfer of funds will happen June 17th - \$52,000. They are targeting July first. The contractor gave them funding for the sprinkler system which has been faulty from day one. Butch Vito said if the general contractor backs out for any reason, they are just going to keep on going.

Butch Vito said the electrical is being worked out. John Olivieri has been talking with the resident. The wall packs are going to be replaced. The resident saw the sample and signed off on it.

Jack McFeeley said he was concerned about the electrical inside the building. It was a blower that didn't have a relay on it, and it burnt up. They are having this replaced as well.

Jack McFeeley asked if there were any other issues with the abutter? Butch Vito and John Olivieri said no, they think he is happy with everything.

Jack McFeeley asked Butch Vito about removing money for the Senior Center from the Capital Outlay budget. Butch Vito said he isn't aware there is anything there.

Butch Vito mentioned maintenance needing to be done with the electronic system that the Senior Center has. He mentioned the problems at the Town Hall.

Jack McFeeley mentioned the speed problems on Boardman Street.

ACTION ITEMS (Cont)

Joyce Terrio moved to grant a Directional Sign Permit to Jane & Paul's Farm, 33 Fruit Street, for one year for three locations: Rockwood Road and Cleveland St.; Main Street

and Seekonk Street; and Fruit Street and Seekonk Street. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to release two street opening permits/bonds that are completed, per the Highway Superintendent: Permit #02-09 for 367 Forest Grove Avenue, for a septic system/curb cut, and Permit #02-12 for 163 Seekonk Street, for a septic system/water service. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to grant a Directional Sign Permit to Norfolk Rink Management, Inc., One Dean Street, for one year for seven locations: Baltimore St. and Holbrook St.; Main St. and Medway St., Main St. and Myrtle St., Main St. and Hanover St., Hanover St. and Myrtle St., Miller St. and Myrtle St., and Medway St. and Myrtle Street, and it was so voted.

Joyce Terrio moved to grant a Directional Sign Permit to Norway Farms, 33 Medway Street, for one year for five locations: Medway Branch and Tucker Road (2 signs), Rockwood Road and Tucker Road, Main Street and Medway Street, and Myrtle Street and Medway Street, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel read the letter from the Planning Board that the Zoning Bylaws will not be advertised on the website. Ramesh Advani had numerous questions about the letter, and wants to know why. He feels it is not user friendly and we should have them accessible to the residents. He doesn't understand why they won't electronically post information.

Joyce Terrio said we could quell their concerns by putting a header or footer on each page so if it was printed out, it would let everyone know that it was printed off the website. It would be a disclaimer.

Jack McFeeley agreed, and said we should put that it's a non-certified copy and content up to date by a date specified. Certified copies available only at the Town Clerk for a fee. We can work through security issues.

Bob Markel will continue the discussion with the Planning Board.

Bob Markel submitted Reserve Fund Transfers for the Advisory Board Thursday evening. These are for bills that need to be paid now, and cannot be delayed to the 17th of June.

Bob Markel gave copies of resumes of candidates for the position of Finance Director to the Board. Yesterday was the deadline. He will conduct interviews along with a committee who can give their recommendations of the candidates to Bob Markel. Mr. Markel considers this a top priority for him.

Bob Markel informed the Board that the EO418 project signed, sealed and delivered. Our Master Plan will now be updated.

Bob Markel said he received notice from Sen. Jacques that with the budget, we may be able to hook up with the transit authority. The full amount of prison mitigation money is in the budget. If they appropriate the full amount, our traditional share of \$186,000 may be returned. If this survives conference and the Governor, then this money will go a long way to help us.

Bob Markel noted that contracts were successfully negotiated with the Police Chief, Police Lt., and Fire Chief. He presented copies to the Board for their review and signature.

The Board discussed the encumbrance policy. The order must be placed, and the good will arrive. We have made the commitment to buy. It should be an actual commitment to purchase. Ramesh Advani wanted the goods received by June 30th. Bob Markel said they actually have until July 15th to have sent the invoice to accounting. The Board agreed they would like to accomplish this for this year.

Ramesh Advani asked about forming an Audit Committee to review the audit and decide the firm to contract with. Joyce Terrio has reservations. It will be put on for discussion at the next meeting.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to approve the minutes of February 24, 2003; March 10, 2003; March 24, 2003; April 14, 2003; and April 28, 2003 – regular session. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to approve the executive session minutes of April 14, 2003 – first and second minutes. Ramesh Advani seconded, and it was **so voted**.

At 10:25 p.m., Joyce Terrio moved to go into executive session for the purpose of litigation. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, **aye**; Joyce Terrio, **aye**; and Ramesh Advani, **aye**. The Board will not return to open session.

At 11:30 p.m., being no further business, Joyce Terrio 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 June 2, 2003.

Joyce E. Terrio, Clerk

Special Meeting

June 17, 2003

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

Business was conducted at the adjourned annual town meeting held at 7:30 p.m. at King Philip Regional High School in Wrentham.

Joyce Terrio moved to award the following bids, per the recommendation of Remo Vito, Highway Superintendent, in his memorandum of June 4, 2003:

Uniforms (FY'04,'05,'06); New England Uniform
Tree Planting - FY'04; Nolan Landscaping & Tree
Roadway Rehabilitation (Overlays) – FY'04; Aggregate Industries
Leachate Removal – FY'04,'05,'06 – Waste Water Services
Pavement Markings – FY'04,'05,'06 – Standard Line Paint

Jack McFeeley seconded, and it was so voted.

Joyce Terrio moved to award a street opening permit to N.G. Loring, Inc. for installing a 6" fire service at Eagle Brook Saloon, 258 Dedham Street, as presented and filed. Jack McFeeley seconded, and it was so voted.

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

This is a true and accurate report of the Special Meeting of June 17, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

June 30, 2003

Present was John J. McFeeley, Ramesh H. Advani, and Robert T. Markel, Town Administrator. Joyce Terrio arrived late at the meeting.

At 7:16 p.m., Jack McFeeley opened the meeting. Bob Markel read the agenda contents.

ANIMAL INSPECTOR POSITION

Christopher Wider present. Jack McFeeley asked Chris Wider why he was interested, and his background.

Chris Wider said he lives on Cleveland St and works in Norfolk. He has raised animals since he was young. He would like to do this because it doesn't involve as much time as serving on a committee, and he would like to become involved in the town. He has reviewed the job description, and understands that it is a State position.

Ramesh Advani moved to appoint Christopher Wider as Animal Inspector until March 31, 2004. Joyce Terrio seconded, and it was **so voted**.

REEMA CORPORATION – TRANSFER OF STOCK

Jack McFeeley opened the hearing to discuss transfer of stock within REEMA Corporation.

Present was Katherine Duggan, Esquire and Anil Patel.

Jack McFeeley noted that on paperwork received from the Alcoholic Beverages Control Commission, we neglected to vote on the Transfer of Stock. The ABCC would not take any action until this was done.

Joyce Terrio moved to approve the Transfer of Stock from Sangita Patel to Anil Patel. Ramesh Advani seconded, and it was **so voted**.

DPW COMMITTEE

Present was Tim Walsh, John Olivieri, and Ellen Friedman, members of the DPW Ad-Hoc Committee.

Jack McFeeley reviewed with them the changes that the House Counsel made to our Act. Bob Markel said that this would become law.

It was questioned how we came up with the language for this Act, if it was not acceptable by the State. Bob Markel said that this Act was drafted by our Town Counsel, George Hall, and what is disturbing is that he modeled this off of an Act with the Town of Holliston. He looked at several Acts previously written to model ours off of. Bob Markel said the Special Act would not be filed until we get it voted at the Fall Town Meeting. Jack McFeeley said not necessarily. He suggested we find out from George Hall why this language was put in there, if it wouldn't pass the House Counsel. Bob Markel said he has already discussed this with George Hall, and George Hall wasn't sure why it didn't work, because he took it from an Act in Holliston, which was passed by the legislature.

Jack McFeeley said we should decide whether to have a Special Town Meeting prior to the Fall Town Meeting; wait for the Fall Town Meeting; or see if we can go as is.

Bob Markel said they asked us for the article and the vote. What we got back suggested that we should have the language made official. Unfortunately, what they want to eliminate is a key part of the Act - what they want to get rid of is the vote. Jack McFeeley suggested that maybe House Counsel wasn't aware that the vote was part of the Act. George Hall will talk to House Counsel and get back to us.

Ramesh Advani agrees that we should speak to House Counsel. He said that they are not opposed to putting a question on the ballot.

Jack McFeeley said we would put this aside until we have more information.

Jack McFeeley said he would like to see the Committee continue, as he feels there are things that need to be done, and things they could do.

Ellen Friedman said she is on board for the duration, as long as the Board of Selectmen gives guidance on what they want them to do. She doesn't want to lose momentum, and wants to see this thing go through.

Tim Walsh agreed, and said they completed what they were asked to do. They need to know what the next step is. They don't know what direction the Board of Selectmen wants them to go in. They want to accomplish what the Board of Selectmen wants. They don't know what the Board wants them to do. He said they did a lot of work in a short amount of time. The Committee would like the Board to give them a path to go down.

John Olivieri said he doesn't know where they stand as far as authority. He feels they've lost momentum. Mr. Olivieri said we need to understand where they are in relation to the Water Commissioners. He is puzzled because he goes to their meetings, and he isn't sure they have a coordinated effort. Are they supposed to be aware of the impact of what they are doing, as to what is to come? Or can they just keep going? Do they have the jurisdiction to do what they want? John Olivieri isn't sure what way they are pulling. John Olivieri said he doesn't know if he has the right to question things that the Water Board is voting at their meeting. He asked if they have to march with us? Can they do what they want, or are they supposed to be on board with this?

John Olivieri is talking about the June 12th meeting. He questioned a water rate study for \$9,600. Can they do that? Mr. Olivieri questioned many things that they are doing. Isn't this a cooperate effort with them? Shouldn't we all be working together? He discussed the surveillance equipment. He was told by the Water Commissioners that the Feds want this. He said they want a plan. The Water Commissioners didn't mandate this.

Bob Markel said he had a meeting with the Water Commissioners and the new Water Superintendent. It was decided that a Steering Committee should be formed to help coordinate things. The Board of Selectmen agrees that we need to do this during this interim period, so that unnecessary expenditures are not done. A meeting will be scheduled mid-July to do this. Mr. Olivieri asked if the Water Commissioners are on board. Bob Markel said he talked to one member who is on board, and the Superintendent, who would like a vehicle like this to assist him.

Tim Walsh asked is this going to be internally put together, or is the Committee doing it? How will we proceed? Jack McFeeley said the Board of Selectmen need to sit down with the Water Commissioners to see how we will proceed. We have to agree to have a transition, and agree to work together. This is why the Board has been trying to meet with the Water Commissioners to go over these issues.

Ellen Friedman said then they couldn't get any guidance until the Board meets with the Water Commissioners? Jack McFeeley said not necessarily. Their input could help them in their discussions with the Water Commissioners. Ellen Friedman asked her members if they are still interested in being actively involved in this through to the end? Ellen, Tim and John said yes, and they feel Ed and Harvey will be, as well.

John Olivieri would like to get something in writing with the Water Commissioners because they are not cooperating. Ellen Friedman said that this needs to be discussed in the Selectmen's meeting with them. We need to be patient.

Jack McFeeley said that the Board of Selectmen is not going through this with blinders on. The Board is aware that there are problems, and there are dire financial problems. John Olivieri said he doesn't see a leadership in the administration. There is no 10-year plan. Jack McFeeley said that this is not the issue right now. They are more than happy to invite them to this Water Commissioners meeting, but said he is putting the cart before the horse. We are not concerned right now about the day-to-day operations.

Tim Walsh asked who would be on this Committee? He is hoping that the Highway Supt. and Water Supt. will be part of it. Ramesh Advani said that we haven't discussed this yet. He said he assumes the Committee will consist of the Highway and Water Superintendents, as well as you guys who have done a tremendous amount of work.

Bob Markel said one obvious role would be a leadership role with the public prior to the election. They would need to have public meetings and make sure the information gets to the voters.

Joyce Terrio said she, too, would like to see the same individuals serve as before, including the new Water Superintendent. John Olivieri said he attended the meetings, and wondered what good he was doing? Joyce Terrio told him he is doing a lot of

good. You are getting information, and dissecting this material. Joyce Terrio also told the Committee they did a superb job at Town Meeting, but you had much more information that wasn't in your presentation. The Water Commissioners still have a job to do, and they are going to do their daily work. Take the information you have, and start working and meet with the two boards and keep going.

John Olivieri said the problem is implementation. Do we go public? If we feel something is important, and we take it to the Water Commissioners and nothing happens, then what?

Jack McFeeley said we aren't here to uncover things. We're here to make a transition. He said his head is at the end point. He works the end point and goes backward. The end point is a DPW – one part Water and several parts DPW. He wonders if we can get there. Yeah, we can get there, but with the Committee's help. He does not see this without the Committee's help. How do we achieve the end point together? How have other towns accomplished this?

Ramesh Advani said the role before was what is a DPW and their function, and should we have one? Now we know the answer, so now we need to go forward even more. If you do uncover issues, you should bring it to their attention, but cautiously because we want to make sure this works for everyone.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of May 7, 2003; May 13, 2003 – special meeting; May 19, 2003 – regular and executive session; June 2, 2003 – regular and executive session; and June 17, 2003. Ramesh Advani seconded, and it was **so voted**.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed the Economic Target Area (ETA) regional technology initiative. He told the Board that ten communities in the area have sought state designation, which you need. They came up with parcels of land that they want designated. They received this designation this week. He doesn't think we will see a lot of activity in Norfolk. The kinds of industries we would be competing for – the tech industries – could probably choose to locate even in South Carolina, as opposed to Massachusetts.

Joyce Terrio asked if it would affect already existing businesses? Bob Markel said no, just new businesses. They will be forming a committee. Bob Markel has been attending the meetings, and will continue to represent the Town. The Board of Selectmen can then appoint whoever they want to represent us.

Joyce Terrio moved to declare the list of obsolete equipment in the Library as surplus equipment. Items were: 3 Telxon PTC-710 handheld terminals; 3 Pencil Wands for PTC-710; 1 Epson TM-200D Model M119D Receipt Printer; 1 Epson TM-300D Model

M51JD Receipt Printer; 3 Metrologic MS 700i Barcode Scanners; 1 Metrologic MS 700 Barcode Scanner; 2 Metrologic MH941J Barcode Scanner; and 1 Metrologic MH941E Barcode Scanner. Ramesh Advani seconded, and it was **so voted**.

Bob Markel reported that the Senior Center would be closed for the next three weeks in order to do the renovations that need to be done. This includes the floors. When the 3-week period is over, the building will be complete.

Bob Markel wanted to update the timetable for the KP matter: On the 14th and 28th of July, we will work on the template. When they give a response, we will ask them for their figures. On the 14th, we will review our numbers. On the 28th, they will give us their numbers and we will compare it with ours. On the 11th, we will wrap up. Joyce Terrio will be away for the 8/11th meeting. Jack McFeeley said to be sure that the 11th works for everyone, because of vacations. The 11th, or the end meeting, should be a final meeting.

Bob Markel gave a copy of a contract he has tinkered with, with respect to the Finance Director. He told the Board to review it, and he will be back to them tomorrow.

ACTION ITEMS

1. The Board discussed a letter from Art Marshall, Friends of the Council on Aging asking for permission to hold a fundraiser similar to a boot drive, to benefit the Lifeline for Seniors. He proposes to do this on August 16 and 17 from 9 a.m. to 12 noon. There would be 4 adults. The Board questioned how does he propose to do this? Who will do it with him? They were concerned about seniors standing for a long period of time in the intersection with traffic. Art Marshall will be invited in to discuss the details.
2. Joyce Terrio moved to appoint Jane Wolfgang, 6 King Street, to the Council on Aging, replacing Debbie Owen who resigned. Ramesh Advani seconded, and it was **so voted**.
3. Joyce Terrio moved to approve the Rodman Ride for Kids on Saturday, September 30, 2003, with the route as provided to the Board. Ramesh Advani seconded, and it was **so voted**.
4. The Board reviewed a letter from the Board of Health asking to use part of the Town Hall parking lot on September 20th for a Health and Safety Day. This is still in the planning stages, and although it is a first time event, they would like to do it annually. They picked this day because of the Harvest Festival and the Library Book Sale. They thought they may attract people. The Board was concerned, as this parking lot is a major parking facility for these events. The Board took no action, and will ask the Board of Health for more details as they have them.

PLANNING BOARD APPOINTMENT – ASSOCIATE MEMBER

Present was Art Spruch, David Lapointe, and Bob Nicodemus, Planning Board members.

Jack McFeeley asked for a nomination for an associate member for the Planning Board. Art Spruch nominated Andrea Langhauser as the Planning Board associate member. Joyce Terrio seconded. Jack McFeeley closed the nominations. It was a roll call vote: Joyce Terrio, **aye**; Jack McFeeley, **aye**; Ramesh Advani, **aye**; David LaPointe, **aye**; Art Spruch, **aye**; and Robert Nicodemus, **aye**.

CHAPTER 40B – CRANBERRY VIEW ESTATES

Present was Jason Talerman, Esquire and resident. Discussion centered around the reply letter that the Board needs to forward to Mass Housing.

Jason Talerman said our comments should consider the level of contact with any other departments. Bob Markel said he did a quick survey, and no board or committee has had any contact with the developer.

Jason Talerman said the developer does say that he has had contact with the Town, in his report; that's even worse.

This may be our only opportunity to comment for or against. Anything that is a concern, you should stress now. He said the site is a tough site, but he hasn't much to do with it, so he can't comment too much without further review. He didn't have a chance to see the site plan.

Jack McFeeley noted comments from the Planning Board about grades on Cranberry Meadow Road and Eagle Drive have been changed and very considerably from those shown on the conceptual plan. The impacts to the adjacent properties are more severe than those shown on the conceptual plan. Jason Talerman said that any reviewing engineer is going to have a lot to work with here. The drainage areas and septic appear to be on the downhill slope going into the perennial stream area.

Jason Talerman said that the property is very steep. Jason Talerman said he would like to see the actual gallonage per day because they are talking about a private system. There is no sewerage. Mr. Talerman said they are showing 2 bedroom houses, but if you look at the floor plan, they appear to support 3 bedrooms. Anytime there is an ambiguous office or den, Title V will treat that as an additional bedroom. They could be in a situation of tipping over 10,000 gallons per day here. For a 72-unit project, they would be real close to that.

They discussed the water supply. The developer says there is water within 1,000 feet. This is debatable. There is not a public water supply nearby. Jason Talerman said he is not exactly sure what public water supply they are talking about.

He said he feels that there is a reason that the property hasn't been developed until now. It doesn't mean the property is inappropriate for all development. Jack McFeeley said that it has been used as a cranberry bog until now. Jason Talerma noted that some work has been done on the property. It's barren and there has been blasting or gravel removal. He pointed out that there will also be a significant traffic issue. This development will triple the traffic on Lawrence Street. Since the cut through went through from Berkshire to King Street, Lawrence Street sees more traffic. Mass Housing may require a full traffic study.

Jason Talerma discussed the appraisal. He doesn't feel there is a real appraisal yet. The residential construction cost seems a little high per square foot. \$180,000 per unit. They show 2,000 square feet. There is a 40 ft. wide, 60 ft. long floor plan drawn in. That doesn't seem right. It appears there is some juicing of the cost per square foot ratio. The reviewer of the proforma will look at this. It needs to be justifiable for a unit like this.

The Board told Jason Talerma that they would send this to Jeff Roelofs, an attorney in Town Counsel's office, and have him work with Jason Talerma.

Jason Talerma said the dimensions don't seem to work. Doesn't seem realistic. If they are making more than the 20% profit, and therefore the Board may wish to recommend more feasible density if you are going to approve the project. This would protect the natural resources on the site, and limit traffic flow. You should just be careful about impact stuff, as this is a tricky site.

Jason Talerma will get together with Bob Markel tomorrow, and go over important and imperative comments to put into the letter. They will work on a draft.

The Board received letters of resignation from Charles Burnett from the Board of Registrars and Joseph Simmons from the Conservation Commission, as both have moved out of state. The Board also acknowledged a letter from Cynthia Andrade of the Conservation Commission, "retiring" after fourteen years of service. The Board will send letters to each member.

ANNUAL APPOINTMENTS

Joyce Terrio moved to appoint Thomas Collins, Paul Dubois, Patrick Morganelli, Joanne Smith, Walter Zagieboylo, and Roger Holmes to the Affordable Housing Committee, for a one year term. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to appoint Thomas Terpstra, Mary Nuhibian, and Barbara Ward to the ADA Committee, for a one year term. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to appoint JoAnn Sueltenfuss to the Arts Council, for a three year term to expire 6/30/06. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Mary Ellen Gattoni to the Board of Registrars, for a three year term to expire 6/30/06. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to appoint Ed Melanson to the Capital Outlay Committee, for a two year term to expire 6/30/05. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to appoint Frank Gross to the Cemetery Commission, for a three year term to expire 6/30/06. Ramesh Advani seconded, and it was **so voted**.

Joyce Terrio moved to appoint Aimee Dudley to the Conservation Commission, for a three year term to expire 6/30/06. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Gail Hansche to the Conservation Commission, for a three year term to expire 6/30/06, replacing Cynthia Andrade. Ramesh Advani seconded, and it was so voted.

Ramesh Advani said that based on the recommendation of the Conservation Commission, he would like the Board to consider the appointment of Andrew Bakinowski to the Conservation Commission to serve the term until June 30, 2004. There was no second to the motion.

Ramesh Advani said he probably should withdraw his motion. Jack McFeeley said yes. This Board has discussed its intent previously. At least, he and Joyce Terrio have. Joyce Terrio said that it was a huge loss to the Town and the Conservation Commission to lose Mr. Bakinowski's talents. However, Joyce Terrio recalls the reasoning for his loss, and right now she is not at the point where she will consider him back as a member to that Board. Ramesh Advani said the Conservation Commission has recommended Mr. Bakinowski. Jack McFeeley does not feel that this is worth discussing. He is upset about a number of things that Andy Bakinowski has written about this Board since leaving the Conservation Commission, and he doesn't feel this is appropriate for someone who would be appointed by this Board. The Board has expressed concerns about this in the past.

Bruce Simpson asked if he could make a comment. Jack McFeeley asked if it pertained to Mr. Bakinowski. Bruce Simpson said yes. Jack McFeeley said no, he could not speak.

Bob Markel suggested that the Board advertise for candidates interested in serving on the Conservation Commission.

Joyce Terrio moved to appoint Lisa Newell to the Corrections Advisory Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Charles Groff to the Council on Aging for a three year term, expiring June 30, 2006. Ramesh Advani seconded, and it was so voted.

Jack McFeeley noted that Dorothy Brizzolara's term has also expired on the Council on Aging; however, her house is up for sale and she is moving out of town. He recommended we not reappoint her, and the Board agreed.

Joyce Terrio moved to appoint John Burke to the Zoning Board of Appeals for a five year term, expiring June 30, 2008. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Robert Garrity and Martin Murphy as Associate Members to the Zoning Board of Appeals, for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Glendon Coulter and Robert Nicodemus to the Zoning Bylaw Study Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Robert J. Bullock, Jr. as Fence Viewer for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Mary Jane Benker as Assistant Fence View for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Edward Donohue, Jr., Eric Dupont, and Bruce Shapiro to the Insurance Advisory Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Manuel Cerqueira, Elaine Federico, Daniel Rabasco, Carol Sanderson, and John Staal to the Kingsbury Pond Committee. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Robert T. Markel as the representative to the MBTA Advisory Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Joseph Gilio to the Mirror Lake Advisory Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Robert T. Markel to the Norfolk County Advisory Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Winsor Bowden, III to the Permanent Building Committee for a three year term, expiring 6/30/06. Jack McFeeley seconded for discussion. Joyce Terrio asked if the Permanent Building Committee would be into a

meeting soon? There was no reply. Jack McFeeley and Joyce Terrio voted aye. Ramesh Advani voted no.

Joyce Terrio said that she did not get a reply to her question. Jack McFeeley asked her why they would be coming in? Joyce Terrio said that through emails, the Board had agreed to schedule them in. Jack McFeeley said they will discuss this after the appointments.

Joyce Terrio moved to appoint William Crump, James Leonard, Joseph Sebastiano, Beth Strubeck, Chuck Stone, and Butch Vito to the Road Safety Committee for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Robert Shannon as the Sealer of Weights and Measures for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Butch Vito as Tree Warden/Shade Tree Manager for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Jane Lepardo as Tax Title Custodian for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint George A. Hall, Jr. as Town Counsel for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Anthony Mastroianni as Veteran's Service Officer for one year. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint John Olivieri as Veteran's Graves Officer for one year. Ramesh Advani seconded, and it was so voted.

OLD/NEW BUSINESS

Joyce Terrio said that she would like to ask John Dalton, who works with Eagle Scouts, if they would be interested in building a dog park in town, as an Eagle Scout project. The Board agreed she could give it to him for consideration.

The Board briefly discussed the Grant Writer program. Jack McFeeley suggested we get set up with a program. We're not there yet, but we could start it and go from there. He said that we should go for the smaller grants, and not the home run.

At 10:38 p.m., being no further business, Joyce Terrio moved to adjourn. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of June 30, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

July 14, 2003

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

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

POST OFFICE PARKING ISSUE

Present was Don Marshall, District Manager of the Southeast New England district, Marianne Maloney, Norfolk Postmaster, and Garth Patterson, Barney Frank's Office. Residents Paul Sullivan, Gail Fontes, and Graham Sterling were also present.

Joyce Terrio thanked everyone for coming. She explained that as everyone is aware, there has been numerous egress into and out of the parking lot. Joyce Terrio asked Mr. Marshall if she was correct in saying that the Town cannot do anything, as this is federal property. Don Marshall said this is correct. Mrs. Terrio asked Mr. Marshall to speak first.

Don Marshall said that he is here to hear concerns and answer questions anyone has. There has been discussion over the past 3 years that the parking lot was not satisfactory, and the ingress and egress is a safety hazard. Mr. Marshall said he has been to Norfolk and conducted his own survey, and found that the parking is adequate. He said that the problem is that people exit their parking space and drive down the middle of the driveway, which is a problem for someone turning into the parking lot.

Mr. Marshall said fixing the parking would mean removing a tree. There are no current plans to expand the parking lot and no funding available to do so. He does not feel that there is a problem if people would use the parking lot correctly and obey traffic rules. He feels the parking lot is as wide as other businesses in the area. He cited Dunkin Donuts and the O'Loughlin Building.

Joyce Terrio questioned if he is aware of any accidents in the parking lot. Don Marshall said there have been no accidents to their knowledge. Marianne Maloney said there has never been an accident to her knowledge since she has been there.

Joyce Terrio questioned if the parking lot was striped. Don Marshall said no. There was striping for the parking spaces, which have faded. Joyce Terrio suggested that striping happen.

Ramesh Advani said he gets to the post office around noon on Saturday and it is congested. He did point out that the Wayside Building and O'Loughlin Building have parking that goes around the building. Mr. Advani pointed out that there have been several minor fender benders since 1999. What can you do for us?

Don Marshall said they have limited capital funds that are dedicated to safety issues, as opposed to new buildings and expansions. They do not have a capital budget right now. It is frozen. When the funds are released, they will review our problem. He will look at striping and additional signage to help relieve the problem. Both he and his safety staff observed the parking lot, and did not notice anything unusual. He does not see needing to expand the parking lot. Extending the curb cut would require capital funding, and he doesn't have those funds right now.

Garth Patterson, representative of Barney Frank's office, said he's been following this issue for several years and worked with the Road Safety Committee, as well as constituents from Norfolk, whom he won't mention. He said they are here today to help support the town with anything we want to rectify the problem. He would like the curb cut extended when the funds are available. He is very concerned that there are traffic flow problems. Their office is very concerned.

Butch Vito said he has worked with the Planning Board, and it seems to him that while they are redoing the whole town center project, they could work with the post office and maybe help do some of this. Butch Vito said the town can help them, but they have failed to come before the town with design plans. Don Marshall said that all their funding is under capital funding, including the designs. Butch Vito feels both the town and the post office are missing a window of opportunity to work with the town, and we could help them work on egress issues. Don Marshall said the funding comes out of headquarters; it is not a local decision. He has no latitude to work with the town.

Art Spruch said the final design plan, which was agreed to by the post office and the town, will solve all the problems for everyone. He had the design plan with him. Art Spruch said all the parking on the plan does not have to be done. The most important thing is the island with a drop off. Mr. Spruch said he will certainly work with whomever to alleviate the congestion and help expand this.

Bob Markel was curious if some further discussions could take place, even though there aren't funds available right now. Perhaps the postal service should note what the town is planning to do, especially since we are putting in sidewalks that will go right past the post office.

Don Marshall said they certainly have a process they use internally. It requires the local team to work with local officials to get input. Before they did anything, they would work with the town and get input and coordination. Joyce Terrio said we do want to keep this as a priority in your department. We have about a year before we are entrenched in redesigning the whole area. Ms. Terrio remembers the design plan that

Art Spruch has. Everyone who attended that meeting was happy with the redesign and was very happy with the plan. She would like reassurance from the post office that this will be a priority with them, as well.

Don Marshall said that there are facilities in the southeast area that are in much more need of repair, other than our parking lot. This parking lot is not high on their priority list for work to be done.

Joyce Terrio asked if this will be kept as an interest item. Don Marshall said he is willing to come back and meet with us as we progress, and would like Marianne Maloney to give us updates from time to time.

Ramesh Advani said he is very disappointed. He said he would not like this to just be talked about, he is afraid it will never get re-opened. He said it took the town forever to get this kind of facility. He doesn't want someone killed in order to get them moving.

Don Marshall said that what they meant by "closed out" meant that they didn't consider this an active project in the design phase.

Joyce Terrio asked Marianne Maloney if she had any comments. Marianne Maloney said the fender bender thing concerned her. No one has reported any accident to her. She was unaware of any incidents.

Graham Sterling said it is unimaginable that the town allowed this to happen. Our parking lot is a cul-de-sac. It was put in at the same time the Medfield Post Office was built. This is not a safety problem. This is an annoyance problem. We need to get rid of the cul-de-sac and open up the parking lot. Maybe the town needs to spend the money and do what the state will not do, and redesign the parking lot.

John Olivieri also finds this unacceptable. He agrees that there are no lines, and nothing to follow. He said that a plan should be all set so when the funding is there, we can plug it in and go. There is a need for change.

Gail Fontes, a resident, said that she has been there when there has been 25 cars, a FedEx truck and a postal truck. They were all trying to maneuver at the same time. She said she has seen many situations where there were near misses and is afraid that someone will be injured, perhaps seriously.

Joe Sebastiano, Chairman of the Road Safety Committee said the Committee has heard many times over the years how the single entrance to the post office is a problem. They feel from the committee standpoint that this parking lot is not easy to navigate, and there are safety improvements that can be done. This is one of the spots they are looking at.

Joyce Terrio told Don Marshall that the Board of Selectmen hopes that this will hold a priority status on their part. Mr. Marshall questioned the postal service's original plans. They had tried to do a double design, and the Town wouldn't let them. Art Spruch agreed that at the time the post office was built, the zoning was different and it wasn't allowed. It is now a B1 district, and zoning was changed. We could now discuss another design. Don Marshall agreed they will relook at this, and see what can be done.

JOHN WASON, NORFOLK LIONS

John Wason and Bob Thomas of the Norfolk Lions Club present. Mr. Wason came here tonight with two concepts to present to the Board of Selectmen. Norfolk Community League has run Community Day over the past years, and it has been a success.

It is called Norfolk Community Day. They are interested in doing what other communities have done in helping to make this event grow. As a starting point, he would like to know if the Town would be interested in helping with Community Day. He wondered about having a Selectman open the event, and welcome the town. This day was started by the Lions to bridge the newer residents with the older residents in town. They are looking for a more cooperative effort on behalf of the Board of Selectmen.

Joyce Terrio said that we will be discussing goals and liaisons. Perhaps one of the members could be a liaison to the Lions Club, to work with them on this.

John Wason said they have come bearing gifts. The Lions Club would be interested in donating something to the town. They feel that what is missing is an activity board. They sampled three – giving us photos of Foxboro, Wrentham, and Walpole. Rather than have sandwich board signs all over town, this sign would take care of that problem.

Bob Markel did discuss what they were planning on doing. Dr. Markel had been working with Butch Vito on the design of this. The challenge would be for Butch to decide where this will happen within the design of the new center. Butch Vito will talk with Lowell Robinson, architect.

They would like permission to work with Butch Vito and see what location would work. Joyce Terrio asked Mr. Vito if he had any ideas where the sign could go in the new center, but he said he doesn't know. Butch Vito said that he would have to consider it. There is a lot going on in the center now. Ramesh Advani agreed if it can be done, he feels it is a great idea. The Board of Selectmen, on behalf of the town, is very grateful, and approves this concept. The liaison person can also help work with a site for the sign.

FRIENDS OF COUNCIL ON AGING

Art Marshall and Ruth Masison, members of the Friends of the Council on Aging, and Norma Shruhan, Executive Director of the Council on Aging present.

Art Marshall told the Board that he would, on August 16 and 17 in center of town, start a collection of money for the Lifeline Emergency Response System. There has been a grant in place, and 8 people use this lifeline. They have lost the grant money. Art Marshall has taken it personally to try to raise the funds. He is retired and has extra time on his hands. He wants to do this. Mr. Marshall has a committee of about 7 people, who will do this.

Art Marshall said will have a bucket to collect the money in. He will hand the donator a letter explaining what they are doing. He will have signs advertising what they are doing. Mr. Marshall will have four (4) people at any given time for 3 hours, from 9 a.m. to 12 p.m., in the intersection of town. Joyce Terrio expressed concern about how close they will be in the intersection. She would prefer to see the participants at least 10 feet back. Joyce Terrio suggested that they wear a vest or something vivid that will catch the driver's eye. Joyce Terrio suggested safety barrels be placed next to the person collecting monies. She suggested Art Marshall speak with Butch Vito about the availability of these barrels.

Joyce Terrio said that Chief Stone doesn't want anyone in the street because of safety reasons. He does not approve of fundraising in the intersection. This includes the Firemen and Lions Club, not just this group. Joyce Terrio said she is willing to approve this fundraiser this one time, until they have a chance to review the policy as a Board. Ramesh Advani agrees with what Joyce Terrio says, but thinks we need to consider long-term Chief Stone's comments.

Joyce Terrio reiterated that there will be one person on each corner of the intersection, 10 feet back. Every half hour they will change individuals to avoid exhaustion. Cold refreshments should be available for staff if it's a hot day. They will minimize traffic backup by no chitchatting, and move the traffic through smoothly.

Ramesh Advani moved to approve the collection in town center on August 16 and 17th from 9 a.m. to 12 p.m., per stipulations mentioned with the Board of Selectmen. Joyce Terrio seconded, and it was so voted.

ACTION ITEMS

Ramesh Advani moved to approve the stop sign additions per the attached list presented to the Board by Highway Superintendent Remo Vito. Joyce Terrio seconded, and it was so voted.

Ramesh Advani moved to appoint Paul Guertin to the Council on Aging. Joyce Terrio seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed scheduling a time for the Board to meet with the Finance Director. If we can do this, the Finance Director will be on board July 29th.

Bob Markel presented the Board with the Fall Town Meeting Schedule, and asked them to review it and approve it. Ramesh Advani moved to open the warrant as proposed in the schedule by the Town Administrator. Joyce Terrio seconded, and it was so voted.

At 8:28 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 July 14, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

July 28, 2003

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

Jack McFeeley opened the meeting at 7:30 p.m. Bob Markel read the agenda.

CHIEF STONE – POLICE BUDGET

Bob Markel said that Chief Stone came in and asked for a financial transfer of \$18,000 from funds that were encumbered in fiscal 02. The Chief said that this was done in the past, and these funds are encumbered in order to provide funds for police officers that take their vacations in the fiscal year following. Under State statute, Police officers are treated differently from town employees. They have the right to carry forward ten (10) days vacation. There is a more of a need to fund vacation days that are unused. Initially, we went to the Selectmen to discuss this, and with the settlement of the collective bargaining contract, and the settlement of the contracts with the Chief and the Lieutenant, there was a need for additional funds. They waited until town meeting to provide a transfer of \$39,000. It was Bob Markel's understanding that the \$18,000 had been rolled into the \$39,000 package. Chief Stone came in several weeks after the meeting, and said he didn't see the \$18,000 from the encumbered funds rolled over. They discussed this and found that this transfer was not part of the package adopted at town meeting, and thus the reserve fund transfer.

Bob Markel said we are here tonight to discuss the practice of encumbering funds and rolling them forward, and appropriating out of those funds. Also, we need to discuss the budget itself because it is his understanding that there were significant funds remaining in the Police Department budget at the end of FY'03. Approximately \$67,000 remained in the Police Department budget. They encumbered about \$48,000 for reserve vacation in FY'04. In speaking with the Finance Department, they said the additional \$18,000 was now not necessary to be transferred.

Chief Stone said that typically, officers are entitled to a certain amount of vacation leave, as is every employee. Officers, however, do not get to use all of their leave. They are allowed to hold over 10 days. They are also allowed to encumber their vacation funds. There was a slight difference of opinion with the Finance Department, in how much money was carried over. They weren't sure who would be taking vacation, etc. Chief Stone said that they have used \$6,000 of the \$18,000. The remaining \$12,000 was returned to us. This has been done since he has worked for the department. It can only be used for reserve vacation and nothing else. The difference between the \$67,000 and \$48,000 was returned to the Town.

Jack McFeeley said he heard that there was vacation money left over from FY02 that was carried into FY03, for reserve vacation, and that is allowed. But you cannot carry FY02 into FY04. You cannot roll it over indefinitely. You can only carry it over for one year. At the end of that one year, you have to turn it back over.

Chief Stone said that funds that were left over were done at town meeting – a line item transfer. It has been done year after year after year.

Chief Stone said that in FY01 they used funds to take care of a contractual raise. It went through town meeting process. Chief Stone said Joyce Terrio is aware of it. Joyce Terrio said absolutely, she remembers it. Chief Stone said he received approval from the Finance Director during the past few years, or he wouldn't have done it. Jack McFeeley said we need to check the system and see what is being done.

Jack McFeeley asked Chief Stone how things look for the Police Department.

Chief Stone said if someone goes out sick, fires, storms, or major incidents, he does not have a lot of extra funds for any of these. This is where he will feel his cuts. Court is another cut. He has to run light if someone calls in sick. This wasn't where he wanted to run light, but had to because of budget cuts.

Jack McFeeley questioned budget expenditure for bike shirts. Joyce Terrio said she was surprised at some of the officers who ride bikes that she wasn't aware of. Chief Stone said some of the bike shirts are worn by officers who do details, or there is multi-use.

Jonathan Smith questioned the \$18,000 transfer. He felt this request is a known thing that recurs on a regular basis, and shouldn't be a transfer. The Reserve Fund was cut, and next year this much money won't be available.

Ramesh Advani said add a sum to the budget every year for this.

Chief Stone spoke to the issue of citations. He has told his officers that he doesn't want verbal warnings. He would like either a written warning, or court actions. All members of the Board commended Chief Stone for a well-run department and said they appreciate the way he runs the community.

CHIEF KELLEY – FIRE BUDGET

Bob Markel said that at the end of FY'03, Chief Kelley came in for a transfer, and the Board questioned why the transfer was necessary. The funds were voted, and he closed out '03 without a deficit. He gave a list of why the funds were necessary. Jack McFeeley stated that after looking at this, he has a lot of questions. He doesn't want to ask them all tonight, but will sit down offline with Chief Kelley and go over them. Where things aren't in balance, he would be questioning everything. Jack McFeeley said they don't usually care about this, but asking for \$40,000 is a large amount to ask for. Jack McFeeley said the bottom line \$535,000 was his appropriation for last year. The expenditure was \$575,000. Your appropriation this year is \$545,000. If you ran into a brick wall last year, then you will this year, as well. We need to know what happened, so that we can prevent it from happening again this year.

Ramesh Advani said \$20,000 of the \$40,000 is salaries. That always repeats itself.

Chief Kelley said that he would go back. He put on 3 full time men, and Town Meeting cut him \$15,000. During FY03 he had a contract settlement, which occurred after his budget was finalized. He will have to go for funding at the Fall Town Meeting.

In reviewing the spreadsheet, Jack McFeeley said that the \$40,000 didn't occur in the full time page. It happened in the call page. Fire prevention item. Miscellaneous item. That is where the imbalance is. Overspent \$6,000 in August, \$3000 Sept., \$5000 in October. It happens from the beginning.

Chief Kelley said in the beginning it was the money for the furloughs, but that money was given back later in the budget.

Chief Kelley said that is their fire services line item. Jack McFeeley asked if the full time people are doing this. Chief Kelley said no – say there was an ambulance call - the full time men would go on the ambulance, and if a fire truck is needed, you have to call the call men.

Chief Kelley said that in the beginning, he found an accounting error, and he thought there was more money there than there actually was. He apologized for the error.

Joyce Terrio said whoever the liaison is, we need to look at this now and project out, and perhaps put a money article on the fall town meeting. Bob Markel said we should explore in depth what the options are before going to fall town meeting.

Chief Kelley said that this is his first year with a contract for the full time men, so it was hard to figure.

Ramesh Advani asked why this wasn't brought out during budget discussions? Bob Markel stated because budgets were level funded.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed the Audit Committee. Bob Markel, Ramesh Advani, and Marc Waldman all feel that this is necessary. Bob Markel agrees we don't need another committee. However, he does feel that there is an essential conflict of interest in that the Finance Director, and Town Administrator hire the auditor, and the auditor oversees the work of the Finance Department. This puts the auditor on the spot. It would be better if an Audit Committee hired the auditor. This group could also go out with an RFP for bids. They could offer a more detailed review of the audit with the auditor, and it would be more extensive than the exit conference. It would be a double check of the system. We may find something that would come out in a longer system.

The Committee would have the chair of the Selectmen, outside experienced CPA or similar; a few members of the private sector, and then ex-officio members such as Finance Director, Town Administrator, Advisory Board, etc.

Joyce Terrio said that in the amount of time that you have been here, there have been few times that she disagrees. This is one of them. She is not convinced that we need this committee. She feels the Board of Selectmen is far enough removed that we have no say about the audit. We have some new committees out there where the members are overzealous. To form this committee at this point in time, she does not feel we need it. She says no.

Ramesh Advani feels it is an absolute mistake not to form an Audit Committee. The whole world is moving toward the fact that there has to be more oversight of the whole system. Particularly in this town where we haven't had a Finance Director for some time, people who have filled in have found all kinds of things wrong. He feels the auditor's letter could have more attention taken to it. There should be more depth taken to the comments, and more oversight other than the Advisory Board and Board of Selectmen. He feels this is very needed.

Joyce Terrio said it's another tier, or another level. If you are uncomfortable with the audit report then you should get another firm who does a better job.

Jack McFeeley said Joyce Terrio's comments surprised him. He agreed with going ahead with this, and wanted it presented to the Board as an agenda item. At this point in time, he wants to move slowly. Joyce Terrio agreed but said that if two members feel strongly, then move forward. That is the democratic way.

Jack McFeeley said with a new Finance Director coming on board, let's get Sullivan and Rogers input. We will table it until we get their feedback.

In other business, Bob Markel said that the Legislature overrode the Governors' veto, and we will receive approximately \$186,000 in prison mitigation funds.

Bob Markel reviewed the event signage list from the Highway Superintendent. The Board of Selectmen approved this. A list will be forwarded to all committees and organizations in town that will use it.

Bob Markel mentioned the new performance evaluation form that he is working on.

ACTION ITEMS

Joyce Terrio moved to appoint Girard St. Amand to the Board of Registrars replacing Charles Burnett. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to appoint Scott Dittrich to the Affordable Housing Committee. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Norfolk Community Federal Credit Union to hang a banner in center of town to advertise their 50th birthday celebration, from August 1st through September 6th, per the fee and insurance submitted. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve a street opening permit to L.G. Gentile & Sons, Inc. for 5 Lark Road for a water service. Ramesh Advani seconded, and it was so voted.

The Board discussed a letter from Highway Supt. Remo Vito to consider a change in policy to allow him to approve street openings. No action was taken, and the Board will discuss this with him further.

Joyce Terrio moved to approve the request of Courtney Howard to conduct a concert on Town Hill on Wednesday, August 13, 2003, from 6 – 9:30 p.m., to benefit the Drew Martucci Memorial Fund. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to adopt the Liquor License Violation Policy of the Board of Selectmen. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve a concert on Town Hill for the Recreation Commission, to make up for one that was cancelled due to rain. This concert will be held on Thursday, August 14. Ramesh Advani seconded, and it was so voted.

GOALS AND LIAISONS

Jack McFeeley handed out his list of goals for FY2004.

Joyce Terrio listed her goals as reconfiguring the Conservation Commission and ZBA staffing; town engineer; website permitting; and the information desk.

Ramesh Advani said he would like to expand #9 to improve communication not only with the public, but also with the media. He would also like to do something about information on our website.

Ramesh Advani said he thought the list was long, but suggests they look at the lists of all of them, and pick 5 and work on the 5 highest priorities for the first 6 months, and then add 5 if the first 5 is done.

At 9:40 p.m., Joyce Terrio moved to go into executive session to discuss litigation strategy. We will not return to regular session. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye.

At 11:00 p.m., being no further business, Joyce Terrio moved to adjourn. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of July 28, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

August 11, 2003

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

Jack McFeeley opened the meeting at 7:30 p.m. Bob Markel read the agenda contents.

POLE HEARING – HOLBROOK STREET

Present is Chris Parella, Manager of Rights-of-Way for Verizon. There were no abutters present.

Jack McFeeley opened the hearing. Consideration was for a joint pole petition of Verizon and Boston Edison Company to install 13 poles and remove 1 pole, on Holbrook Street.

Jack McFeeley noted that this petition was before us several months ago, but there were questions by our Highway Superintendent. Butch Vito is not present this evening, as he felt that all his concerns were taken care of, and he is all set. Mr. Vito assisted Mr. Parella in placement of the poles. Jack McFeeley further added that the installation of these poles would help take care of cable issues that had not been available in that area. Mr. Parella said the poles would be installed within weeks.

Chris Parella said that the installation of these poles would service two large developments, Pin Oaks and Holbrook Crossing.

Ramesh Advani moved to approve the revised petition plans from Verizon and Boston Edison for 13 poles to be installed and one pole removed on Holbrook Street, as discussed. Jack McFeeley seconded, and it was so voted.

ALLEN SHAW, CONSERVATION COMMISSION

Allen Shaw told the Board that he has been forced to resign as Chairman of the Conservation Commission. He said he would remain on the Commission, but not as Chairman. He wanted the Board to know that they are down one member, and another member may be leaving as well because of his increased work schedule. Mr. Shaw said that they need members, and they need someone who will be available during the day to help. Allen Shaw stated that Butch Vito has requested a liaison from the Conservation Commission to help him, as many of his projects have wetland issues. They have not been able to do that because he does not have the time to devote to that. Allen Shaw said that he has enjoyed being Chairman, but because of an elevated work schedule he can no longer assume the duties of Chairman.

Mr. Shaw did say that he has discussed this with remaining members, and no one on the board now feels they can devote the time to being the Chairman.

Jack McFeeley said he does not agree that the person who is the liaison with the Highway Superintendent, necessarily has to be the Chairman. It could be a member. Jack McFeeley suggested that on the front page of the website we put that we are looking for Conservation Commission members. They can call the office, or call the Conservation Commission. We will also give this information to the press.

Allen also said that Aimee Dudley has been serving on the Community Preservation Commission, and she has had difficulty attending meetings because of time commitments. He said that it is unfair to ask the time of a person to attend these meetings because they meet weekly. He said he assumes the Planning Board finds it difficult as well. Mr. Shaw said they would prefer a designee, as opposed to a member. Jack McFeeley said he isn't sure what the law reads. Maybe they have to have a member. Allen Shaw said that he is sure it says it has to be a member.

Jack McFeeley thanked Allen Shaw for his dedicated service and appreciation for all he has done.

ACTION ITEMS

Bob Markel explained to the Board that a request came in from the 9-11 Dedication Committee, to dedicate the sculpture and bench on Town Hill on September 11th. The Board took no action as the details were very sketchy, and they want more precise direction before voting. Bob Markel will speak with Frank Gross for details.

Ramesh Advani moved to approve a banner on Town Hill, advertising the Friends of the Library's Book and Bake Sale, from September 6th through September 20th. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to allow the Friends of the Public Library to post signs for their Book and Bake Sale in three locations: Main Street at the island in front of the cemetery; Boardman Street at the intersection of Medway Branch; and Union Street, at the intersection of King Street. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve Snow Removal Rates for Winter '03 and '04, as submitted by the Highway Superintendent in his memo of July 30, 2003. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to release Permit #03-10 and bond at 34 Kingsbury Road, per the Highway Superintendent's recommendation of July 28, 2003. Jack McFeeley seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel reported that with respect to the possible liquor license violation, per Chief Stone's recent correspondence, we would be scheduling a hearing for September 2, 2003. Jack McFeeley said he found Chief Stone's comments cryptic, and would like further explanation.

Bob Markel told the Board that the patrolman who has been out on injury has been declared unable to return to work, and we will be pursuing retirement, per Dr. Davis' recent letter. We will proceed toward that end.

With respect to a letter from Mrs. Sterling, Bob Markel said he spoke with her today regarding development of the moonscape at town center. Jack McFeeley told the audience that we are quietly working on this matter on the side. It is a measure of quiet diplomacy, as it is not in the Board of Selectmen's purview.

Bob Markel discussed concern by the ZBA of Paul Borrelli's 40B project. Mr. Borrelli's informed them that this will not be age restricted, but the developer has changed lanes and it is now family housing. Jack McFeeley asked Marian Harrington to revisit the meeting minutes and go back to the meeting when Paul Borrelli told us he would build age restricted housing, and Mr. McFeeley asked him if he could hold them to it.

Bob Markel mentioned the Board of Water Commissioner's has modified their water ban to allow odd/even watering. Bob Markel would like to see the Town do the same schedule as the residents. In other words, water on an every other day basis, as opposed to every day. Mr. Markel is talking about well watering of Town Hill and the Pond Street fields. If we get the third well online, then we will not have to have such a strict schedule. Bob Markel said that we are still trying to plan a joint meeting of the Water Commissioner's and Selectmen, however illness and vacations have pushed this meeting into September.

Bob Markel gave the Board the Relief Package that the Lt. Governor signed today. It is involved, but the Board of Selectmen can review it. This is early retirement, etc.

Bob Markel will send a letter to each department regarding the retirement to see if there is an interest. The new element is that it allows the Board of Selectmen to choose departments, and who can utilize the early retirement. Jack McFeeley suggests that we review all options, as it seems that last year they kept changing the rules. Ramesh Advani agreed, and said that we should solicit input and if this was to be offered as an option, could you function without replacing, or replacing at a lower cost.

OLD/NEW BUSINESS

Jack McFeeley read the notice from Caritas-Norwood Hospital who is seeking qualified candidates interested in serving on their Board of Trustees.

Ramesh Advani mentioned an update on where we are with the post office parking. The Board of Selectmen, as well as Congressman Barney Frank has sent letters saying we urge them to consider this a priority, and a safety issue.

Jack McFeeley mentioned the water main project along Grove Street. Jack McFeeley would like the letter to be sent out earlier. The Board didn't have time to respond to a pre-construction meeting, as the meeting was held before the Board saw the letter. Mr. McFeeley also noted that a letter sent to residents advising them that construction would begin at 7 a.m. to 3 p.m., isn't appropriate. At 7 a.m., residents are going to

work and shouldn't have to be inconvenienced by road construction. The Water Department should work to accommodate the residents, instead of the residents working to accommodate them. What about school busses? Something else should be done. Bob Markel will discuss this with Water Superintendent, Paul Anderson.

At 9:07 p.m., Ramesh Advani moved to go into executive session to discuss litigation. We will not return to open session. Jack McFeeley seconded, and it was a roll call vote: Jack McFeeley, aye; and Ramesh Advani, aye. It was so voted.

At 10:28 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of August 11, 2003.

Joyce E. Terrio, Clerk

Special Meeting

August 25, 2003

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

Joyce Terrio convened the meeting at 7:15 p.m.

Joyce Terrio moved to approve the street opening permit for the Grove Street Water Main Expansion Project, as determined on the permit application presented to the Board. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to waive the \$3,600 permit fee as requested, and allow the Highway Superintendent to reserve the right to bill the Water Department on an hourly rate for residual costs that may occur during the restoration process and issues outside the scope of services provided by the Project Engineer. Ramesh Advani seconded, and it was so voted.

At 7:20 p.m., being no further business, Joyce Terrio moved to adjourn. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of August 25, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

September 2, 2003

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

Jack McFeeley called the meeting to order at 7:30 p.m. Bob Markel read the agenda contents.

Jack McFeeley made a comment with regard to the reappointment of Buddy Bowden to the Permanent Building Committee. Mr. McFeeley explained that the Board of Selectmen did not question Buddy Bowden's achievements or capabilities. The comment made during the appointment was made with respect to the PBC and questions the Board of Selectmen had as a whole, and had nothing to do with Buddy Bowden's appointment. The Board thanked him for all he's done, and told him that they hope he continues.

Buddy Bowden said that he accepted the appointment, and has now been sworn in.

LINDA'S VARIETY STORE – LIQUOR LICENSE VIOLATION HEARING

Present was Linda Orlando, owner of Linda's Variety Store, Chief Charles Stone and Detective Winslow Karlson.

Chief Stone said that one of the functions of his detectives is to periodically make routine checks of liquor establishments, other stores, other routine assignments, and on this particular night of July 11th, he positioned himself across from Linda's Variety for that purpose, and as a result, an incident occurred that he's willing to relate to you.

Detective Karlson said that, as the Chief said, he sits in various parking lots of the liquor establishments in town, in an unmarked vehicle, and watches the activity. That is what he was doing that evening. On the date in question, he observed a small black car with two young men in it, and as they drove by him he could tell that they were looking for a specific car in the lot. They parked two cars down from him, and got out and stood in front of Linda's for about two minutes scanning the parking lot constantly. Within the two minutes, another car pulled up with four young people in it – two female and two male. Detective Karlson said he did know who the female driver was of the car. She pulled down to the far end of the lot. One the young men in the first car approached this young girl. They talked for a minute, and then the young man walked into Linda's Variety and went right to the back where the alcohol is and picked up two twelve-packs of beer. Detective Karlson observed him take the beer to the counter, reach in his back pocket and produce what looked like an ID, and gave it to the clerk. The young man (clerk) looked at it and then handed it back to the young man buying the alcohol. After he bought it, he walked out of the store with a twelve pack in each hand, and a smile

on his face. He walked over to the car with the four young occupants in it. She popped the trunk of her car, and he put the cases of beer in the trunk and she quickly shut the trunk. He said something to the girl behind the wheel. Then the first car pulled up, and the young man who bought the beer hopped in the car with his buddy and they drove off. Detective Karlson did get the plate of the car, and he knew whom the driver of that car was. He then observed the other car with the four young occupants in it drive off and head down Main Street. Detective Karlson called the Sergeant on duty to his location. Detective Karlson then activated his lights and pulled over the vehicle. He did identify the driver of the car, and it was who he thought it was. He did talk to her for a few minutes, and she popped the trunk, and he took two 12-packs of Bud Light out of her trunk. Neither she nor any of the occupants were of age. She came back to the station, and he contacted all of the kid's parents and talked to them. Detective Karlson said that by now it was about 10:30 p.m., and Linda's was closed, so he was not able to go back to speak with the Clerk.

Detective Karlson said he contacted the young man who purchased the alcohol. He came in for an interview, and he did admit that he bought the alcohol with a fake ID. Detective Karlson asked him to produce it, and he pulled out a fake Virginia ID. He said he bought it for \$100 at college. He told Detective Karlson that he has done it in the past for other friends, and kids throughout the Town here in Norfolk. At that point, he told the young man the penalties and what could happen to him. He voluntarily offered to write a statement admitting to all the above facts. Charges are being brought against him in Wrentham District Court.

Jack McFeeley said you have the names, some of which are blacked out on our report, of the four people in one car and one of the two in the other car. You don't have the name of the sales person. Was the sales person questioned? Both Detective Karlson and Chief Stone answered no. Detective Karlson said he went back to the store and spoke with another of the young clerks, and asked if he knew about the incident. He said yes, that his name was Kevin, but he didn't know his last name. He was told that the sales clerk has gone to college, and couldn't be reached. Detective Karlson said he has seen him working there over the course of the summer.

Ramesh Advani asked if this happened before in your experience at this same location? Detective Karlson said not personally to him, although his partner has done alcohol stings throughout the town. Ramesh Advani questioned the young man saying he had done this before. Detective Karlson said that the young man told him that he had used the fake ID before, and purchased alcohol for other friends, when he interviewed him at the police station. Detective Karlson told him to tell the facts, and the truth, and that he might be willing to work something out with him if he told the truth, and did not lie to him. Detective Karlson told him if he lied, at any point, or at any time, he would not go easy on him in Court.

Ramesh Advani asked Detective Karlson if he saw the clerk, Kevin, actually look at the ID? Detective Karlson said yes, he saw him look at it for about 3-5 seconds, and then handed it back to the young man.

At this point, Detective Karlson produced the fake ID in question for the Board to look at. He also made photocopies for the Board of what the Virginia license and ID looks like. Jack McFeeley said he would prefer to have discussion on this at a later time.

Joyce Terrio said the individual who showed the fake ID and purchased the alcohol would be charged at Wrentham District Court. Do you anticipate any charges against the person who sold, or received the alcohol? Detective Karlson said no. Joyce Terrio asked him if he was in a marked car? Detective Karlson stated no, he was in an unmarked car and he activated his lights.

Jack McFeeley said the thing he zeroed in on in the report, and feel free to clarify if you need to, was the fact that the young man had been able to purchase alcohol easily from Linda's. This event happened on 7/11/03. If he was able to purchase alcohol 3 or 4 times since he got out of school, that meant that it was only a month and a half time span. Detective Karlson agreed, saying the young man said he got out of school at the beginning of June. Jack McFeeley said that the young man said the clerk working that night did not know him, but some of the other young kids working there knew him. Detective Karlson said he stated to him that he had purchased alcohol there four previous times from other young kids. Jack McFeeley said it sounds like there is a consistent business going on here. He wondered if the young man made money doing this. Detective Karlson said he asked him that. The young man told him he did it because they were his friends. He said people used to do it for him, so he was extending the common courtesy. Jack McFeeley said "at the same place?" Detective Karlson did not know. Detective Karlson said he wrote a voluntary statement.

Ramesh Advani asked about the scanning of the ID. Ramesh Advani said it said in the report that Detective Karlson saw him hand it back without scanning it. Ramesh Advani asked what scanning does. Does it validate it? Detective Karlson said that there is a special scanning device that if you scan the ID, it will tell the age, valid ID, etc. There is a code, or a bar on the back of the license. That is why you scan it. That code will validate the license or ID. The sales clerk did not scan the ID. He just glanced at the ID. Ramesh Advani asked if the Clerk is required to scan an ID, or only if there is a question? Detective Karlson said they aren't required, but if you have a doubt such as they look young, you should.

Jack McFeeley next asked Linda Orlando to come forward to answer a few questions. Jack McFeeley asked Linda Orlando, with regard to what she has just heard, did she want to say anything? Linda Orlando said first of all, she is speaking for someone else, as she was not there that night. Secondly, the Clerk that was involved has gone to college for the first time, and was not able to be here for tonight's hearing. Linda Orlando said she did have him write something up, and when you read it, you will see a

lot of discrepancies from his point of view, and what happened. Linda Orlando said she did read the police report. She said that when Officer Karlson asked the young man what his name was, he didn't give his real name to him, he gave "Jay". And second of all, when he went into the store, we all know now that it was a fake ID, so I'm not sure he was the most credible person in the world. Jack McFeeley said, "Who was the most credible person – the one with the ID?" Linda Orlando replied yes. The thing that concerns her is his comment that he was in her store four other times. Linda Orlando said he can say anything, and maybe when you are in a desperate situation, you will say what someone wants to hear. Linda Orlando told the Board that she brought with her tonight her Identiscan tapes covering that whole time, going back to the beginning of summer, and there is a Virginia ID on there, and it is on there 3 times, but it is not the one he has.

Ms. Orlando said she found out about this the next day, third hand. Linda Orlando said she immediately called the clerk, who did not recall a Virginia ID. He remembered a Rhode Island one. Ms. Orlando said they had been having problems with Rhode Island ID's because they wouldn't scan. On that note, she did call Identiscan and the technician upgraded her machine because there is trouble with Rhode Island ID's right now. It was this particular employee that brought it to Linda's attention that there was a problem with RI ID's. She did ask him specifically if he took a Virginia ID that night, and he did not recall one. He said he recalled RI, but he didn't scan it because of the problem with the machine, but he did check the age on it.

Linda Orlando said that according to what her clerk wrote, the young man in question evidently came back into her store about 3 days later and walked in looking around, and told the clerk that he was looking for cameras, because he got caught buying alcohol the other night, and wondered how. The clerk asked the young man if he was the one who sold him the alcohol and the young man said no, it wasn't you. Linda said her clerk told her she missed him by 10 minutes. Linda Orlando wondered if this kid has several ID's. She doesn't know if the ID given to the police is the same one that was used at her store.

Linda Orlando said that regarding her clerk; she has known the family for 16 or 17 years. The clerk has never met this kid, and doesn't know his name. She questioned the mother privately, and they have lived in town 20 years and never heard the name or where Barrell Street is. Linda Orlando said she is confused as to what is going on.

Jack McFeeley asked her for the clerk's name. Linda Orlando replied, Kevin McGowan of Pheasant Hill. Jack McFeeley asked how old he is? Linda said 19. Jack McFeeley asked what school he goes to? She said he goes to Bishop Feehan, but then said he just left this past weekend for college. Jack McFeeley asked what college, and Linda Orlando couldn't recall.

Jack McFeeley read aloud, for the record, the written report from the clerk, Kevin McGowan, who was working in her store at the time of the incident. Ramesh Advani

said he did not understand the Clerk's note. He asked Ms. Orlando what the purpose of the note was? Linda said she asked him to write the note; she did not want to influence him in any way and told him to write down anything he could remember. She said she spoke to him at 9 a.m. the next morning when she found out about it, and he did not remember a VA ID at all. He remembered only the RI ID. So she wanted that written down. And then when Mr. Olivieri came into the store several nights later, she said it sounded like he was being very cocky at that point, looking around. Jack McFeeley said that is a presumption that that person is the person that walked into your store. Linda Orlando disagreed, saying that he admitted it was he. Jack McFeeley said that is a presumption. It is a note that says that. Linda Orlando said it is also a presumption that he bought liquor from her store many times, because he is only saying that.

Jack McFeeley said that this Kevin McGowan is the person who was working July 11th. The only person. Linda Orlando said yes. Ms. Orlando said that his job is to check ID's, and he did that. Linda Orlando said that it's been proven through the arrest. She verified with Detective Karlson that he has been arrested and charged already, and Detective Karlson said yes. Linda Orlando said she knows for a fact that Officer Karlson sits outside of her store 3 shifts out of 5, and has for two years. She knows he's there, and to her knowledge she doesn't think there has ever been even an inkling of a problem before. She said she would be more concerned if any ID hadn't been asked for. At some point you have to draw the line. Jack McFeeley asked her where you draw the line? Linda Orlando said she isn't finished yet. She said she wasn't there, and she isn't the one on trial. Jack McFeeley stated that no one is on trial here. Linda Orlando said just in the past few weeks, she has found out that the Identiscan has flaws. It does not cover every state. The Identiscan is a computer and only knows the information that is given to them. Each state moves at its own pace. She said Identiscan does not call and keep them updated. This is anyone who has an Identiscan. That in itself can be a problem.

Ramesh Advani asked how often they have had violations. Linda Orlando said once by the ABCC when they first had the store, about 10 years ago. The other one was not a sting or anything, it was an employee that caved in to peer pressure and sold alcohol to friends. Ramesh Advani said there was a clerk in the store on the 11th who did sell alcohol, and you're not clear whom they sold it to, but you are questioning that they actually sold it to a minor with a fake ID? Ms. Orlando said if anything, she is questioning the VA ID. She said the clerk does not remember a VA ID. This makes Linda think the clerk would remember this. Ramesh Advani asked why it wasn't scanned. Linda Orlando said he did not remember the VA ID, but he remembers the RI ID, but didn't scan it because there is a problem with the RI ID's, and they don't scan. The majority of their ID's are Massachusetts, with a few Rhode Island ones.

Ramesh Advani said the police report says the clerk did not scan the ID. Do you have specific instructions for your clerks to scan every ID? Linda Orlando said yes. He does not remember a VA ID, only a RI one. When she got home and talked to Identiscan,

they admitted that there is a problem with scanning RI ID's. Linda Orlando said she couldn't make the clerk say he took a Virginia ID, if he doesn't think he did. She really wished he could be there to talk to the Board, but he just left for college for the first time.

Ramesh Advani asked her if she was implying this whole police report was false? Linda Orlando said no, absolutely not, she never said that. She is just telling them what the clerk said. Ramesh Advani asked her what training she gives her employees. Linda Orlando said there is no training provided by the State. She gives them 5 or 6 weeks of training per employee herself. She makes \$1.50 on beer, and it is not worth it to her to lose this because liquor sales are her livelihood. Linda Orlando said most of her business is MA, but they get a lot of employees from RI. They also get a large number of transient people in Norfolk who move here and only stay a few years, so they don't change their licenses. Linda Orlando said that the Identiscan could also read as a bad license, when it really is a valid license. So the Identiscan isn't fool proof.

Ramesh Advani discussed peer pressure, and how big it is on young employees. How do you present that? Linda Orlando said she comes right out and asks them if they have friends and think they may sell to them. If so, then she tells them not to take the job. Ramesh Advani questioned ID's and licenses, and how to tell the difference between a fake one and a real one.

Ramesh Advani asked if she has any type of audit. Say you had 30 sales for an evening, and only 15 Identiscans on a shift. Can you do a random audit on a clerk on a shift? Can you match your sales with your Identiscan? You could ask the clerk why there weren't 30 Identiscans. Linda Orlando said her register doesn't record whether it is liquor or other sales. She doesn't have a computer register, so she can't tell how many liquor sales took place vs. grocery sales. Ramesh Advani stated that could be a problem, just for your own protection.

Joyce Terrio said to Linda that when she first sat down, she mentioned that she was going to be very cautious about the validity of the gentleman's statement that purchased the liquor. When Linda first sat down, she made a comment that the kid gave an incorrect name. Joyce Terrio pointed out that for years and years, the young man who purchased the liquor has always gone by the name that he has given, and that is how he is known around town. The name he gave is a family name he has always gone by, so it isn't a fake name. It would be very normal for him to say that is his name. Joyce Terrio tried to match the clerk to who Detective Karlson said he saw selling the liquor that night, and who Linda Orlando says was clerk that night. Detective Karlson stated that he could identify the clerk. Linda Orlando confirmed that the clerk that evening was Kevin McGowan. Joyce Terrio said she is trying to be 100% sure that the clerk that Detective Karlson saw in your store that evening is the same clerk that was supposed to be working there that evening.

Joyce Terrio asked Linda Orlando, when you tell employees to check a license, what do they look for? Linda Orlando said they are supposed to look at it, and run it through the Identiscan. Joyce Terrio asked if she tells them to look at both sides? Linda Orlando stated no. Joyce Terrio asked if you accept strictly drivers' licenses, or do you take ID's as well? Linda Orlando said she was told that legally she has to accept ID's, because the Registry gives them out and are valid identification for people without drivers' licenses. Not everyone has a drivers' license.

Jack McFeeley gave Linda Orlando a copy of a list of states that have the Identiscan, and recommended she post it in her store that all employees will know which states scan through the Identiscan. Linda Orlando said she did not even know that was available.

Jack McFeeley said to Linda Orlando that you scan the card using the bar code or a laser code on the ID. Linda Orlando said yes. Jack McFeeley said to Linda Orlando, when someone hands an ID to you or an employee without a bar code or laser code at all, such as this one (referring to the fake ID used at her store), and then mentioned "expired ID I might add", but then said he didn't want to get into that right now. He told Linda Orlando she made a statement "he came into my store with a fake ID, and purchased alcohol." Jack McFeeley said she made that statement 5 minutes ago. Linda Orlando stated yes, but that was a partial statement answering a question Joyce Terrio had asked her. That was not the full statement. Jack McFeeley is trying to establish that he came into her store with a fake ID and purchased alcohol. Linda Orlando said allegedly. She doesn't know, because she wasn't there. Linda Orlando said she feels like we are questioning her credibility. Jack McFeeley said no. Linda Orlando said that if the young man hadn't come into her store, we would not be sitting here right now. He was the one who made the choice to go into her store and use a fake ID. Jack McFeeley said yes, he understood. Jack McFeeley said that all he is trying to establish is that we all agree that he came into her store with a fake ID and purchased alcohol – is that correct? Linda Orlando said allegedly. Her employee does not remember him. Jack McFeeley said we have the report of Detective Karlson sitting in the parking lot saying that this young man walked into your store, gave money to your employee, and walked out of your store with two 12-packs and put them into the trunk of a car. We have agreed that according to his report, which I accept, that that happened. Linda Orlando said yes. Jack McFeeley says and regardless of whether it was a fake ID or not, and Detective Karlson said he showed him an ID, at that point he didn't see what it was, and was not put through an Identiscan, and your employee looked at it and gave it back, and this person walked out of the store. According to Detective Karlson's testimony, something was checked and alcohol was sold to that person. We now establish that he was 19 years old. Linda Orlando said yes, that was in the police report.

Jack McFeeley said what do we do about it? We all have a responsibility to be sure that this doesn't happen. Jack McFeeley said this has happened at your store before. Linda Orlando questioned what has happened before at her store? Jack McFeeley said that

an underage subject has walked in and purchased alcohol from a clerk in your store, who is also underage, and walked out. And it has come before this Board before. Jack McFeeley said that the Board asked her at that time what they were going to do about it? Linda Orlando said she does everything in her power and she will guarantee that he may have got caught, and he is not the only one underage that got it at her store. She said they have probably purchased it at the other stores in town, as well. Linda Orlando said she doesn't know what else she can do. She was the first one to purchase an Identiscan that she could not afford. Jack McFeeley pointed out that this would not work with an Identiscan. At that point, your employee should have said that he could not put the ID through an Identiscan, so he cannot sell them the alcohol. Linda Orlando admitted they probably should have. Jack McFeeley said therefore, your 5-6 weeks of training didn't work. Linda Orlando said they are not intentionally doing this. Jack McFeeley said he believes they are. The young man said he has purchased liquor there three or four times since school got out. Linda Orlando said he would be the last person she would believe – he's walking around with a fake ID. She wouldn't believe anything he said. Jack McFeeley asked if she felt this young man lied to Officer Karlson about purchasing the alcohol 3-4 times? Linda Orlando said she thinks that he will say anything they want to hear, to get himself out of trouble. Just because he said it, doesn't mean it happened. Jack McFeeley asked how we could stop this from happening? Linda Orlando replied, "you tell me. I do the best I can. She doesn't really know what to say." Linda Orlando asked Jack McFeeley if he feels she has been negligent in how she trains her employees? Jack McFeeley said yes. Linda Orlando said based on what? Jack McFeeley said based on that it has happened before, since, and unless something different happens, it will happen again.

Linda Orlando told Mr. McFeeley that when she got "stung" the first time, it was by an ABCC representative, and her clerk didn't ask for an ID. She said that she was so upset she cried her eyes out all night. And a Norfolk patrolman said to her, "don't get all worked up over it Linda, because it's going to happen to you again, and again, and again. Because that's the way it works, because people slip through the cracks." Linda Orlando said that at some point you have to look at a person's intentions, their integrity, and what they do. That's why she gets emotional and upset. Linda said that she feels they are attacking her personally.

Jack McFeeley said he is not worried about the person that's going to get by her. He is worried about the poor girl who has the 24 cans of beer in her car, driving on the roads of this town. He is worried that she could end up in the headlines tomorrow morning. That is her concern. Linda Orlando said that is one of her concerns as well.

Linda Orlando stated that unfortunately, the Commonwealth of Massachusetts does not have any training available. That is one reason she bought the Identiscan. She doesn't have a problem with her employees. She feels like she is being put on trial. She was not there, and the clerk has not changed his report at all.

Jack McFeeley said it would be more understandable, if at that time of night, which is a vulnerable period, that you had an older person who will work, as opposed to a 19-year-old employee. Linda Orlando would much prefer an older person, but can't get anyone to work, and it isn't because of money. A younger person is not her first choice. Jack McFeeley doesn't feel like she has done anything constructive since this event. Linda Orlando said that she got in touch with Identiscan immediately, and found out that there were problems. Jack McFeeley says that this letter confuses the issue, rather than clarify the issue. Linda Orlando disagrees.

Joyce Terrio said that Linda Orlando is the first one to purchase an Identiscan, and the first ones to be trained on it with Chief Stone. The Board of Selectmen came down and saw how it operates. As you have trouble finding adult clerks, you hire younger individuals whom you know personally, or they come highly recommended. She doesn't just take any kid off the street. Joyce Terrio said that part of the training should be that the Identiscan is used. Joyce Terrio said there is absolutely no reason why someone coming in to purchase alcohol isn't asked for an ID and it goes through the scan. Joyce Terrio said if she was the owner and she had the burden of a liquor license, she would be telling her employees to take a look at an ID and it goes through the scan. If there is no bar code, laser, or cannot be run through the machine, then don't sell the alcohol. Linda Orlando said that she has never had a problem with no bar code or laser. Joyce Terrio said that part of her training should be that even if the kid looks 21, if his license or ID has expired, then a light bulb should go off in the employee's head saying he cannot sell alcohol to this person. Joyce Terrio said these are some of the things that you have to follow through with. The kids don't understand that their actions have consequences that go beyond themselves.

Ramesh Advani said he appreciates any business we have here in town. We don't have enough. He didn't want her to feel like they were picking on a business. Linda Orlando stated that she didn't. She said if anything, she feels uncomfortable, because she feels like she's being put on trial, and she wasn't there. Ramesh Advani suggests that she be absolutely certain. This would be one more step of responsibility as you are the owner. You need a system of audit. You can run an audit on your employees. She should get the sales to match the Identiscan. That way she can have a method to catch the employee. Ramesh Advani said that in Kevin's letter, he says two things that are identical. They purchased liquor and got caught, and used a fake ID.

Joyce Terrio asked if the surveillance camera would show anything? Linda Orlando said it is not an updated camera, and it plays over after so many hours.

Joyce Terrio questioned how Linda Orlando would change her training? Linda Orlando stated if they don't use the Identiscan, they are fired. Linda Orlando said that since she cannot differentiate sales, she would purchase a computer.

Chief Stone told Linda Orlando that he was surprised she could not differentiate the alcohol sales from other sales. Chief Stone also said he was concerned that a kid

showed an ID, and the kid looks like he's under 21. By not using the Identiscan, you are going against your policy, and going against your training. Chief Stone doesn't think she has instituted a stiff enough penalty for their employees to follow, where she is the licensee. Chief Stone said if she can't get someone to work, age 25 or older, maybe she and Ed need to work those hours or pay more money to get an older employee. Chief Stone said this is where he sees them falling down.

Jack McFeeley asked if anyone had any further comments before the Board closed the hearing and began deliberations? No. Jack McFeeley then stated that there would be no further comments other than the members of the Board. Jack McFeeley then said in closing, he sees no remorse. The hearing is closed, the Board will begin deliberations. Jack McFeeley again said to the Board, he sees no remorse. He also heard a statement that " It sounds like I am on trial, and I wasn't even there." Linda Orlando tried to comment. Jack McFeeley reminded her that the hearing is closed, and there are no more comments.

Jack McFeeley stated that we have a responsibility to the community as well as the license holder has a responsibility to the community, and he doesn't really see the license holder accepting that responsibility to the community. Linda Orlando spoke out again, that she most certainly does accept her responsibility, and Jack McFeeley told her that is enough. Jack McFeeley said he doesn't really see the license holder accepting that responsibility to the community. Again, Linda Orlando spoke out in protest, and said she accepts her responsibility and asked why the Board of Selectmen is twisting this around. Jack McFeeley told her that is the last time he will ask her to hold off, otherwise he will have her removed from the room. At this point, Chief Stone asked Linda Orlando to accompany him out of the room, into the lobby, which she did.

Jack McFeeley said if the license holder isn't going to be accepting full responsibility for her actions, then he will be asking this Board to accept its responsibility and see to it that we safeguard the citizens of the community. Jack McFeeley said he thinks a suspension of the license for a significant period of time would be in order. In fact, he would suggest that a suspension of the license for something on the order of a month would be in order. He throws that out as a proposal for the Board to consider.

Ramesh Advani said that after hearing Detective Karlson's report and what he's heard this evening, he thinks that a different way of looking at things is more in order. He feels they need an audit of the sales. This could happen again and again, and can become a real issue. It can happen in other stores in town, as well. Ramesh Advani said he hasn't been involved, and would like to hear what the Board members have to say. He would be willing to consider steps, and said that a significant message needs to be sent, to the parents as well as to the minors.

Joyce Terrio said this unfortunately is the third violation. She believes that Linda Orlando does understand and any judgment has to be looked at upon the business, and not on the individual who owns the business. The violation occurred with the business.

The owner will take the suggestions to heart so that there will be a mandatory scan, so that other criteria other than a picture will be viewed, and the whole ID, personal ID or license – any state – both front and back will be looked at and implemented with all employees immediately. Joyce Terrio agrees that there should be a suspension of license, but isn't sure she agrees with a full month. She feels they need to talk about it.

Jack McFeeley said that in a lot of places you go in says Massachusetts ID's ONLY. They could do that. This would prevent the issue. Jack McFeeley said that in 2000, we talked about a 3-day suspension. Ramesh Advani asked Joyce Terrio why she doesn't agree with a month suspension, other than an economic loss. Joyce Terrio said that the economic loss concerns her. It is a very good business. She does a lot for the community. But Joyce Terrio said it is her third violation. Joyce Terrio feels that a month is a very long time. However, the Board of Selectmen has always taken a strict stand on the consumption of alcohol.

Jack McFeeley said he sees no intent by the license holder to stop the underage sales, and it is up to this Board to stop it. He would rather that than have a car wrapped around a pole.

Joyce Terrio said she considered a full two weeks. Ramesh Advani asked if we could require someone to do something, as opposed to suggest. Jack McFeeley said that we might see an appeal to the ABCC, and the ABCC will be the ultimate decider. Jack McFeeley said he sticks with the one-month penalty. Joyce Terrio agrees with the suspension. Ramesh Advani moves for a three-week penalty.

Ramesh Advani moved to suspend the liquor license for Linda's Variety Store for a period of three-weeks, 21 days starting September 3rd, to and including September 23rd. Joyce Terrio seconded, and it was so voted. Jack McFeeley moved to revise the original motion to include the area is to be closed off, and the Police Department is to make daily inspections, and any violation should be reported immediately. Any violation will be immediate revocation of the license. Joyce Terrio seconded the revision, and it was so voted.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of June 30, 2003; July 1, 2003 – work session; July 14, 2003; July 28, 2003 – regular and executive session; and August 11, 2003 – regular and executive session. Ramesh Advani seconded, and it was so voted.

REVIEW OF DRAFT WARRANT ARTICLES

Present was Marie Simpson and Bob Nicodemus of the Zoning Bylaw Study Committee.

Bob Markel reviewed the articles submitted on the Warrant by the Zoning Bylaw Study Committee. The Board did not find anything out of the ordinary, and after several questions, agreed to keep them on the warrant.

Any requests for increasing dept. budgets, including transfers, that nothing absolute be guaranteed until the BOS approves it. Into Bob by the 22nd of September. Will discuss in full session on Oct. 6th.

SPECIAL TOWN MEETING WARRANT REVIEW

Bob Markel reviewed the fall town meeting warrant with the Board.

The Board requests that the meeting with the Water Commissioners be scheduled as a priority.

The Board would like a summary of billable hours monthly from Town Counsel, and put it in the BOS' packets.

Ask the Town Clerk if there is a list of enabling legislation compiled anywhere from past town meetings.

ACTION ITEMS

Two candidates names were submitted for Conservation Commission. The Board agreed to have them both in Monday to discuss their interest.

Jack McFeeley and/or Ramesh Advani will attend the Gold Award Banquet for the Girl Scouts on September 7th at the Grange Hall.

Joyce Terrio moved to allow the Emmanuel Baptist Church permission to hang a temporary banner in the center of town, dates to be confirmed with Bob Markel. The \$15 fee shall be waived and returned. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Norfolk Federated Church permission to hang a temporary banner in the center of town, dates to be confirmed with Bob Markel. The \$15 fee shall be waived. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow waive the \$35 building fee for the tent for the Norfolk Federated Church. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to fly the flag, proclaim October 24th as United Nations Day, and submit a proclamation to the State House for display. Joyce Terrio seconded, and it was so voted.

At 11:42 p.m., being no further business, Joyce Terrio moved to adjourn. Ramesh Advani seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of September 2, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

September 8, 2003

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

At 7:35 p.m., Jack McFeeley called the meeting to order. Bob Markel read the agenda.

James White, Comcast Representative

Jack McFeeley welcomed Jim White to Norfolk, and told Mr. White that we wanted to have him in to become acquainted with the Board.

Jim White told us he is the Manager of Government Relations to the South area of the region. He covers 24 towns from Blackstone to Quincy. Lou Russo is his boss. He is headquartered in Foxboro.

Mr. White explained that Comcast wants to produce one new launch a year. Video On Demand was introduced during the summer. $\frac{3}{4}$ of this was free. 25% are either \$2.95 or \$3.95. High definition TV was also launched, at approximately \$10 per month. On August 26th they rearranged the channel lineup.

Mr. White said that they think they are doing better regarding answering the phones and handling complaints. They also changed the Internet domain name to Comcast.net. That meant anyone with attbi had to change their address.

Jim White told the Board they replaced the drop at the Library Director's office. He received a letter from the Selectmen about a conduit for the fiber to the police station. There is no conduit in that area. He discussed relocating a drop at the KP Junior High from Mr. Beatti. This was regarding the extension of the feeder drop. Comcast sent him an invoice for \$1,609.

Ramesh Advani questioned the reception for the meetings. He said the equipment must be a problem, because he gets great reception on the regular channels.

Jack McFeeley questioned what has Comcast done for community service? He said he won't ask this, but for the future, are there plans for Norfolk or programs you can work with in the community, such as Best Student, or Comcast Day, or a program within the

schools. Jim White said he hasn't planned anything in Norfolk, but would like to work with us on this. Jim White mentioned some of the events that they (Comcast) do. Jack McFeeley mentioned Norfolk Community Day and perhaps that would be a day to greet the community. Ramesh Advani said also that they could work with Chris McClure.

Jack McFeeley mentioned no contiguous poles on one of the routes in town, so that no cable can be given to the area. These areas are Holbrook St. and Rt. 115, or Holbrook/Baltimore Streets. Poles will be installed shortly. This will make cable available in the future.

Donna Jones, NCTV. Donna Jones brought up dates for the checks to arrive. Jim White said they have the franchise check out early, so this shouldn't be an issue. Donna Jones asked for the number of subscribers. Jim White said he would have to give that to her separately. Ms. Jones asked if high speed data could be available at no charge for non-profits like churches. Mr. White said that at the moment, it's only being offered to municipalities. It would be unlikely that it would be offered free to municipalities or non-profits. It would be charged at a business rate.

Debbie Robbins, Chief Assessor IGR

Present was Debbie Robbins, Chief Assessor; Jane Lepardo, Treasurer/Collector, and Jack Hathaway, Finance Director.

Debbie Robbins reviewed the new IGR law. In order to implement this, she told the Board she would have to do away with the part time Data Collector position and go with a full-time Chief Assessor position under her. She would have to work out something with the Building Department, so she would know when occupancy was given. Jack McFeeley asked if Debbie Robbins has to track all the damages. Ms. Robbins said yes. She will be obligated to give them an abatement. They do not have to apply for it. The damage must be greater than 50%. Debbie Robbins said that usually when there is a fire, people call her immediately looking for a break.

Debbie Robbins pointed out that this will not only put a burden on her office, but will also affect the Treasurer/Collector's Office, and the Accounting Office.

Debbie Robbins gave the Board the history of how this came to be. Bob Markel noted that this would be an unfunded mandate. If we accept it, it's our choice, because it is not mandated by the State. Therefore, we cannot seek funding. Debbie Robbins told the Board that she would need an additional \$14,000 for salaries for Assessors. It would cost more than this when you figure the increase in the other two offices. In essence, we will spend more than \$14,000 to collect \$28,000.

Jane Lepardo brought up that her software vendor isn't for doing this, and not many towns have adopted this, and that concerns her. She said that for 12 bills, and tracking them separately will be extra work, but she won't need additional staff.

Debbie Robbins pointed out that the abatement season will never end. She also doesn't feel this is fair and equitable.

Joyce Terrio said based on reviewing this and from what she is hearing, she is not for this, and will not vote for it. Ramesh Advani said he is definitely for it. He sees it as revenue for the town. He said this is a great way to generate revenue. Bob Markel offered to do a survey of towns that have accepted it, to see what the costs associated with it is.

The Board questioned what towns have accepted it? Debbie Robbins said Sudbury, Hopkinton, Shrewsbury and another town have done this for about 2 years now. They all did it under the local option.

Joyce Terrio said she isn't here yet because this could happen that we don't have any revenue coming in, but yet we eliminated a position, and hired someone full time.

Jack McFeeley said he agrees that a lot of games can be played so they won't be caught in the numbers. He also isn't there yet.

Debbie Robbins says we have time, and we will do more research.

CONSERVATION COMMISSION INTERVIEWS

Jack McFeeley welcomed Fred Pfischner and Larry Harrington, and let the candidates know that this Board does not want someone with an agenda. Even if you are approved, if we feel that there is an agenda, we will not hesitate to ask for your resignation. This was said without prejudice.

Fred Pfischner, 5 Cleveland Street. Mr. Pfischner did not reiterate what he had written in his letter to the Board indicating interest. He did add the following that he is a member of:

Member of Mass. Assoc. of ConComm
Certified Soil Evaluator
Professional Civil Engineer
Ducks Unlimited
Lifetime member of Trout Unlimited
Works with the Canton ConComm
Had done work in Medfield and Dedham

Fred Pfischner has chosen not to do work professionally in Norfolk. This makes him more available to work in town, and has no conflict of interest because of this. Mr. Pfischner told the Board that he has no outstanding work or anticipated work within the Town. He has a lot of experience working with other Commissions.

Joyce Terrio asked what he can offer to the Commission, and then told him he has already answered that. She mentioned the bylaws and regulations that the ConComm has to abide by. Ms. Terrio asked him that working in Canton, you must already be familiar with State statutes. Do you have any hesitation with becoming more familiar with the Norfolk bylaws? Fred Pfischner stated no. They are similar to other towns, and he is pretty much aware of Norfolk's bylaws and regulations, anyway. He stated it is more difficult for applicants to appeal, because you have to go to court to do it. In the local bylaw, to appeal a decision under the bylaw, you have to go to the Supreme Court.

Ramesh Advani complimented Mr. Pfischner for his involvement in the Town. Mr. Advani asked him about being user friendly and giving the public a difficult time. What is your perception of the role of the Conservation Commission? Fred Pfischner said it's pretty well spelled out by the state and local bylaw. It would be to protect the wetland resource. It's not to prevent building or other events. It's to protect the resource itself.

Fred Pfischner said he doesn't know that all of the members aren't user friendly. He just said that in talking with some, they aren't user friendly. He doesn't see any problem working with them. Everyone is entitled to their own opinion.

Ramesh Advani asked if the ConComm could have associate members? Allan Shaw said yes. Ramesh Advani asked Mr. Pfischner if he would be willing to be an associate member? Fred Pfischner said that he doesn't really want to be, but yes, he would.

Jack McFeeley stated he worked with Fred Pfischner on the Board of Selectmen 20 years ago. He said Fred Pfischner made an important comment "he is available during the day". Jack McFeeley said this is important and something they really need. Would he be available to do field inspections? Mr. Pfischner said yes and no. He could inspect hay bales or something like that, but he cannot identify a wetland area, and doesn't pretend to know. That would be an agent's job.

Alan Shaw stated why they have the 50' buffer zone. Has no issues with Mr. Pfischner, but did make aware to the Board that the Conservation Commission issued an Enforcement Order against Mr. Pfischner several years ago, that is still in effect. Fred Pfischner said he wasn't aware of it.

Larry Harrington, of Stanhope Drive. Mr. Harrington said he wants to be involved and assist the Town. He was on the Cable Commission awhile back. He has been involved in some environmental issues in the Town. Larry Harrington said that any issues that come before the ConComm where he has a personal interest, he would recuse himself. He finds that there are opportunities to become a leader. Mr. Harrington said he doesn't see them as non-user friendly. He feels it may be that they are overworked and understaffed. He would try new initiatives and new approaches. Mr. Harrington would improve more of a global perspective, and smart growth.

Larry Harrington told the Board he is an attorney. He is involved in environmental matters through his job. He worked for environmental affairs in RI when he was right out of school. Mr. Harrington is a transactional lawyer. He has good negotiating skills that he thinks is an important tool for the ConComm. He thinks his would make him valuable on the Board.

Joyce Terrio asked Larry Harrington what aspect of his background makes him the ideal candidate. Larry Harrington said it is his legal and business skills. There are a lot of technical issues, and those skills could be represented on the board, and through the consultants. Mr. Harrington said he has the ability to see both sides of the issue and see reasonable compromises to get the job done.

Ramesh Advani asked him if he was available during the day. Larry Harrington said he works in Boston, but isn't free on an ad-hoc basis. He could take time off, and work more on an appointment basis. Ramesh Advani asked about an associate member status. Larry Harrington said he isn't sure he knows what an associate's role is. Ramesh Advani said that it is a member who has an interest, and participates in the discussions, and doesn't vote. They discussed interest on the CPA Committee.

Jack McFeeley said that he also knows Larry Harrington from serving on the Cable Advisory Committee together. Mr. McFeeley told the Board he finds they are both fine candidates, and thanked them both for coming in.

Allan Shaw had no questions, and said the Commission likes to meet with the candidates. They don't meet again until the 24th.

Allan Shaw said the ConComm Chairman does the Associate Member appointment, as opposed to the Board of Selectmen appointing him.

Joyce Terrio said she felt both candidates were very good. She wished there were two vacancies. Joyce Terrio moved to appoint Fred Pfischner as the full member to the Conservation Commission, and Larry Harrington as the Associate member to the Conservation Commission. Ramesh Advani seconded. Joyce Terrio said she liked the fact that Larry Harrington brings a lot more expertise in negotiating and compromise, and is very, very open minded, and she feels the Commission lost someone within the last few years who had that ability also. Fred Pfischner brings what the Commission needs immediately. He is available and feels the Commission and the Town needs the qualifications and expertise that Mr. Pfischner can bring, more immediately than what Larry Harrington can bring. For the immediacy right now, Fred Pfischner supplies more than Mr. Harrington does.

Ramesh Advani said he would like to echo what Joyce Terrio has said. He will bring the professional engineer aspect that is needed. Mr. Advani is a big supporter of the issues that Larry Harrington has been involved in.

Jack McFeeley said that one of the messages that Allan Shaw brought to the Board was that we needed someone who was going to be Chairman, but also someone who would be available during the day for inspections and technical expertise. Jack McFeeley said that they are not favoring one candidate over another. Larry Harrington will be attending the meetings, and giving his sage advice. Jack McFeeley told Allan Shaw that they would like nothing being written into tonight's decision. We would like to maintain harmony by having these members on the Commission, and hope the Commission members will continue working with these two members. If you have any problems, please let us know immediately. It was so voted.

MATTHEW WATSKY – VALENTINE DRIVE

Present was Attorney Matthew Watsky and his clients, Mr. & Mrs. Mark Pollard, and John Parmentier from Dunn-McKenzie Engineering.

Atty. Watsky said they wanted to discuss the 70,800 square foot lot on Valentine Drive that the Pollard's purchased at the town auction. The Pollard's have sought to obtain all the permits on the property.

Matthew Watsky showed the Board the parcel on a plot plan. He said that the Conservation Commission expressed its concern and issued a denial. They were concerned about the location of the well. Atty. Watsky said they felt that instead of being embroiled in a lawsuit, they would look at some alternatives. Rather than cutting trees, they would locate the well on the edge of the road and then the truck wouldn't have to travel through the property. A water line would have to be placed along the 0-50' buffer zone. Atty. Watsky presented the plan to the Conservation Commission, and felt it met all technical requirements; nevertheless, the Conservation Commission felt a denial is still necessary, and although it hasn't issued a denial yet, they tried to find out what is still the problem. The only solution to further reduce the alteration to the 0-50' buffer to a man-made drainage ditch that's carrying water off of Valentine Drive. The only way they could do this was to propose a water line underneath the existing sidewalk within the right of way. The well would be placed immediately adjacent to the roadway. They reviewed this briefly with Butch Vito, and he has no problem with this at all. If this were permitted, the Pollard's would release the Town in the event any work needed to be done with the drainage. Atty. Watsky said it is very common for utilities to be placed within the roadway. He only hopes that this is the last hump that gets them to YES. He needs to know if the Board of Selectmen will approve this.

Joyce Terrio wanted to direct her question to Allan Shaw. She asked him if the Conservation Commission denied this? Allan Shaw said they did vote to deny, but haven't issued the order yet. Allan Shaw said he doesn't like the position of the well in the second presentation.

Joyce Terrio asked, did the Commission offer any suggestion as to where the well could go on this property? Allan Shaw said no. Joyce Terrio said then if this Board looks at

this, and as Remo Vito didn't have a problem, this would still have to go back to the Commission. Then it is safe to assume that you would refuse this, too? Allan Shaw said yes.

Mr. Shaw said the well and water line are in the 0-50' buffer. He said there isn't sufficient mitigation. They are proposing to restrict 250'. Jack McFeeley asked what's wrong with drilling a well in that spot? Allan Shaw said it is in the 50'. It would only cause about 10' of disturbance.

Bob Markel noted that Option 3, he had a brief conversation with Mr. Vito, and it was agreed to ask Town Counsel for an opinion as to putting a water line in that position. There is a letter from Town Counsel focusing on the issue of the Town allowing a proposal like this in the right of way.

Atty. Watsky stated the issues their agent found.

Ramesh Advani questioned a man-made drainage ditch, with a man-made retention basin, in order to address the question of runoff. Ramesh Advani said that instead of helping out a potential resident of the Town, we should try to be more cautious as a Board, and take a practical approach, in talking about the ConComm's decision.

Jack McFeeley asked if it is physically possible to move that drainage easement to the other side of the well closer to the property line? John Parmentier from Dunn-McKenzie spoke. He doesn't think so. The way things are laid out, they are doing the best effort to protect the interests of the occupant in terms of they bylaw with Conservation. They are trying to address all the concerns that the Conservation Commission has. They are trying to work through everything. They are meeting with the Board of Health on the 16th with their request for a variance.

Allan Shaw said that on the 24th, they would review the old and the new options.

Jack McFeeley told Atty. Watsky that they couldn't do what they can't do. This is also true of the Conservation Commission. Jack McFeeley said they would try to work together, and see if we can find a way to do it. If there is a way of doing it, we will find it. Matthew Watsky said that if he has indicated it is permissible for the Board of Selectmen to allow the water line in the right-of-way, could it be allowed?

Atty. Watsky would like the order voted to be stayed and not issued because of them working together to work this out.

Larry Harrington said an easement would take a town meeting vote, where the Board of Selectmen can issue a license. Jason Talerma said that we could issue a 99-year license. Jack McFeeley said that they would open the warrant, and insert an article.

PLANNING BOARD APPOINTMENT

Present was Planning Board members Art Spruch, Steve McClain, Dave Lapointe and Bob Nicodemus.

The Planning Board was present to appoint a member to the Planning Board to replace Tony Fitzpatrick, who resigned. This is a joint appointment between the Board of Selectmen and Planning Board.

Art Spruch said the associate member is Andrea Langhauser, and has been in this position for approximately 2 years. They had to resolve issues of time commitments, and Ms. Langhauser agreed to commit.

Art Spruch moved to approve Andrea Langhauser as the permanent member until the town election in 2004. Joyce Terrio seconded. It was a roll call vote: Joyce Terrio, Selectman, aye; Bob Nicodemus, Planning Board, aye; David Lapointe, Planning Board, aye; Steve McClain, Planning Board, aye; Art Spruch, Planning Board, aye; Ramesh Advani, Selectman, aye; and Jack McFeeley, Selectman, aye.

Jack McFeeley discussed the warrant article #10, submitted by Elizabeth Maitland. Will you sponsor it? Art Spruch said it has merit, but it needs work. It came in at the last minute, and they haven't had time to review it and work on it. They will work on it, and get it ready for a future town meeting.

Jack McFeeley discussed Article 11 that George Hall drafted. This is the estate lot article. Art Spruch said that this is very important. It has not been as clean as we would like it to be, and we are getting into many disputes, arguments, and litigation. It is not going to go away, and we see value in it, as do some of the residents. There are some gray issues, and that is of concern to them. The whole purpose of this was to make it a black and white issue, and remove the gray.

Jack McFeeley asked the Board their pleasure. Ramesh Advani said this has created a lot of heat, smoke, and if this is going to clarify and make it clearer, then we need to include it. Joyce Terrio asked, does this change offer the possibility of a win/win situation for all parties? Art Spruch said yes, in their opinion.

Jack McFeeley agreed to go with Town Counsel's opinion and leave the article on the warrant.

Ramesh Advani moved to accept Article 11 in the draft warrant. Joyce Terrio seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel reviewed the Warrant with the Board.

Bob Markel advised the Board that the two churches would like to install banners for their fall fairs. The banners will overlap, as there is a few days that they each would like to have their banner hung. The Federated Church from 9/12-9/28, and the Emmanuel Baptist Church from 9/20-10/4. The Board suggested that Bob Markel work out a deal with the two churches where the banners could be hung back-to-back for a week. Joyce Terrio moved to allow this deal worked out by the two churches. Ramesh Advani seconded, and it was so voted.

The 9/11 Committee requests permission to have an evening ceremony at 6 p.m., on September 11th on Town Hill to dedicate the monument. A member of the Selectmen has been asked to speak. The artist will also speak. There will be placement of the statue and bench. Jack McFeeley said he would speak. The Board would attend.

Jan Moore has requested a joint meeting with the Board of Selectmen, and other boards.

Bob Markel reported that the Board received a letter from Linda Orlando's attorney for a stay of the suspension order so they can appeal the Board's decision to the Alcoholic Beverage Control Commission. Joyce Terrio moved that the Board of Selectmen stay the original liquor license suspension decision made against Linda's Varity on September 2, 2003, contingent upon information received by Marian Harrington, based on the Chair's decision. Ramesh Advani seconded, and it was so voted.

Bob Markel reported that with the Early Retirement, he currently has two serious candidates, and one potential. Jack Hathaway will be doing the financial analysis.

Bob Markel reported that the Water Commissioners would meet with us prior to our meeting on September 22nd.

Joyce Terrio moved to appoint Rita Advani to the Metro West Healthcare Foundation for Board of Trustees, 3-year term. Jack McFeeley seconded, and it was so voted.

ACTION ITEM

Joyce Terrio moved to approve a live entertainment license for Norfolk Arena for Saturday nights, from 7 to 9 p.m., if allowed by their Special Permit. Ramesh Advani seconded, and it was so voted.

At 10:41 p.m., Joyce Terrio moved to go into executive session for the purpose of pending litigation. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye. The Board will not return to open session.

At 11:35 p.m., Joyce Terrio 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 8, 2003.

Joyce E. Terrio, Clerk

Special Meeting

September 22, 2003

Present was John J. McFeeley, and Joyce E. Terrio, Board of Selectmen; Donna Putt, Debbie Robbins and Larry Kennedy, Water Commissioners; Paul Anderson, Water Superintendent; Remo Vito, Highway Superintendent; and Jack Hathaway, Finance Director. Ramesh H. Advani, Selectman, and Robert T. Markel, Town Administrator was absent.

Jack McFeeley opened the meeting at 7:16 p.m. Mr. McFeeley said from the Selectmen's perspective, we want to know how to direct the DPW Ad-Hoc Committee. He explained that this Committee is anxious to continue, and have been since the May town meeting. Summer schedules and medical issues have made it impossible for the two boards to get together until now. Jack McFeeley said that it would be up to the two boards to determine how to direct the Committee.

Jack McFeeley asked what we would like to see from the DPW Committee, and how can they help? He suggested going around the room, and each of the 5 members present will give their opinion.

Joyce Terrio stated one of their concerns is exactly where the Water Commissioners are in moving forward with the DPW. Regarding the legislation, Bob Markel has most of the information. Where can they best assist in going forward? Joyce Terrio said that Larry Kennedy was part of the committee. Last she knew, he was agreeable to forming a DPW, and felt it was best for the town to move forward.

Larry Kennedy said he felt that way then, but he doesn't any longer. Mr. Kennedy told the Board that in looking at the financial impact a DPW will create, he has changed his mind. Joyce Terrio asked Larry Kennedy if the DPW Committee is aware of this? Larry Kennedy said no, because he hasn't spoken with them. Joyce Terrio asked if the financial impact is the only concern? Larry Kennedy said pretty much yes, the cost of implementing it is why. Mr. Kennedy said when he worked with the Committee, in principal he thought it was a good idea, but he didn't stop to consider how it would affect the water taker. He said the Water Commissioners discussed this with their accountant, and the water rates will go up. Joyce Terrio asked if it was the same table that was shown at town meeting. Larry Kennedy said he is an expert in municipal water rates, and helps keep them afloat. Jack McFeeley asked if he had a copy for them to look at? Larry Kennedy said no. Larry Kennedy said we need to think about the best way to sell this to the Town. He felt a burden was being placed on the water takers because of the cost of the DPW Director.

Debbie Robbins said their accountant met with them to discuss figures for the public hearing on Oct. 1st, and they posed this to him and he did number crunching and figured \$75,000 for a DPW Director. Donna Putt said the impact and the indirects would be \$50,000 without the DPW Director. The burden will be placed on 1900 water takers. Larry Kennedy said they are only looking at what they need for the next 3 years to balance their budget. He said when this came out, this is when he did his 180, and changed his thinking.

The Water Commissioners said they would get a copy of their report for the Board of Selectmen.

Debbie Robbins said she was confused, and wasn't sure what Committee we're talking about. Jack McFeeley explained that they are talking about the Ad-Hoc Committee. They are going to help provide an analysis, and an understanding and advice to the Town. We still need to make a presentation to Town Meeting, and the people. It's already been presented to the Legislature. The Act of the Legislature has to be accepted at town meeting and the polls. Larry Kennedy suggested the Ad-Hoc Committee should get a copy of these figures, as well, and said they would forward this to them as well.

Larry Kennedy said perhaps the Water Commissioners and Board of Selectmen should meet with the Ad-Hoc Committee. Joyce Terrio said she was not totally convinced that financially this was going to be a go-getter for the Town, short term. However, with the consolidation she can see savings with management and work related incidents. We don't have one person overseeing the work. She doesn't think it is all being coordinated to the best that it could be. Ms. Terrio said she did not feel that short term, financially this would be saleable to the residents. This is what the Ad-Hoc Committee needs to do.

Jack McFeeley said that from another perspective, how much is it going to impact the ratepayers? Mr. McFeeley suggested you look at it from how it will impact the taxpayer on the other end; it may be a different conclusion. Other ways of looking at it could have other conclusions. This Committee could bring out those points of view. Jack McFeeley said he often takes pieces of information, and looks at it from a negative or opposite point of view.

Larry Kennedy said the Committee was focused on what the structure should be, and on organization. He said real hard financial data from the Water Department wasn't available because of the Finance Director problem, etc. Mr. Kennedy said we need to look at the short-term, in order to prepare for long-term financial ramifications. A lot of it was speculation, as they couldn't come up with anything concrete. Larry Kennedy suggested they take this Water Department financial data and look at it and see what they think. Does this lead to the ability to analyze other financial views? The only way

residents will approve this is if they think they will save money. That is what the Committee should focus on.

Debbie Robbins said she agrees with Larry Kennedy. But she can remember when we were trying to structure the Finance Department. They kept saying how much money we would save. She said we didn't save anything. Debbie Robbins said going with a Finance Department was a mistake. The salaries are huge. Debbie Robbins said she keeps thinking of what a disaster the Finance Department is when she thinks of the DPW. She can't see spending money for a "higher head" figure. Ms. Robbins said she would do whatever the Town directs them to do. Debbie Robbins said that she wants to be on the DPW Board when it is created.

Donna Putt introduced Mary Ellen Brooks, their new Administrative Assistant, and Paul Anderson, their new Water Superintendent. Donna Putt asked Jack McFeeley what did they want to hear? Jack McFeeley asked her to answer the question. Donna Putt said it needs to be an unbiased commitment. She has problems with the makeup of the Committee. She doesn't feel they are unbiased. Jack McFeeley explained that what they did was ask the people who stood up at town meeting and had a complaint or comment on the DPW. Donna Putt's only request is that the report be unbiased. Jack McFeeley asked her if she had names of people she wanted added to the Committee. Ms. Putt didn't respond.

Donna Putt said she is 100% opposed to a DPW, and feels it is the wrong way to go. She said that she doesn't feel the Finance Department is cost effective, and she said we have not had a good track record with this. She feels this is a financial disaster, and it will affect the ratepayers. Ms. Putt said DPW's don't work. You still need the Superintendent, and she doesn't see what we're saving. The Water Department's engineering costs are minimal. Donna Putt said that she works in many communities and sees who has what. She said we are a small town trying to have big operations, and it won't work. Donna Putt feels the DPW Committee is biased. She mentioned members she didn't feel should be on there.

Joyce Terrio asked how they are selling the rate change to the ratepayers now? Donna Putt said the rate speaks for itself. They have only done two rate increases in years. Jack McFeeley asked isn't it true that a lot of the water leaks out of the pipes? The Water Commissioners said no, but the Water Superintendent said yes. Donna Putt said she is talking about water revenues that are lost to the town. Donna Putt also said the Water Department bears the burden of the fire protection for the town, and provides water to the Highway Department at no charge. She said they lose a lot of money per year to do this.

Jack McFeeley asked if they would like to see more members on this Committee? Donna Putt wasn't sure, and said she wants to think about it. Donna Putt said the DPW Committee could do whatever the Board of Selectmen charges them to do.

Donna Putt asked how you are going to convince her as a taxpayer that this makes financial sense? Jack McFeeley said by voting for it. If he sees all the information and he doesn't think it makes good sense, then he won't even vote for it. Mr. McFeeley told Ms. Putt that he is going to rely on the Ad-Hoc Committee to put together the information that will sell the DPW to the residents.

Debbie Robbins questioned the Act of Legislation. Does the Legislature do away with the Water Commissioners now, or once it's passed? Jack McFeeley explained that once the Town accepts the Legislation, it allows the Water Commissioners to go into the DPW and then we do a management team.

Jack McFeeley would like to see the Committee reconstituted. He could be open to having a few additional members. Jack McFeeley would like to have the Committee receive all the financial data, and structural data that the Commissioners may have to offer. Given the fact that we may or may not have a DPW, relay any thoughts on how you would like to have it. Mr. McFeeley said including your comment, Donna, on knowing towns that are doing just the opposite. We are looking for any information that would influence their recommendation.

Jack McFeeley asked what would we like to see from them as a final package? He said the answer is their recommendation on what to do. They should recommend we go forward with a DPW. This is what the short term and long term financial impact on the Town would be. Here's our recommendation on the organizational structure and transition plan over the next couple of years. There would be details to it.

Joyce Terrio said, or they have all the data and they come up with a plan and can't make it work, and realize that the Town isn't ready for it, and their recommendation would be that they not move this forward.

Donna Putt said their first charge should be "does this make any sense?" She still goes back to the potential for bias. Joyce Terrio disagrees. She said that she doesn't feel that way. Joyce Terrio said she has heard from a couple of them in different settings, and she doesn't feel that 100% of them feel that this is the way to go. Donna Putt said that she would have to rely on that. Larry Kennedy mentioned a member who is suing the Water Commissioners. Joyce Terrio said the Board is aware of that. Debbie Robbins said it is a conflict of interest. Donna Putt said she agreed. Jack McFeeley asked why? Debbie Robbins said because they are hoping to gain personal monetary satisfaction by going with a DPW, as opposed to dealing with the Water Commissioners right now. Jack McFeeley said that it is an ethical problem, as opposed to a conflict of interest issue. It can be taken under advisement.

Paul Anderson said the DPW could work if it has the perfect candidate for the Director rather than two departments that aren't working at 100%. The town is putting all its eggs in one basket, and thinks they have the picture perfect person for the job and that may not be the case. Jack McFeeley said that you have drawn a conclusion, but we are

looking for process. Paul Anderson said he would like to be involved and give insight to the Committee, and what he intends to see happen over the next 3-5 years.

Donna Putt asked why the former Superintendent and the new Superintendent were not invited to sit in on these meetings? Remo Vito said that Jim Martin was invited, but he was retiring, and chose not to be part of it. Remo Vito said that Jim Martin did provide some information, but in the very beginning. Remo Vito said that he himself was not an active member, but just sat in on the meetings. Mr. Vito reminded them that he did not get up and speak at town meeting. That was because he was not an active Committee member. Remo Vito said it is not unheard of that the Water Commissioners, or even Sewer Committees, have representatives on a DPW. This Committee was only created to see if we should have a DPW or not. It's only research in trying to get the legislation passed. That's it – nothing more.

Jack Hathaway said if he can help, he is willing to. He worked with Doug Gardener on some of the financials. Jack Hathaway has been a resident for a long time, and has heard a lot of comments on the Finance Department. He would like to hear specifics so they aren't repeated. He would love to be involved in this. Larry Kennedy said that's great that he lives in town and cares – it's a huge change. Remo Vito said we need to look at the whole DPW structure, not just on how the Water Commissioners fit into this.

In another matter, Jack McFeeley discussed with Paul Anderson his memo regarding flushing the water mains. Mr. Anderson made a comment about damage to the streets are to be expected. Remo Vito said Paul Anderson assured him he is going to use devices that will minimize damage. Jack McFeeley asked what if there is damage – do you have insurance? Paul Anderson said in his experience, there could be damage to residences or roadways. Paul Anderson told the Board that the memo wasn't to alarm them, but more to warn them. It is mostly areas that can't handle large amounts of water. Joyce Terrio said, so when you said you are flushing for the first time, is this not a new development? Mr. Anderson said that it would be done for the first time. Mr. Anderson said iron and manganese has built up, and they are flushing the water mains because they don't want to get into any serious public health issues. One of the first things he did when he came on board was to get the flushing system in place. Joyce Terrio asked, if this is so important, why was this never done by the former Superintendent? Donna Putt responded that she didn't know – you should ask him. Paul Anderson said that it was probably due to staffing. He just hired another person.

Jack McFeeley mentioned that we have a road maintenance program, and we are trying to maintain the roads. Now you are going around doing this and there could be potential damage to roads. Debbie Robbins questioned if this shouldn't be coordinated with the Highway Superintendent? Jack McFeeley said this was exactly his point. Remo Vito said that any damage done would be repaired by the Water Department. Paul Anderson agreed, and said they have to.

Paul Anderson said this is mandated by DEP, and will be done annually. It should be done twice a year, but they can't do it that often. The Board talked about notification to residents.

Donna Putt asked to talk about the old Highway Garage. Mrs. Putt told the Board that they have a gentleman's agreement with a prior Board of Selectmen that they could house their vehicles in the garage, and store their equipment there. They did discuss vacating the building, but now have no place to go. It was agreed that in exchange for using the building, the Highway use of water, and Fire Dept. use of water would never be billed. Donna Putt said they didn't realize that the RFP's had gone out, and that money was spent, and now they are being asked to underwrite this. They had to buy a truck, because their truck burnt up.

Jack McFeeley disagreed, and told the Water Commissioners that what we talked about last year, was that Jim Martin had to get all his stuff out of the garage so that we could repair the roof. Jim Martin would not get his stuff out, and it took forever. The Water Commissioners were very aware that this was taking place. Donna Putt said they weren't advised that this was advancing.

Remo Vito agreed with Jack McFeeley that Donna Putt's comment isn't true. He said that he had copies of proposals, and this was all given to the Water Superintendent. The Building Commissioner oversaw the repair of the roof, and he added a few things like gutters. Donna Putt questioned the animals in the bay. They feel that there is a health issue.

Debbie Robbins would like an agreement in writing allowing them to use that building. She said 20 years from now; we will be in the same discussion as now, unless it is in writing.

The Board closed all discussion, and went on to regular business.

Joyce Terrio moved to approve the Road Race and Children's Parade for the Harvest Festival for the Norfolk Federated Church on Saturday, September 27, 2003. Jack McFeeley seconded, and it was so voted.

At 9:50 p.m., being no further business, Joyce Terrio moved to adjourn the meeting. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Special Meeting of the Board of Selectmen dated September 22, 2003.

Joyce E. Terrio, Clerk

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

Jack McFeeley called the meeting to order at 7:30 p.m. Bob Markel read the agenda contents.

Bob Markel announced that a fax came in from Senator Jacques that we received Chapter 90 funds in the amount of \$180,010. This is bond funded.

Bob Markel announced the roadway paving schedule. He said they plan on putting a thin coat of topcoat to level the roads and get us through the center. Bob Markel read the list of roads that Butch Vito gave him.

Bob Markel will put an update of the roadway schedule online.

Bob Markel noted that there would be a hearing on the appeal at the ABCC by Linda's Variety for November 19th in Boston at 12:30 p.m. Bob Markel and Jack McFeeley will attend.

Bob Markel brought up the Malone issue on North Street. He mentioned they wanted the project stopped. He discussed this with the Highway Superintendent, and said that this needed to be completed before the ground froze. No water would be piped into this until all issues were addressed. We need to be in compliance with the State mandates.

NORFOLK HOUSING AUTHORITY

Present was Tom Collins, Chairman, Housing Authority, Walter Zagieboylo, Scott Dittrich, Joanne Smith, Paul DuBois and Jan Moore, Executive Director.

Tom Collins said that they would like a brief discussion on how to increase the town's affordable housing stock.

Jack McFeeley said that there are currently several projects in various stages of progression, one of which we are strongly opposed, and one of which we have offered to join with them, i.e, in the center of town to mutually come up with something beneficial for both the town and the property owner. We have received notice of a third, and possibly a fourth.

Tom Collins said that there are a lot of proposals before the town that serves people 55 or older. They don't feel that the over 55 group is one that is best served. They need to concentrate on families. They talked to Habitat for Humanity, but they need to know if there is land available.

Tom Collins asked if there is land or parcels available that they could help us with.

Jack McFeeley said that with regard to the 40B in the center of town, the proposal did involve age-restricted housing. The plan he presented to the state did involve age restricted. Their response to the state was based on the age-restricted proposal. The developer since changed the proposal and dropped the age restricted. Tom Collins said that they spoke with the Housing Authority, and he never mentioned age restricted.

Jack McFeeley said that he has personally gone through the situation where his children were looking to buy a house, and could not live in Norfolk. They both now live in Attleboro because they were priced out of the market in Norfolk. There should be more affordable housing in Norfolk to provide some sort of balance and opportunities for younger people to live in Norfolk.

Tom Collins said there is very few chances to rent in Norfolk, so at some point, they would like to have a more in-depth discussion with the Board of Selectmen and Zoning Board of Appeals.

Scott Dittrich asked if the Board would give some of these parcels in Town, so that they could build on them. Tom Collins said there were some parcels they were interested in, but they were sold. Jan Moore said that they have asked about a Lawrence Street property.

Joyce Terrio said that she and Jack McFeeley met with the Housing Authority, and had a nice roundtable discussion, and wholeheartedly supported what they are asking now. She said they had great ideas, and they talked about all the things they are discussing tonight. She said that she isn't sure where these discussions went, but she and Jack McFeeley assured them that they would support whatever they were trying to do.

Tom Collins said that with respect to talking with the Community Preservation Committee, they do have a representative on that Committee. They did have some first time buyer awards they were given out.

Joyce Terrio said that they have gone a little further with the 40B developments. They have discussed a lot of this quietly with developers, and they have suggested family housing. The Board is very supportive of family housing.

Joyce Terrio said that they weren't successful in obtaining properties within the Town. Ms. Terrio asked if they presented the Board with a formal request. Tom Collins said they had informal discussions with the Town Administrator, but never heard another word. Bob Markel said that they were too far down the track, and we were too close to the auction by then. Joyce Terrio said that we could make an updated list available, and we can have the Housing Authority review it.

Joyce Terrio said that if, on the optimistic side, you had a couple of parcels that you think might be buildable, what about funding if we turned them over to you? Tom Collins said they would use available funding, and sell the house to a family. They wouldn't discount anything at this point.

Joyce Terrio said that as long as she is on the Board, they have her support.

Ramesh Advani said that he feels that they should set goals and try to find the right mix to get this going. Mr. Advani said we should set the goal and see what we can do to get this happening. He doesn't believe there is enough affordable housing in town.

Bob Markel will secure the list of properties, and get it to them, and this will get us off the ground.

MASSACHUSETTS ASSOCIATION OF ASSESSING OFFICERS (MAAO)

Jack McFeeley introduced Donna Putt, Chairman of the Board of Assessors.

Present from the MAAO was Sebastian Tyne and Dick Weaver.

Dick Weaver, on behalf of MAAO, wanted to present the Town with a check for \$500 for letting them use the building on Fridays/Saturdays for their winter classes. They like to think of the Norfolk Town Hall as their own clubhouse, but they know it isn't, so they presented a check.

The Board of Selectmen accepted the check, and thanked them.

GOALS AND LIAISONS

Jack McFeeley felt that goals should take priority and become a major portion of what is done with a Selectman's time.

Ramesh Advani felt that there are some specifics within the five (5) goals that could be taken care of. There are a few others that will always be there. Ramesh Advani read the goals: 1. Improve the business climate within Norfolk and facilitate the development of Town Center. 2. Improve communications within and with Town Government – improve communications with and between town boards. Create an information desk in the IT Coordinator's office downstairs to assist residents/people coming into Town Hall. Improve dialogue with the town seniors and enfranchise them and the Council on Aging. Enhance our Town Web site to improve communications with town residents. Improve communications with the media and their representatives. Have something in print and on our web site as a handout for procedures and/or departments needed for permitting, and what things need permits. 3. Have the Finance Office complete a financial plan that includes a 5-year operating

budget and 5-year capital budget. 4. Enhance the road building program. 5. Establish a merit system of compensation.

Jack McFeeley commented that the road maintenance program is very near and dear to his heart. We are trying to arrest the debilitation in the roads. Jack McFeeley told Butch Vito that we need to show the residents some progress, as they feel the \$300,000 isn't being utilized. We cannot ask for more money, without showing progress.

Jack McFeeley said that the merit system would meet resistance. Bob Markel said that this has already been decided that it will begin with department heads.

The Board agreed to come back at the end of every month, and see what progress has been done during the month. We will put this as an agenda item every month. Ramesh Advani said that if some individual has contributed much to a certain item, then they could come in and talk about it.

Ramesh Advani suggested the top five goals be discussed during the committee reports article at town meeting. It was suggested, too, that Bob Markel discuss the goals on his monthly cable show.

The Board of Selectmen chose the following liaisons to these boards/committees:

ADA Committee – Ramesh Advani
Advisory Board – Joyce Terrio
Animal Control Dept. – Joyce Terrio
Appeals, Zoning Board of – Joyce Terrio
Assessors, Board of – Jack McFeeley

Building Department – Jack McFeeley

Cable Committee – Ramesh Advani
Capital Outlay Committee – Jack McFeeley (R. Markel, ex-officio)
Cemetery Commission – Jack McFeeley
Charles River Pollution Control District – Jack McFeeley
Charles River Watershed Association – Jack McFeeley
Communications Department (Dispatch) – Joyce Terrio
Conservation Commission – Ramesh Advani
Corrections, Department of – Joyce Terrio
Council on Aging – Ramesh Advani

Finance Department – Jack McFeeley
Fire Department – Joyce Terrio
Fire Station Project – Joyce Terrio

Health, Board of – Joyce Terrio

Highway Department – Jack McFeeley

I-495 – Ramesh Advani
IT Coordinator/Interest – Ramesh Advani

King Philip School District – Ramesh Advani
Kingsbury Pond Committee – Bob Markel

Legal Counsel – Joyce Terrio
Library – Jack McFeeley

MAPC – Joyce Terrio
MBTA – Bob Markel
Mirror Lake Study Committee – Bob Markel

Norfolk County Advisory Board – Bob Markel
Norfolk County Mosquito Control – vacant
Norfolk Schools – Ramesh Advani

Permanent Building Committee – Jack McFeeley
Personnel Board – Joyce Terrio
Planning Board – Joyce Terrio
Police Chief and Lieutenant Contracts – Joyce Terrio
Police Department – Joyce Terrio

Recreation Commission – Ramesh Advani
Road Safety Committee – Jack McFeeley

Southwood Development – Ramesh Advani
State Senator/State Representative – Joyce Terrio
SWAP – Bob Markel

Treasurer/Collector – Jack McFeeley
Town Hall Offices – Jack McFeeley
Tri-County Vocational School – Ramesh Advani

Veterans Agent – Jack McFeeley
Veterans Graves Officer – Jack McFeeley

Water Department – Jack McFeeley

Zoning Bylaw Study Committee – Joyce Terrio

TOWN ADMINISTRATOR'S REPORT

Bob Markel read that Jane Lepardo passed the state certification for a Treasurer. She has become a certified Massachusetts Municipal Treasurer. Jack McFeeley said that he was not in favor of appointing Ms. Lepardo during the interview process, but he has to admit that she has done a spectacular job. He noted that becoming certified was her own accomplishment, not because she was asked to do it. Jack McFeeley said she far exceeded his expectations. The Board will forward a congratulatory letter to her.

Bob Markel told the Board that requests by Local 301 Highway Union and the Police Union have been received requesting that negotiations begin. Jack McFeeley would like to address changes with insurance within the unions.

Bob Markel handed out copies of the Special Town Meeting Warrant for the Special Town Meeting within the Fall Town Meeting. These are the Library's articles. The Board of Selectmen reviewed the petitions. Joyce Terrio commended Gail Bernardo for her efforts in certifying the 200 signatures so quickly. Bob Markel spoke with Frank Gross today, and if it is the wish of the BOS to do this prior to the other meeting, we should open at 7:35. He will open the Fall Town Meeting and postpone it, and then open the Special Town Meeting.

Jonathan Smith said that he still has recommendations to print on October 10th. They will discuss this on the second at their meeting.

Ramesh Advani moved to accept the petition to hold a Special Town Meeting as submitted by the petitioners to be held on October 28, 2003. Joyce Terrio seconded, and it was so voted.

FINANCIAL TRANSFER ISSUES

Bob Markel handed out the financial transfers, and said it doesn't add up. Bob Markel reviewed this with the Board and Jonathan Smith.

The Board discussed the Fire Department. Bob Markel informed the Board that two employees might be considering early retirement.

ACTION ITEMS

Joyce Terrio moved to award the joint salt bid to American Rock Salt Company, LLC, of Mount Morris, New York – cc delivered at \$29.21 per ton, with an alternate supplier to Eastern Minerals, Inc., of Lowell, MA at \$29.90 per ton for solar salt delivered, and cc delivered. The joint bid is with the Town of Medfield. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to release permit #02/16 North St., Stony Brook Estates as recommended by the Highway Superintendent on September 22, 2003. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Norfolk Community League to install sandwich board signs for your annual Haunted Train/Hay Ride at the following locations: the entrance to the Pond Street fields; and the grassy strip between the entrance and exits of Independence Drive. The signs may be installed from October 12 – October 25. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Norfolk Community League to install sandwich board signs for your annual Halloween Candy Give Back at the following locations: the entrance to the Pond Street fields; and the grassy strip between the entrance and exits of Independence Drive. The signs may be installed from October 26 – November 3. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to waive the building and electrical fees associated with the tent for the Book and Bake Sale for Friends of the Norfolk Public Library. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve two street opening permits for the Norfolk Water Department, one for a service line replacement at 21 Ridge Road, and one for a water main repair at 23 Spring Street. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve the request of Norfolk Together to conduct their annual fundraiser raffle at the Transfer Station on two Saturdays, October 4th and October 11th from 8 a.m. to 12 noon. Four adults will be present. Ramesh Advani seconded, and it was so voted.

The Board reviewed a letter from Remo Vito with respect to posting the speed limit on Campbell Street. They agree that this should be done. A letter will be forwarded to Mr. Vito advising him to go ahead.

At 10:33 p.m., Joyce Terrio moved to go into executive session to discuss pending litigation. The Board will not return to open session. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye.

This is a true and accurate report of the Selectmen's Meeting of September 29, 2003.

Joyce E. Terrio, Clerk

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

Jack McFeeley called the meeting to order at 7:30 p.m. Marian Harrington read the agenda contents.

NORTH STREET – STORMWATER DRAINAGE ISSUES

Remo Vito, Highway Superintendent was present to discuss issues Mr. & Mrs. Martin Malone of North Street had with ongoing work being done on North Street to address storm water drainage issues. Mr. & Mrs. Malone did not show for the meeting. Butch Vito reported that the drainage system is complete, but is down until he came here tonight. It is not accepting any water. This issue was not discussed.

Jack McFeeley discussed issues with the roadwork in the center of town with Butch Vito, since he was present. Butch Vito told the Board that the list that appeared on the Internet has been completed, except Myrtle Street. Jack McFeeley mentioned the Chapter 90 allotment - \$180,000 that was approved last week. Butch Vito was unaware that correspondence had been received. He was hoping Chapter 90 funds would do Myrtle Street, but it's too late now.

Ramesh Advani asked about paving in the center. He questioned two large potholes as you are turning onto Rockwood Road. Butch Vito said he knows exactly what is going on there, and will work on it.

Jack McFeeley asked about the gentleman in Mirror Lake that we discussed several weeks ago. Butch Vito said they have talked, and he knows his issues.

Butch Vito told the Board he did a cable show to inform residents of what the road program is about, and how it works. He did the show today.

Jack McFeeley asked Butch Vito to put up the next road schedule, since the one posted is completed. Butch Vito said that during the winter, they will be looking at shoulder work and will be working on engineering. Jack McFeeley suggested a disclaimer be put that he will still be working on this over the winter, and this schedule may change according to damage during the winter months. Ramesh Advani agreed with the disclaimer.

Butch Vito reported that the Miller St. Bridge should be started this fall. He will coordinate with the Police and Fire departments, and the area towns. Jack McFeeley reported that a "bridge closed" sign is missing on the Franklin end. Mr. Vito will investigate.

Butch Vito reported that the newly paved road in the center was opened by NSTAR who forgot to lay a line, and therefore had to re-open the roads.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of September 2, 2003. Jack McFeeley seconded, and it was **so voted**.

ACTION ITEMS

With respect to a letter from the Animal Control Officer, Hilary Nolan Penlington, and an email from Police Chief Stone asking that an Australian Shepard dog owned by the Davenport's of 99 Grove Street be banished from the Town of Norfolk to a professional facility until a public hearing is held on the matter, Ramesh Advani moved to approve an expedited banishment order of a dog residing at 99 Grove Street to a professional facility outside of Norfolk, pending a hearing by the Board of Selectmen. Jack McFeeley seconded, and it was **so voted**.

The Library Trustees are asking that their \$40 building fee for their inspection of the Library by the Building Commissioner be waived. Jack McFeeley said he didn't believe we can waive the building inspection fee for the Library, because that is not our fee. It is the Building Commissioner's fee. Ramesh Advani asked if we could run this by Town Counsel. Jack McFeeley agreed. Jack McFeeley said if the Board is able to grant a waiver of the fee, it is a full 100% town board, so we should do so. That is not what he is disagreeing with. Ramesh Advani said we should hold on this matter until we get a legal decision.

Ramesh Advani moved to allow the Friends of the Council on Aging to furnish refreshments at the Fall Town Meeting, beginning on October 28, 2003. Jack McFeeley seconded, and it was **so voted**.

Ramesh Advani moved to grant the Norfolk Lions and Recreation Commission permission to hold their annual Santa's Parade and Town Hill Celebration on Sunday, December 7, 2003, beginning at 2:45 p.m. Jack McFeeley seconded, and it was **so voted**.

Ramesh Advani said that he would like to see the financial analysis on the candidates for early retirement prior to our next meeting.

Jack McFeeley asked that an Executive Session be scheduled for October 20th for KP fee discussion.

Ramesh Advani moved to approve the 30 mph speed zone on Campbell Street from Seekonk Street to the intersection of Lincoln Road, and on Lincoln Road to the intersection of Campbell Street to the Walpole Town Line, per the recommendation of Highway Supt. Remo Vito. Jack McFeeley seconded, and it was **so voted**.

Jack McFeeley explained to the residents at home that they would be receiving two separate warrants this weekend. They will both be for town meetings on Tuesday, October 28th – one will be for the Fall Town Meeting at 7:30 p.m., and one will be for a Special Town Meeting within the Fall Town Meeting, which will begin at 7:35 p.m.

At 8:13 p.m., being no further business, Ramesh Advani moved to adjourn the meeting. Jack McFeeley seconded, and it was **so voted**.

This is a true and accurate report of the Selectmen's Meeting of October 6, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

October 20, 2003

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

Jack McFeeley called the meeting to order at 7:32 p.m. Bob Markel read the agenda contents.

REEMA CORPORATION

Jack McFeeley explained that we had to repeat the public hearing on the Transfer of Stock and Change of Manager for REEMA Corporation, d/b/a Norfolk Food Mart because we did not advertise the hearing in the newspaper as required by the Alcoholic Beverages Control Commission. Mr. McFeeley opened the public hearing at 7:30 p.m.

Present was Kate Duggan, Esquire for the Patel's. Anil Patel was also present.

The Board had no discussion, and Joyce Terrio moved to approve a transfer of stock from Sangita Patel to Anil Patel. Ramesh Advani seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel distributed to the Board some controls that the Finance Director has put on the budgets, to keep department heads on course. It was decided to meet with the Finance Director on a monthly basis to continue being updated.

PUBLIC HEARING - DAVENPORT DOG

Hilary Nolan Penlington, Animal Control Officer; Chief Charles H. Stone, Jr., Kevin Roake, Police Officer.

Hilary Penlington said that the Davenport's are not here yet, nor is an animal expert, Dr. McGee, who is going to answer any questions the Board may have.

Hilary Penlington read a statement to the Board. Hilary Penlington told the Board that she sent them an email citing the laws by which she was going by. Ms. Penlington told the Board that she is forced to bring this to the Board due to the extreme circumstances of the situation. She read all the incidents to the Board. She told the Board that Chief Stone is present to express his concerns because one of his own officers was a victim of this dog, and the officer is also present.

Hilary Penlington told the Board that she has investigated this case over the years. Much information, as well as the clear actions that the dog has exhibited as a threat to the public, leads her to recommend the dog be euthanized, or at least removed from this town with strong guidelines to protect another jurisdiction from any further offenses. She stated that she did not want to place this dangerous dog in another community, and have other incidents occur.

Hilary Penlington relayed the following incidents to the Board. The first report of a dog bite came in from a person named Barrett on or about July 1, 2000. Ms. Barrett had been jogging down Grove Street as she did on a daily basis. She made a point of crossing the street before reaching Davenport's, as the dog had chased her several times previously. She was on the opposite side of the street from Davenport's home on this day, and the dog was unrestrained and ran freely upon the road and aggressively bit Ms. Barrett on her upper thigh/buttocks region. Ms. Barrett said that the owner was present, but did nothing to assist the victim when attacked. Ms. Barrett contacted the Animal Control Department and they responded with findings of rabies vaccine, history, ten quarantine, verbal restraining orders, and written warnings for violations of bylaws because the dog was not licensed.

On August 8, 2000, another reported incident took place with a Ms. Chipman. (Hilary Penlington says reported, because another incident comes within these two timelines that was only recently reported).

Ms. Chipman jogged daily, and was out for her daily jog at Grove and Park Street corner when the Davenport's dog attacked her. She was severely attacked. Again, the dog was unrestrained with the owner present. Ms. Chipman had to fight the dog off because again, the owner made no attempt to help the victim. She suffered extensive injuries to the thigh region, buttocks region, as well as her arms from defending herself. Her clothes were completely ripped apart in this attack. Ms. Chipman went to the hospital for multiple injuries.

At this point, the Animal Control Officer, in conjunction with the Board of Selectmen, issued a permanent restraining order against all dogs on the Davenport's property. This order contained a leash and muzzle demand for this dog when off the property, and a

leash demand for anywhere outside the house. Ms. Penlington did the ten quarantine, and cited the dog for biting and attacking.

The third offense involves Officer Kevin Roake of the Norfolk Police Department. On October 12, 2002, Officer Roake responded to the Davenport residence for an underage party being held upon the premises. In this situation, the dog was not in violation of the restraining order, as it was inside the house, but found to be a violation due to the lack of a responsible person in "care and control" of the animal which caused yet another injury.

At this party, Police were called to the scene, as there were many youths who needed help and assistance due to intoxication. Officer Roake went from room to room to make sure no one was passed out within the home. Officer Roake checked the rooms, and upon opening one door, he was attacked by the Davenport's dog, Louie. He was bitten in the left posterior thigh. He did receive emergency medical treatment on the scene and followed up with a trip to Norwood Hospital for more care.

Again, the Animal Control Department issued a ten quarantine, a cite for the bite, and a cite for the Restraining Order, as no one was responsible for the care and control of this dog.

On October 1, 2003, the Sonsire family was out in their yard. The Davenport's walked by with their dog. They went towards the wooded area again and let the dog off the leash. The dog went back to the Sonsire residence, ran up to Ms. Sonsire growled, and bit her in the hand. She ran back into the house with her family. The dog handler again, did not aid the victim in this bite. Ms. Sonsire went to Norwood Hospital for treatment of her injuries. Ms. Sonsire informed the Davenport's that this dog was not welcome on their property.

Also on October 1, 2003, Ms. Sonsire stated that the Davenport's dog had been loose in their yard, and chased the garbage men in a threatening manner while they were collecting trash at her curb.

Hilary Penlington said she told Ms. Sonsire that she was going to check the neighborhood to see if the dog was still loose. Ms. Sonsire was very worried for Ms. Penlington's safety, should she encounter this dog running loose. Ms. Penlington did a quick check of the neighborhood, but did not see the dog loose. She had intended to capture the dog, if she found him.

Hilary Penlington then proceeded to the Davenport's home. While ringing the doorbell, she was greeted by the Australian Shepard who was growling and barking on the other side of the doorframe's glass panel. She then asked Mrs. Davenport to restrain the dog and come outside and talk with her. Mrs. Davenport did. Before any questions were asked, Mrs. Davenport said "Oh no, did he hurt anyone today? I only noticed when I heard a lot of barking in the distance that my dog was no longer on his rope". Hilary

Penlington told her that she had violated the restraining order by her own admission that the dog was loose. The dog had not been properly under the care and control of the restraining order as she tied the dog outside, which is outside the parameters of the restraining order. Hilary Penlington explained the dog was witnessed as being aggressive and threatening to garbage men in the area.

At this point, Mrs. Davenport expressed sadness, but acknowledged the dog needed to go, even though her children would be devastated. Hilary Penlington told her that she would start the process through the Chief of Police, and citations for this incident will be determined at the outcome of the hearing.

Hilary Penlington told the Board that she recommends euthanizing the dog. She realizes the Board may be reluctant to go this route, but said that she does not feel a dog of this nature can be successfully removed from town and go to another town without further incidents. She does not feel it is fair to place this burden on other towns or other residents within other jurisdictions.

Hilary Penlington told the Board that a dog that has a track record of biting while unprovoked would bite again. She finds it irresponsible to own a dog that has shown destructive capabilities to this extent. To have a dangerous dog is negligent in many aspects.

Hilary Penlington stated that as a judgment of character to the Davenport's, she does not believe that any action or ill treatment of the dog has occurred on their part that would cause them to be responsible for the dog's capacity for destruction.

Hilary Penlington said that in her professional experience, to find a dog that has this propensity to be harmful and destructive since birth or puppy hood is very rare. She does not believe that this dog has been mistreated in any way by the Davenport's, or that they have behaved in such a way to provoke such a response from the dog. She believes that this dog's innate nature from birth has included this propensity to do harm. The Davenport's have been very respectful during this whole process, with the exception of their failure in the capacity to restrain the dog in such a way to prevent these injuries.

Police Chief Charles Stone said he would be in support of the Animal Control Officer's recommendation. He told the Board that within the last two years, the Animal Control Department has been under the Police Department. This isn't something that she recommends lightly. Chief Stone said the dog did bite one of his officers, and the dog has been a continual problem.

Dr. Terrence McGee spoke. He is a licensed veterinarian, with 23 years experience. He is also an animal expert. Dr. McGee told the Board that people should be concerned with a dog like this. A dog with no access to the public would be an exception. Dr.

McGee asked what if the dog had maimed or severely injured a child? There is a huge liability here.

Jack McFeeley asked if this is congenital as opposed to the way it was raised? Dr. McGee said it's like being born with a bad attitude. Joyce Terrio asked about the attacks. Dr. McGee said the dog is aggressive in nature. Not one bite and the dog backed off? Hilary Penlington said Chipman was the worst case. If she had gone down on the ground, she would have been more severely injured. Hilary Penlington said a dog's first response should not be to attack every time someone approaches. Depends on what is triggering the dog at that moment. They don't know what the triggers are that sets the dog off. Both inside and outside the house.

Joyce Terrio asked has the dog been licensed? Hilary Penlington said after the first incident, yes. The dog was non-licensed as of Officer Roake's incident, and as of when she wrote to the Board. Joyce Terrio asked if the Davenport's have paid their fines? Hilary Penlington said she would prefer they use the money to keep the dog in a safe place, and not in town. She would rather not fine them if we were going to euthanize or banish the dog. Joyce Terrio questioned if the Davenport's have been feeling bad and cooperative? Hilary Penlington said yes. Joyce Terrio asked if the dog was tied up and not muzzled. Ms. Penlington said no attackers have seen a muzzle on the dog.

Ramesh Advani asked if the dog would attack their own children? Dr. McGee said this type of dog usually bonds with one person. It usually wouldn't bite the handler, but if the conditions were right, it could.

Hilary Penlington said that if we enforce an order tonight, we need to remove the Restraining Order for the other dog. Joyce Terrio asked if this second dog is licensed? Hilary Penlington said no, but it is pretty much a house dog.

Jack McFeeley asked Officer Roake to speak. Officer Roake said the Animal Control Officer pretty much covered it. Jack McFeeley said he arrived at an unsupervised party without parents present. They were looking around the different rooms to see what kids were where. The dog was put in the bathroom, by some of the kids. Jack McFeeley said it's questionable if that one person the dog bonded with was even there that night.

Chief Stone said if the dog had the propensity to bite, it was not good judgment to put the dog in a bathroom. Unless there was a second bathroom, anyone opening the bathroom door would have been bit. The dog should have been put outside in a pen.

Ramesh Advani asked Ms. Penlington if she ever questioned Davenport's why they didn't follow the Restraining Order, and why they never muzzled the dog? Hilary Penlington said the incident with Officer Roake did not violate the Restraining Order because the dog was inside the house.

Jack McFeeley summarized the incidents. Jack McFeeley said a Permanent Restraining Order was issued in 2000 with the expectation that the Davenport's would keep their dog under control. It's obvious that hasn't happened. Are we going to put the public at risk, or allow this dog to go to another town and be at risk? We cannot allow this dog to become a prisoner in the Davenport's home.

Mr. McFeeley said that on October 8th we sent a letter to the Davenport's asking them to attend this hearing. They did not attend. It would have been nice to have them here to hear what they had to say on their, or their dog's behalf. It would have been nice to hear that before we made a decision.

Hilary Penlington said that we need to put some sort of time frame on this, and that it be implemented before the dog comes back to Norfolk. Mr. McFeeley asked do we know that the dog was removed from the property? Hilary Penlington said that she doesn't believe the dog is there. They said it would go to Pawsitive Dog Training in Milford, but she called to find out, and they wouldn't return her calls.

Jack McFeeley asked what do we do to make sure euthanizing gets accomplished? Hilary Penlington said it's tough if it is out of our jurisdiction. If the dog is in Norfolk, she has every right to seize the dog and have it euthanized. But if it is out of town, she can get a court order and they would have to prove the dog was euthanized. Joyce Terrio asked could we prepare a memo to the Milford Animal Control Officer explaining what has happened here, to advise them of the jurisdiction of that dog. Hilary Penlington said you could ask for a remand of jurisdiction and have the dog returned to Norfolk to be sure it is carried out.

Joyce Terrio stated she is not in favor of giving a dog of this disposition to another town, and said that based on expert testimony, she moves to accept the recommendation of the Animal Control Officer in regards to the disposal of the Davenport's dog, Louie, at 99 Grove Street. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to adjourn this public hearing to November 17th at 7:30 p.m. Ramesh Advani seconded, and it was so voted.

PAUL ANDERSON, WATER SUPERINTENDENT

Paul Anderson told the Board that he wanted to come in and keep open lines of communication with the Board. He would like to try to come in once a month.

He told the Board that he is halfway done with the water flushing system. Paul Anderson said he has about two weeks left to do. There has been no damage to property or the roads. The drains have taken most of the water. He told the Board he got a lot of debris out of the water mains. Some of the hydrants took in excess of an hour to clear up. The flushing will enhance the quality of the water.

Paul Anderson showed the Board on a map what has been done, and what hasn't. Jack McFeeley asked if it is true that this hasn't been done before? Paul Anderson said it hasn't been done systematically. They have had many complaints, and they have done a good job addressing them. DEP requires it be done twice a year. Mr. Anderson said he would like to do it twice a year to get the quality of the water where they want it. But they will probably only do it once a year, because the more we do it, the more we are inconveniencing the public.

Jack McFeeley suggested that Mr. Anderson put a notice on the website of what he will be doing. Paul Anderson said he couldn't do it this time around, because he's hitting roadblocks, and he isn't where he thinks he'll be. Mr. McFeeley suggests giving a ball park of what area they'd be in.

Ramesh Advani asked how you could work together toward going towards a DPW. Paul Anderson said he is relying on Butch Vito, because he's the new guy, and Butch Vito has been here long enough to give him an idea of what direction this should go.

Ramesh Advani questioned the memo from Butch Vito to Paul Anderson regarding Main Street paving. Paul Anderson would like to put the water main in. He has the money to do it, and he needs to obtain estimates on getting the water main done.

Jack McFeeley said that Butch Vito has been under tremendous pressure to get the roads done. He has done an excellent job, and we need you to get your work done so that the overlay can go down. Jack McFeeley agreed that communication is key.

Bob Markel said that the Selectmen's Office gets phone calls on a regular basis about Water Department policy. Bob Markel said that this is a good idea to have Paul Anderson in monthly to be televised and explain what the Water Department is doing.

Jack McFeeley said that the more the Water Department communicates, the better. He appreciates the time and effort that Mr. Anderson has put in, especially during the water-flushing project. He finds what Paul Anderson is doing very positive. Jack McFeeley explained that he is the liaison for the Water Department, as well as Highway, also.

Joyce Terrio told Paul Anderson that he is a very pleasant addition to the Town.

EARLY RETIREMENT INCENTIVE

Jack McFeeley announced that as his wife is an employee of the Town, and eligible for the program, Jack McFeeley must recuse himself and cannot participate in the discussion. He removed himself to the audience.

Joyce Terrio took the chairmanship during this discussion.

Bob Markel said that all employees in Massachusetts, excepting teachers, are eligible of the State retirement system. Early Retirement Incentive is eligible to Group 1, 2, and 4. Group 3 is state police officers. Either town meeting or the Selectmen can approve the program. The deadline for acceptance is November first. We have not had a town meeting, so it is the responsibility of the Selectmen to make the decision. Our employees are members of the State Retirement System, which is administered by the County. It is overseen by PERAC.

Bob Markel said that last year the Selectmen allowed 8 employees to retire. It was based on seniority. This year is different. We don't have to allow just a number, but we can decide which departments. The seniority principal has been modified. An employee will get 5 years added to their years of service, or their chronological age. You can split the 5 years.

Ramesh Advani questioned the number and departments. Bob Markel said it is positive for the town if you replace a higher paid employee with a lower paid employee. You can adjust the position, or not fill the position. Mr. Advani asked if November 1st is the day that the Board needs to decide if it is going to go with the program or not. Bob Markel said yes.

Bob Markel said that the person would retire as of December 31st. Bob Markel said that he has already asked departments whether they plan to replace the person or not. He provided the Board with a list of potential retirees, and a list of calculations from the County Retirement System. They reviewed the maximum impact on our assessment.

Bob Markel reviewed the list with the Board, and discussed the ones that would be a positive, and the ones that would be serious about retirement. He pointed out to the Board that some still need to go to County Retirement and talk with them.

Joyce Terrio said they would need to consider little or no impact on a department, if they voted the Early Retirement Incentive.

Ramesh Advani moved to exercise the local option acceptance to establish an Early Retirement Incentive under Chapter 46, Section 116 of the Acts of 2003 to offer an Early Retirement Incentive to eligible employees for one employee each in the following departments: Building Dept., and Highway Dept., contingent upon ensuring that the total costs of the one-time expenses are taken into consideration by the department head to ensure there is no financial impact in Fiscal Year '04. Joyce Terrio seconded, and it was so voted by Joyce Terrio and Ramesh Advani. Jack McFeeley was not part of the vote.

Jack McFeeley returned to the Board, and assumed the role of Chairman.

TOWN ADMINISTRATOR REPORT (Continued)

Bob Markel announced that the Conservation Commission recently reorganized. Chairman is James Giebfried; Vice Chairman is Allan Shaw; and Clerk is Gail Hansche.

The Board asked Bob Markel to take a look at the new proposed rates for parking tickets, and give the Board a recommendation.

Bob Markel brought up the first floor guardrail safety issue. Jack McFeeley said to put signs up at the front door warning people entering the building with small children to please beware. Small children must be supervised. It was suggested to also put signs on the railing itself, on all four sides. Jack McFeeley said to get a welder in and have him remove the vertical bars and have him replace them with 4" bars, and lower the horizontal bar on the bottom. Jack McFeeley told Bob Markel to add it to the money article on town meeting, as an emergency. Bob Markel will discuss this with Bob Bullock and get an estimate. Jack McFeeley said he would ballpark it around \$3,000.

Bob Markel discussed Bob Bullock's memorandum about Norfolk Auto Repair's Class II license, and what to do about cars outside the fence. The Board agreed that Mr. Roche should put for sale signs in the cars that are for sale, and all other cars that are either his employees vehicles, or cars he is repairing, and don't fall under the Class II license.

Bob Markel discussed the STAR Organization. He said it would be \$25 for us to join. The Board agreed.

The Board discussed the waiving of the fee for the Library inspection. The Board wants to know from the Building Commissioner if he has charged a fee for this inspection in the past, and if he has inspected other municipal buildings and charged a fee. The fee waiver was taken under advisement.

ACTION ITEMS

Joyce Terrio moved to allow the Knights of Columbus permission to hold their annual tootsie roll fundraiser at the Transfer Station on Saturday, October 25th from 8 a.m. to 4 p.m. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the King Philip Music Association to sell wreaths at the Transfer Station on Saturday, November 29th from 9 a.m. to 1 p.m. There will be 2 adults, and 2 young adults. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Norfolk Community League permission to hold their annual Jingle Bell Run road race on Saturday, December 13th, at 11 a.m., beginning and ending at the H. Olive Day School. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to allow the Garden Club permission to install sandwich board signs at the Main Street intersection of Boardman Street; North Street intersection of Pond

and Needham Streets; and Main Street intersection of Independence Drive, from November 1 through November 12. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve a street opening permit for Bay State Gas to install a new gas service at 12 Pennacook Street. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to release permit #02-07 for test holes at Route 115 Pond Street from Needham Street to Marshall Street, per the Highway Superintendent's recommendation. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to suspend all street excavation in the public ways from November 15, 2003 through April 15, 2004, except for extreme emergencies or hardship. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to impose a Winter Parking Ban, effective November 15, 2003, through April 15, 2004. No overnight parking on town roads will be allowed. This is to include parking vehicles on the sides of roadways, just off the road. Ramesh Advani seconded, and it was so voted.

Bob Markel touched on the letter from the Massachusetts Collectors and Treasurers Association announcing Jane Lepardo's certification, and inviting the Selectmen and/or Town Administrator to attend the award dinner. Jack McFeeley expressed congratulations to Ms. Lepardo. He said she is a very hard worker. He said he was skeptical, and he's eating his words. Bob Markel will attend.

OLD/NEW BUSINESS

Bob Markel gave an update on goals. He told the Board that they are working on the information desk. They have made some progress on this, and he has a leader organizing this.

Bob Markel discussed the long-term financial planning and trend analysis. He has made progress with the Finance Director, and hopes to put it online soon.

We are improving the website. It is an ongoing effort with the IT Coordinator. Departments are providing more information, and documents. Bob Markel said a goal is to try to provide governmental services online. We will probably start with the Recreation Commission.

Dr. Markel mentioned the Road Maintenance Program. He said that leveling courses have been done to hold the pavement together through the winter.

Town Meeting is scheduled for October 28/29. Bob Markel explained the posting and advertising problem with the zoning articles. The Planning Board was at fault, and has rectified the problem.

At 10:53 p.m., Joyce Terrio moved to go into executive session to consider the purchase, exchange, taking, lease, or value of real property as such discussion may have a detrimental effect on the negotiating position of the governmental body. The Board will then move to go into a second executive session to discuss strategy for pending litigation. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye. The Board will not return to open session.

At 12:13 a.m., Joyce Terrio 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 October 20, 2003.

Joyce E. Terrio, Clerk

Special Meeting

October 30, 2003

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

Also present was Fire Chief William Kelley, and his Administrative Assistant/EMT/Firefighter Patricia Bixby.

Joyce Terrio opened the meeting at 7:05 p.m.

Early Retirement Incentive

Ramesh Advani asked Chief Kelley if he was sure this is what he really wanted to do? Chief Kelley said he thinks so.

Joyce Terrio reviewed rules and regulations regarding advertising positions. Chief Kelley told the Board that he is willing to stay on for awhile to help out after he retires. The Board discussed a savings in the department because there will at least one-week vacation savings, and replacing him while he's away is costly. They feel there is at least a five-week savings already.

Joyce Terrio asked Chief Kelley if he is closer to making a decision? Chief Kelley told the Board that he has put in 30 years, and he has 75% of his pay. That is where he wanted to be in order to consider early retirement. Chief Kelley told the Board that he

is 99% there. He will be talking with his Accountant, and as long as he agrees it financially makes sense to retire, then he will be doing it. He told the Board that he would enjoy his freedom, as this job confines him to the Town.

Joyce Terrio asked Patricia Bixby if she is ready to retire? She replied yes. Ramesh Advani asked her what she would do if she retires? Pat Bixby told the Board that she has two grandchildren that she would love to spend more time with. Her late husband also left her a business that her two sons are running, and she would like to help them with the business, as well.

Joyce Terrio told everyone that she and Ramesh have spoken at length with Police Chief Stone regarding an early retirement request from Detective Leo Ethier. Chief Stone advised the Board that Detective Ethier is very interested in early retirement, and Chief Stone does not feel it will be a financial burden on the department to replace him.

Joyce Terrio summarized by saying that they were originally given five names of employees interested in early retirement. They did not have enough information to make a decision on these three individuals, so they met tonight to reconsider their vote of October 20, 2003. They are revisiting everything tonight. Last year the focus was not to have it be a financial burden. It did cost us, as it was our first time doing this, and we do not want to make the same mistake again.

Joyce Terrio said that the Board is not considering only financial burdens, but goodwill and what is best for the employees, as well as what is good for the Town.

Ramesh Advani moved to amend the motion of October 20, 2003 regarding the Early Retirement Incentive under Chapter 46, Section 116 of the Acts of 2003 to include two (2) Fire Department employees; and one (1) Police Department employee, contingent upon ensuring that the total costs of the one-time expenses are taken into consideration by the department head to ensure there is no financial impact in Fiscal Year '04. Joyce Terrio seconded, and it was so voted.

At 7:40 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 October 30, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

November 3, 2003

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

Jack McFeeley opened the meeting at 7:40 p.m. Bob Markel read the agenda contents.

DOG HEARING CONTINUATION

Jack McFeeley opened the public hearing at 7:40 p.m. This was a continuation of the October 20, 2003 Davenport dog hearing.

Bob Markel reported that the dog has been euthanized, and the Board of Selectmen's order was carried out prior to the public hearing last week.

Joyce Terrio moved to close the public hearing. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to rescind the restraining order on the second dog owned by the Davenports. Ramesh Advani seconded, and it was so voted.

FRANK GROSS

Frank Gross found some problems with some of the amended zoning articles. He told the Board he has contacted the Attorney General's office, but hasn't heard back. He wanted the Selectmen to be aware of this.

Frank Gross announced the Veterans' Parade plans to be held on November 11th.

Ramesh Advani discussed the young men and women who are serving in the military and how to recognize them some way. We aren't sure who they are. It was decided to have Butch Vito put yellow ribbons along the parade route in honor of any veterans fighting overseas.

OLD/NEW BUSINESS

Ramesh Advani discussed the Senior Center budget regarding the tax relief program. Bob Markel clarified it. He said that both Norma Shruhan and department heads expressed the importance of it. They then put it back in the budget. Mr. Markel explained how it worked. They would like to take care of this now as a transfer at town meeting, and not wait until the spring. Joyce Terrio said we either do a transfer now, or deal with a reserve fund transfer. Bob Markel will talk with the Advisory Board chairman tomorrow and see what they prefer.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes as defined by Dr. Markel. August 25, 2003 – Special Meeting; September 2, 2003; September 8, 2003 – regular and executive session; September 22, 2003 – Special Meeting; September 29, 2003 – regular and executive session, and October 6, 2003. Ramesh Advani seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel reported that the amount of free cash certified does not reconcile with the amount stated in a letter received from the Department of Revenue. He and Jack Hathaway discussed this, and investigated and found out the letter is wrong. The amount is \$807,598.

ACTION ITEMS

Joyce Terrio moved to approve a street opening permit to Bay State Gas Company for a new gas service installation at 30 Pine Street. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to approve a street opening permit to L. H. Johnson, Inc., for a new water service installation at 45 Medway Street. Ramesh Advani seconded, and it was so voted.

Joyce Terrio moved to release Permits #02-40, 21 Campbell Street and #02-42, 36 River Road per the Highway Superintendent. Ramesh Advani seconded, and it was so voted.

OTHER BUSINESS

The Board discussed the Library permit and their request to waive the fee. No decision was made.

Bob Markel noted a petition from Linda's Variety asking that her penalty on her liquor license be withdrawn. The Board will keep the appeal hearing on November 19th at the ABCC. Town Counsel will represent us.

At 8:25 p.m., Joyce Terrio moved to go into executive session for purposes of pending litigation. Ramesh Advani seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye. The Board will not return to open session.

At 10:24 p.m., Joyce Terrio 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 November 3, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

November 17, 2003

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

Jack McFeeley opened the meeting at 7:37 p.m. Bob Markel read the agenda contents.

DPW AD-HOC COMMITTEE

Present was Ellen Friedman, Ed Melanson, John Olivieri, Harvey Nasuti and Greg Linde.

The Selectmen handed out copies of the minutes of their meeting of September 22, 2003, with the Board of Water Commissioners. The Board also gave copies of the Special Act waiting to be passed by legislation.

Bob Markel discussed with everyone where the legislation is right now. He received a call today from Scott Brown's office. They are hoping to address the legislation by the end of the year. They do not see any impediments; they are just working around their time lines.

Bob Markel said he will be advised when the hearing will be held.

Jack McFeeley said that in Section 11 of the Legislation, this Act has to be submitted to the voters for acceptance at the next town election. This will happen the first Tuesday in May. Mr. McFeeley stated that is one deadline. Another deadline is what needs to be contained in the town bylaw. This Committee needs to draft this bylaw.

Jack McFeeley said we are looking at approximately 4 months for them to work on this. John Olivieri said he doesn't agree. He said basically, it is already December. That leaves December and January. Bob Markel said there is a model already drafted they can use.

Jack McFeeley pointed out in the 9/22 minutes that Donna Putt is 100% opposed to a DPW. Mr. McFeeley said you would find that Debbie Robbins is as well. He said they would be cooperative, but keep in mind that they are against this. Jack McFeeley suggested they get financial information as well.

John Olivieri asked what the comment "the Finance Department is a mistake" meant? Jack McFeeley explained that Debbie Robbins' comment meant she felt the Finance Department created in 1994 didn't work. John Olivieri complained that he isn't able to

obtain minutes of the Water Department's meetings. He asked why their minutes aren't posted on the website. Jack McFeeley reminded them to make sure that they are taking minutes as well.

Ed Melanson said looking at the minutes, they are saying some very disturbing things. He has to sift through it, and find out what their concerns are. Ed Melanson stated that they have their work cut out for them.

Joyce Terrio mentioned the deadline and the election coming up. She mentioned that we have to get this out to the public in any way possible. She said the last presentations at town meeting were superb. Townspeople need a chance to hear what they are recommending. An information forum is the best.

Ed Melanson wants to have a meeting and get all their ideas out and make sure they have the facts. He mentioned members, and said they have lost Rob Garrity, and it looks like maybe Larry Kennedy? Ed Melanson said he would talk to Larry Kennedy.

Jack McFeeley introduced Greg Linde. Joyce Terrio asked him if he was familiar with what is going on with the DPW and the work that they have done. How far informed are you, as to this meeting now? Greg Linde said he has discussed it with the Water Commissioners, and he is concerned for his two small children. He noted the rate increase. His bill went from \$200 for a 6-month period to \$600 for a 6-month period. He has a lot of concerns, and wants to be involved in the Town. Mr. Linde didn't feel that he could ever get an answer out of the Water Commissioners until Paul Anderson came on board. Paul Anderson is doing work that should have been done 20 years ago. Greg Linde lives on Medway Street, and has been in town 11 years.

Joyce Terrio thanked Mr. Linde for his interest, and moved to appoint Greg Linde to the Ad-Hoc DPW Committee. Jack McFeeley seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel discussed defibrillators for the public building. There will be two (2) installed in the Town Hall, and eight (8) individuals will be trained.

Mr. Markel discussed the Supplemental Tax Assessment program with the Board. He explained how the process works. He discussed this with Debbie Robbins and Jane Lepardo, and checked with other towns to see how it worked. Hopkinton has it working very well. There is significant revenue to be gained.

Bob Markel discussed this with the Building Commissioner, to see how many permits will be happening in the Spring. Pin Oaks will be occupied in the Spring – there will be 8 buildings. We will get a prorated tax assessment. He doesn't expect the 144 units of age restricted to be ready (DiPlacido), but Colwell, Intoccia and Weddleton will be available. Bob Markel doesn't see why it wouldn't work.

Joyce Terrio asked for reasons why this wouldn't work. Bob Markel said that bookkeeping would be additional work, but it shouldn't be a burden. Bob Markel said that we can do it, and we should do it. There is additional revenue, and it will close the free cash.

He said if we don't want to do it, we need to sign a rejection letter for the State. Joyce Terrio questioned if in the near future we are going to hear that departments affected by this are going to need more help because we chose to go with it. Bob Markel said he wouldn't say that. He is sure that they are going to need additional help.

The Board of Selectmen agreed to implement the program.

ACTION ITEMS

Joyce Terrio moved to release permit #02-43, 169 Seekonk Street, and Permit #02-21, Barnstable Road per recommendation of the Highway Superintendent. Jack McFeeley seconded, and it was so voted.

The Board discussed street names submitted for Spruce Acres. The Board was not in favor of the names and asked Bob Markel to discuss this with the Highway Superintendent. The Board will revisit this with new recommendations.

Joyce Terrio moved to allow the Norfolk Community League to install sandwich board signs for their Jingle Bell Run and Santa's Breakfast on the entrance and exit of Independence Lane from November 29th to December 13th, and the intersection of Main and Boardman Streets from December 6th to December 13th. Jack McFeeley seconded, and it was so voted.

Joyce Terrio moved to allow the 2nd Annual Connor's Fun Run to be held on Sunday, April 4, 2004. Jack McFeeley seconded, and it was so voted.

Joyce Terrio moved to allow Norfolk Fine Wine & Spirits, Provo Liquors, and Norfolk Food Mart permission to sell liquor on Sundays during the holiday season. They can sell from November 23rd through December 28, 2003 from 12 noon to 10 p.m. Jack McFeeley seconded, and it was so voted.

Joyce Terrio moved to approved the SERSG bid awards for DPW Services as follows: Random Crack Sealing to Crack Sealing of Raynham – 5,000 gallons at \$3.32 per gallon; Catch Basins Cleaned to Lloyd Truax & Co. of Foxboro – contents deposited in town (1400) at \$7.94 each; Cold Planing – T.L. Edwards, Avon, MA – 7,000 square yards at \$1.49 per square yard; Tub Grinding – J.M. Cook Co. of Mendon – 24 hours on-site at Highway Dept. - \$244/hr.; and On-Call Patching of Bituminous Concrete Roads – Felix Marino Co. of Peabody – Infra-Red Patches – minimum charge per patch - \$1.00 each, each additional square foot - \$2.75/square foot. Jack McFeeley seconded, and it was so voted.

OLD/NEW BUSINESS

Bob Markel referred to a letter from Charles Jones regarding Campbell Street. Mr. Markel talked to Butch Vito about Campbell Street not being finished. He will go out and look at it, and follow up with Mr. Jones. Bob Markel will follow up with Mr. Vito.

With respect to a letter from Dorothy Chaffee complaining about the Library staff, the Board was trying to understand what the problem is. Bob Markel spoke with Robin Glasser, and the employees were not rude. Bob Markel feels there must be a misunderstanding of what was said. Jack McFeeley asked Bob Markel to draft a letter to Mrs. Chaffee.

A commendation letter is to be drawn up for Officer Kevin Roake regarding his diligence and commitment to the town during a recent B&E at Daley's Service. The Board recognizes his good work and he has made himself known to the community.

The Board requested a thank you be sent to the NCL, Norfolk Lions, and the Holmes' family regarding the Haunted Train Ride. The Board noted it was a wonderful event, well attended, and much credit goes to the Holmes' for showing community spirit and allowing us to use their property. They are true citizens of Norfolk, and have a very giving nature.

The Board wants to be more active in Norfolk Community Day, and want this to be put on their agenda for early spring.

At 8:57 p.m., Joyce Terrio moved to go into executive session for the purpose of discussing litigation with Town Counsel. Jack McFeeley seconded, and it was a roll call vote: Joyce Terrio, aye; and Jack McFeeley, aye.

At 9:37 p.m., Joyce Terrio moved to go into executive session to discuss collective bargaining strategy. Jack McFeeley seconded, and it was a roll call vote: Joyce Terrio, aye; and Jack McFeeley, aye. The Board will not return to open session.

At 10:00 p.m., being no further business, Joyce Terrio moved to adjourn. Jack McFeeley seconded, and it was so voted.

This is a true and accurate report of the Selectmen's Meeting of November 17, 2003.

Joyce E. Terrio, Clerk

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

Three Boy Scouts from Troop 80, Sam Anderson, Tom McNiece and David Sterling attended the meeting with Arlie Sterling. They are working on their Citizenship in the Community Badge.

Jack McFeeley called the meeting to order at 7:37 p.m. Bob Markel read the agenda contents.

ACCEPTANCE OF MINUTES

Joyce Terrio moved to accept the minutes of October 20, 2003, regular and executive session, with a revision in the regular minutes, and the regular minutes of October 30, 2003. Ramesh Advani seconded, and it was so voted.

OLD/NEW BUSINESS

Bob Markel brought up the street names suggested for Spruce Acres. Mr. Eisenhower submitted new names per Chief Stone's concurrence. Joyce Terrio moved to name the roads in Spruce Acres as Ivy Court, Wildwood Road, and Orchard Street. Ramesh Advani seconded, and it was so voted.

Butch Vito request the Board vote to approve a not to exceed expenditure of \$5,000 for the construction of the platform and walks at the side of the Senior Center building. This is the ramp for ADA access and fire exit. Butch Vito discussed this with the Board. We need to let the PBC know that the Board is releasing this. Jack McFeeley said we need to take this offline and find out how much money is available, and if everything is accounted for, and this is extra, then okay. But monies shouldn't be taken away from these funds until we know it is extra money. This will be discussed again at the next meeting.

Bob Markel discussed the Chapter 61A property sale of Norfolk Airport. No P&S was attached, and we do not consider this a proper notification. We will contact the attorney and let him know that without the P&S, we do not consider this legal verification, and the 120 days has not started until we receive legal notification.

David Lapointe has tendered his resignation from the Planning Board. The Board will send him a letter, and post the position.

MARTIN MALONE, 142 NORTH STREET

Present was Martin Malone, resident of 142 North Street, and Butch Vito, Highway Superintendent.

Jack McFeeley read his letter of August 28th from Mr. Malone expressing his concerns. Mr. Malone agreed these were his concerns. Jack McFeeley then read the response to Mr. Malone from Butch Vito dated August 29th. Mr. Vito also responded on September 22nd with respect to further information. He also read the letter from Mr. Malone's attorney dated October 25th. Jack McFeeley further summarized all correspondence and issues. He told Mr. Malone we are concerned. We want to be sure that everything is understood, and not misunderstood, and that all the facts are on the table.

Martin Malone said Jack McFeeley touched on most of the issues. The reality is that it isn't going anywhere. The drain is there and it is going to be used. He still has the water concern. He is concerned about the water table. It appears that the water is diverted into that general area. He said there is a concern, and he has spoken with several engineers and the EPA. They told him he should be concerned, especially with respect to Title 5. Title 5 will not pass if he goes to sell his property.

Mr. Malone said he hopes he's wrong, but he hopes there isn't going to be a problem for his septic system. If there is no problem, that's fine. His second concern is an access road going in for the easement. Butch Vito told him to come in with a Plan A, and a Plan B if he doesn't like what's there. He showed on a plan his concerns to the Board.

Butch Vito showed the Board on an elevated plan where the access road is, and where Mr. Malone's septic is located. Mr. Malone said he is concerned with them getting closer to his property. Jack McFeeley said that this was an actual access road before we put the drainage in. Mr. Vito said they tried to go for the clear area, so they wouldn't have to remove trees.

Mr. Malone said that this is not a walking trail, it is a road that will be used by vehicles. That is what he is opposed to. He would like to see shared access by a driveway. He suggested they come up through the driveway, take a 20 degree angle, remove four trees, and you're back on the road. He said there is a very nice tree buffer there, so the access road wouldn't be so noticeable. He showed the Board another option. They would like to gain a buffer. Jack McFeeley said that this would mean that the neighbor would lose half his driveway. Jack McFeeley said that half of the neighbor's driveway is on Audubon property. Joyce Terrio asked why are we discussing this now. The easement has been there as long as the Audubon was there. Mr. Malone has been here three years. He said he wasn't aware of the easement.

Joyce Terrio asked him why this access road is a concern now, but wasn't in August? He said he didn't know about it then. Audubon owns the 60' right-of-way. Pam Musk of the Audubon told them that they removed the access road, and they need to put it back. Butch Vito said that the issue is that they are staying on Audubon property, and not going on either Brown's property, or Malone's property. A 4' fence will be going up, so the Malone's won't see the access road. You won't be able to get into the basin

(swale) from any side. Butch Vito said that gets rid of the public safety issue – no one will be able to get to it, or fall in. Butch Vito explained all this to Joyce Terrio. Butch Vito said they can plant some buffers, if needed, and the brush will grow up around there. He said there is underbrush, and mature trees. Mr. Malone doesn't see a truck go down there very often. He showed Joyce Terrio a photo of what it would look like.

Jack McFeeley asked Mr. Malone if there were further issues? He said it was not their intention to keep coming back and making more noise. They have accepted what is done. Then the access road was brought to their attention. He is asking the Town and Audubon to work with them with this road, and help put this behind them. Mr. Malone said there is not much you can put there when you have only 2'.

Ramesh Advani said you did list a whole lot of issues. We want to be assured that you do not feel your concerns are not being addressed. Mr. Malone said he doesn't think these issues can be resolved. He said the sarcasm came because they felt they were being ignored by the town.

Jack McFeeley said that nothing would be done until Spring. Mrs. Malone is concerned about their septic system. Butch Vito said we need to prove out the septic issue. He will have his engineers come out and re-look at this issue. Mr. Vito did discuss this with Bill Domey and he does not have enough information to give an answer.

Jack McFeeley explained that we share your concerns, and we are trying to look at this for you.

TOWN ADMINISTRATOR REPORT

Bob Markel stated he was working on the issue of veterans who are serving in Iraq or overseas post where the Town can recognize their contributions. He would like residents to call in, or email their relatives names. Joyce Terrio said that parents can give children's names, even if their child doesn't reside in Norfolk.

Mr. Markel reported that the Homeland Security information has been submitted. He worked on this with Chief Stone.

Bob Markel said that Holbrook residents will be glad to hear that Comcast will be out to service them, now that the poles are up. Cable is the last to string on any pole. Utilities string first on the top of the poles, and cable is last. They hoped to be able to provide service within two weeks.

Jack McFeeley noted that we just received the annual price increase for Comcast.

Bob Markel noted that Linda's Variety withdrew their appeal with the ABCC, and are serving their sentence which ends on December 4th.

Denise's Dance Studio must close as of July, 2004, per a Court Order recently received.

Joyce Terrio read two early retirement letters from Chief Kelley of the Fire Department, and Leo Ethier of the Police Department. Jack McFeeley asked that we send a thank you letter and that something big and out of the ordinary should be planned for these two retirees.

Ramesh Advani mentioned the ZBA modification to the comprehensive permit for Norfolk Commons 40B project.

Jack McFeeley commented on the letter he received from Barbara Bartholomew regarding Toils End Road, and will respond to it.

REORGANIZATION OF BOARD

Ramesh Advani moved to nominate Joyce Terrio as Chairman through the May 2004 election. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to nominate Jack McFeeley as Clerk through the May 2004 election. Joyce Terrio seconded, and it was so voted.

At 9:23 p.m., Ramesh Advani moved to go into executive session to discuss pending litigation. Jack McFeeley seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye.

At 10:37 p.m., Ramesh Advani moved to go into executive session to discuss contract negotiations. Jack McFeeley seconded, and it was a roll call vote: Jack McFeeley, aye; Joyce Terrio, aye; and Ramesh Advani, aye. The Board will not return to open session.

At 11:45 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 Selectmen's Meeting of December 1, 2003.

Joyce E. Terrio, Clerk

Regular Meeting

December 15, 2003

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

Joyce Terrio opened the meeting at 7:15 p.m. Bob Markel read the agenda. Jack McFeeley arrived at the meeting at 7:30 p.m.

TAX CLASSIFICATION HEARING

Present was Debbie Robbins, Chief Assessor; and Jack Hathaway, Finance Director.

Joyce Terrio opened the hearing and read the public hearing notice. Debbie Robbins presented a Classification PowerPoint presentation.

The average tax bill for this assessment is \$5,820.65. Debbie Robbins told residents that their bill would probably go up, even though the rate went down. That doesn't necessarily mean their bill will decrease just because the rate decreased. Norfolk is 96% residential.

Debbie Robbins informed the Board that the Board of Assessors recommends a single tax rate for 2004.

Joyce Terrio thanked Debbie Robbins for her presentation, and asked if the Board had questions. Ramesh Advani asked questions regarding commercial businesses in town.

Joyce Terrio said she likes seeing the comparison of the split rates vs. single rate. She said because we are highly residential, she feels that the single rate is the only option.

Ramesh Advani moved to approve the single tax rate for FY'04 to be \$7.93 per thousand as proposed and recommended by the Board of Assessors. Joyce Terrio seconded, and it was so voted.

Ramesh Advani moved to close the hearing. Joyce Terrio seconded, and it was so voted.

CLASS III LICENSE HEARING – NORFOLK AUTO REPAIR

Present was Paul Roche, owner of Norfolk Auto Repair, 38 Main Street.

Joyce Terrio read his present license and conditions listed. Ms. Terrio stated that all conditions seem to be met. Bob Bullock, the Building Commissioner did not have any concerns.

Ramesh Advani moved to renew the Class 3 license for Norfolk Auto for 2004. Joyce Terrio seconded, and it was so voted.

ACCEPTANCE OF MINUTES

Ramesh Advani moved to accept the minutes of November 3, 2003 and November 17, 2003 regular and executive session. Jack McFeeley seconded, and it was so voted.

ACTION ITEMS

The Permanent Building Committee has requested the Board waive any and all fees associated with the Library Addition/Renovation project. Bob Bullock explained that it is all building, electrical, etc. Jack McFeeley said that he isn't sure we can waive fees that

we do not set. The Building Commissioner set the fees. Bob Bullock said that the fee structure was set up and approved by the Selectmen. It was all set when he got here. All he did was revise the square foot price to make every one fair. Jack McFeeley said then we could waive it, if we approved it.

Ramesh Advani suggested that we have an item for a future meeting that we set up a fee schedule for residential and commercial entities.

Jack McFeeley moved to waive the building permit fee associated with the Library Addition/Renovation Project. Ramesh Advani seconded, and it was so voted.

The Federated Church and St. Jude's Church requested permission to conduct a Christmas Walk from one church to the other. Ramesh Advani moved to approve the Christmas Walk. Jack McFeeley seconded for discussion purposes. In discussion, Joyce Terrio said that Chief Stone has concerns. She was concerned about all the snow and if they don't stay on the sidewalks, it could be a safety issue. Donna Jones, who was present, said they mostly walk in the street. The Board decided to discuss this with Chief Stone, who is in the building, to hear his concerns before making a decision.

CLASS III HEARING – CALL AND WAIT AUTO, 15 LINCOLN STREET

Present was Paul Waznis, owner of Call & Wait.

Also present was Bob Bullock, Building Commissioner, and Conservation members Allan Shaw, Gail Hansche, and Administrative Assistant Marie Simpson.

Joyce Terrio read off each condition on his current license, and asked him to explain what has been done to date.

Mr. Waznis told the Board that he was supposed to get a permit required by the Conservation Commission, but he isn't able to get it.

Ramesh Advani asked why he ran out of time doing these conditions. Mr. Waznis said he was too busy trying to make a living, and just didn't get it done.

Jack McFeeley said Mr. Waznis is making the Board's job easier. Most of the reports back to the Board indicate that nothing has been done over the past year. Mr. Waznis said not nothing – he has done some of the things. Jack McFeeley said okay, he would say that very little has been done.

Jack McFeeley noted the recommendation of Jim Giebfried, Chairman of the Conservation Commission. Mr. McFeeley read some of the comments by Mr. Giebfried. They recommend an engineering firm, LSP, be hired to review things. Jack McFeeley said that last year we were on an up note, and now we are on a flat note. Ramesh Advani questioned what he meant by that. Jack McFeeley said that last year they did many things that we approved of, but now are back to doing nothing. Mr. Giebfried's

recommendation included a permit be issued for only a two month period, so the work could be monitored.

Jack McFeeley said he agrees with the Conservation Commission that a two-month permit should be issued. Joyce Terrio reminded the Board that legal counsel advised the Board that we couldn't legally issue a permit under twelve months. Bob Markel said the Board could issue a permit for one year, but set up periodic reviews every few months.

Paul Waznis asked Mr. McFeeley to re-read part of what he read in the Conservation Commission report, because he was not clear in what he heard. Mr. McFeeley did re-read the report.

Allan Shaw, Vice Chairman of the Conservation Commission came forward. Mr. Shaw said that Jack McFeeley did a very good job summarizing. Allan Shaw stated that he; Gail Hansche and Jim Giebfried conducted a lengthy site visit yesterday. He said that tires are a concern. Allan Shaw said that there is an area with much debris; chassis, body parts, etc. that need to be cleaned up. Paul Waznis said he could clean it in a month. Allan Shaw said they would really like to hire a consultant and have it paid by Mr. Waznis, and wouldn't anticipate any work being done until Spring. Joyce Terrio said one month to take care of item #2 and a few other things. Joyce Terrio said there is a list of 11 items. What would the Commission deem acceptable within this two-month period? Mr. Shaw said to clean up tires and the storage of batteries and the pad. They would like to see engineering plans for the concrete drainage pad site, and would like him to replace stage container bodies with new sound units, etc. They meant by sound to put a roof on it.

Bob Bullock gave his report. He said that Paul Waznis is a very cordial person to walk with. Bob Bullock said he has been out there about six times. The progress just isn't happening. Paul Waznis is doing what he wants to get done, but he isn't doing what the Board wants done. Mr. Bullock said a huge pile of tires has been removed. There is still a pile of about 300 tires that is still sitting there. A tractor-trailer was supposed to be there to take the bad tires, and a bunch of old doors, etc. was supposed to be put in one area, and that also hasn't been done. Bob Bullock said that he built an area for metal to push all of his metal into one area and then load his trucks from there. He did do that. He said there are small steps in the wrong direction. His efforts aren't into complying with the list.

The Board had no questions. Bob Bullock said he visited the site the day before the storm. Paul Waznis said he has removed every single tire since Bob Bullock had been there.

Jack McFeeley said we should renew the license subject to coming back in a one-month period, two month period, three-month period etc. If conditions aren't met, we decide then whether we continue with the license for the rest of the year. Ramesh Advani said

that if we do this, he wants to know if Paul Waznis feels he can do the work within one month, two months, etc. If things are tough and hard, will there be a commitment on your part to do this? Paul Waznis said that he doesn't have a choice – it is all he knows, and has done this for 35 years. Ramesh Advani said that he had a choice and didn't do it, will he do it? Paul Waznis said that he can't read or write, but he can scrap iron and he has to try to make this work. Paul Waznis said he is willing to work with the Conservation Commission and work with their engineers.

Ramesh Advani said that if they are recommending the Spring, then we should develop a plan four months out. Jack McFeeley said been there, done that. There are still some things that can be done in a one-month period, two months period, etc. He named some of the things that can be done monthly. Ramesh doesn't want us to revisit this, or forget about this, and work on it in July, and then all of a sudden be facing it again in December. Joyce Terrio agreed that there are some things that can be worked on even with inclement weather. There are things he can be working on. Ramesh Advani said we should lay out a plan that doesn't stop after 3 months. Jack McFeeley feels he's being presumptuous. We've had his attorney in, and we already walked hand in hand with him. We left him on his own, and nothing has been done. Mr. McFeeley says we need to hit him over the head a little bit, and last year he was against the licensed site professional. This year he is for it. Jack McFeeley says we have listened to enough, and we need to do get serious. Jack McFeeley said it doesn't mean stopping the whole thing. Joyce Terrio said she has seen him for years, and hasn't always been in favor of renewing his permit because of these 12 issues. She doesn't want to waste everyone's time. If you are going to sit there and tell us that the probability is very high. Was it frustration when you said that we shouldn't renew his license? He said yes. Bob Bullock said he would like to hear what the conditions are. He can list things that can be done, even with bad weather. He talked about moving the stuff from below to above. He talked about the water runoff. That needs an engineer to look at it. Some of it is running into the Stop River. Bob Bullock feels there is a lot of water and oil running there. He wonders how much it getting absorbed, and how much is running off. You have to take it in steps.

Jack McFeeley proposed a three-month deadline. He said we should renew for the year, and each month we will inspect the site. We will see what the progress is. We will come back at the end of three months and look for a three-month goal. Cleaning up the dirt roadway: That is where all the doors are. Pile of rear ends and other stuff on the actual hillside. This needs to be brought to the top area. Hay bales are there, but they need to be put out so that they will catch the runoff. (Reposition hay bales to protect the area). That is a one-month target. Gail Hansche said the hay bales couldn't be installed with the frozen ground. Jack McFeeley said they could be installed by the end of March. Ramesh Advani asked could we get a price and someone on board within three months for an LSP? Joyce Terrio and Jack McFeeley didn't feel that was enough time, but we could start the process. Sign of progress – truck bodies used for storage. Jack McFeeley would also like to see the markers put in. Bob Bullock said

they need to get everything within the fence line. This would be the minimum progress within the next three months.

Ramesh Advani would like something written as to how we will prevent this from happening again. He would like progress already made to remain as progress. Bob Bullock told Ramesh Advani that we made him put a fence up on the south side last year to contain everything, and make sure that everything remained within the fence. But he parks everything outside the fence.

Jack McFeeley moved to renew the license for Paul Waznis, d/b/a as Call & Wait Auto, Inc., for 2004 and come back in three months, and at the end of three months look at the progress vs. the conditions just spelled out. The Conservation Commission and Building Inspector will inspect monthly and provide us with milestones on the conditions listed. Mr. McFeeley said we would consider these serious violations of the license if they are not completed within the three month period. Ramesh Advani seconded, and it was so voted.

CHIEF STONE – CHRISTMAS WALK

Chief Stone was present to discuss the Board's concerns, and his concerns on the safety of the Christmas Walk between churches.

Joyce Terrio explained that we are not disproving this, but it is dangerous. She suggested that they bring flashlights, and walk single file on the sidewalk. Joyce said she has heard they walk in the street.

Chief Stone said that they have walked in the street. Individuals have to take care of their own safety, such as flashlights. He suggests that we block the road. They would be up at the center and at the end of St. Jude's. He said between weather, darkness, and lack of staff, he said it is a public safety issue. He told the Board he cannot put on extra detail for this, but will put his officers who are on duty there. Chief Stone said a contingency plan should be that they stay at the church. He is concerned also, that if they have an emergency, as they had last week, both police and fire could be tied up, and there will be no officers available at the walk. This concerns him. If that should happen, he would like to see them be made to stay at the church.

Jack McFeeley moved to approve the 6th Annual Christmas Walk for the St. Jude's Church, Norfolk Federated Church, and Emmanuel Baptist Church for Sunday, December 21, 2003 from 6 to 8 p.m. The walk will be from St. Jude's Church to the Federated Church and back. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to release the permit and bond for Lot #2, 10 Campbell Street, per the recommendation of the Highway Superintendent. Ramesh Advani seconded, and it was so voted.

ANNUAL LICENSE RENEWALS

Ramesh Advani moved to renew all liquor licenses – Eagle Brook Saloon, Tyler’s Family Restaurant, and Horse ‘n Carriage Restaurant – All Alcoholic Restaurant; Norfolk Fine Wine & Spirits, and Norfolk Food Mart – Package Store Wine and Malts; Provo Discount Liquors, and Linda’s Variety – Package Store All Alcoholic; and Fore Kicks, On-Premises Beer and Malts. Jack McFeeley seconded, and it was so voted. Bob Bullock said he would like an annual sign-off that the establishments would obey to all zoning bylaws, or their license would be subject to revocation after a hearing. Jack McFeeley questioned if they could revoke a license because of bylaw violations. Bob Markel felt if you put a notice on the bottom the license, you could do it. The Board reviewed this at length. Jack McFeeley moved to add the caveat at the end that the license holder agrees to abide by the bylaws and zoning regulations of the town as a condition of holding the license or permit. Language will be drafted by Dr. Markel and reviewed by Town Counsel. Ramesh Advani seconded, and it was so voted.

Ramesh Advani moved to approve Common Victualler licenses for 2004 for the following establishments: Eagle Brook Saloon, Tyler’s Family Restaurant, Horse ‘n Carriage Restaurant, Norfolk Town Pizza, Bourque’s Restaurant, Dunkin’ Donuts, Crossroads II, and Fore Kicks. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve Entertainment licenses for 2004 for Eagle Brook Saloon – Live Music – Secular Days and Sundays; Tyler’s Family Restaurant – Coin Operated Co-Player, Secular Days and Sundays and One (1) Coin Operated Co-Player, Secular Days and Sundays; Fore Kicks, Eleven (11) Coin Operated Arcade Machines – Secular Days and Sundays; and Norfolk Rink Management – Six (6) Coin Operated Arcade Machines – Secular Days and Sundays. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve taxi licenses for Foxfield Taxi. Joyce Terrio seconded, and it was so voted.

Ramesh Advani moved to approve the Class I license for 2004 for Cliff’s Cycles. Jack McFeeley seconded for discussion purposes. There was no discussion, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for Mitch’s Repair. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for Norfolk Auto Repair. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II for WSAB. There was no second to the motion. Bob Bullock explained the issue: Non-conforming property because it’s been there before zoning. When you have non-conforming business and you extend the use, you need a Special Permit. Bob has advised Mr. Crawford to go before the ZBA for a

Special Permit, and he finally has done it and has a hearing on Dec. 17th. Ramesh Advani withdrew his motion.

Ramesh Advani moved to approve the Class II license for 2004 for Eddy Ray's Auto Body Shop. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for R & D Automotive. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for Call & Wait Auto, Inc. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for National Auto Co., Inc. Jack McFeeley seconded, and it was so voted.

Ramesh Advani moved to approve the Class II license for 2004 for Action Motosports. Jack McFeeley seconded, and it was so voted.

NEW BUSINESS

Bob Markel reported that it cost \$75,000 for the Dec. 5th snowstorm. Remo Vito requested the Board allow him to deficit spend his budget. Ramesh Advani thanked the Highway Department for the time and effort put in during the storm. Jack McFeeley and Joyce Terrio agreed it was a wonderful job. Jack McFeeley thought we should stop the foolishness of a snow budget and deficit spending. It's a joke. It's artificially low, and we know it is going to run out. Jack McFeeley moved to allow deficit spending of the snow and ice budget. Ramesh Advani seconded, and it was so voted.

TOWN ADMINISTRATOR REPORT

Bob Markel told the Board that he has hired a Facilities Manager. This will be a 30-hour position. The employee will do 20 hours as Facilities Manager, and 10 hours as Electrical Inspector. They discussed the buildings and the budgets. A maintenance and preventative maintenance budget will be in place. The Facilities Manager will consult with the necessary departments. Bob Markel announced this position would be effective January 1, 2004.

Bob Markel informed the Board that he has been reviewing budgets with the Finance Director. He said there would be changes with the IT budgets. They are trying to find the best way to project the computer lines into the budget.

Jack McFeeley moved for Remo Vito to proceed with approval not required, Planning Board. Ramesh Advani seconded, and it was so voted.

Bob Markel said he talked with Jeff Nutting, Town Administrator in Franklin, regarding the third well. DEP has indicated that they want the Town to go through the process of getting the permit. Paul Anderson said that in a conversation with DEP, they prefer the

two towns work out an agreement for the excess capacity that we will sell to Franklin. If we do this, they will work an agreement where they draw less from the well near Kingsbury Pond. That will restore normal flow to Kingsbury Pond.

KP advised us that our percentage for FY'04 goes down. Norfolk students dropped compared to other two towns. 35.81 go down to 35.10.

State legislature will meet to discuss the DPW legislation.

Jack McFeeley moved to allow the restaurants to stay open until 2 a.m. on New Years Day. Ramesh Advani seconded, and it was so voted.

OLD/NEW BUSINESS

Bob Markel discussed Charles Jones. Mr. Markel contacted Animal Control, and asked for enforcement. The other issue was potholes. Bob Markel checked into that, and all but one was repaired by Highway. The one not repaired involved a permit, which is now delinquent, so they will pull the bond and repair it. Bob Markel will answer Mr. Jones' letters.

Bob Markel said he left a message for Tim Singer regarding his letter on KP fees.

The Board discussed the resignation of Walter Branson from the Community Preservation Committee. We will need to advertise for a member from the precinct that Robin Road is in, to fill the vacancy.

The Board would like to schedule Chris McClure in to a January meeting – probably the 26th – to discuss the website.

Bob Markel reported that there would be four elections for this year. These were all not expected, and it will affect the budget.

At 10:18 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 December 15, 2003.

John J. McFeeley, Clerk

Special Meeting

December 29, 2003

Present was Joyce E. Terrio, John J. McFeeley, and Ramesh H. Advani.

Joyce Terrio opened the meeting at 7:00 p.m.

The Board discussed Fred Pfischner's activities regarding the Conservation Commission. It was a unanimous decision that Jack McFeeley would speak with Fred "offline" as a friend, before any Board of Selectmen action would be taken.

The Board discussed Bob Markel's performance evaluation.

The Board discussed the \$1,000 increase for Jane Lepardo, Treasurer-Collector. The law allows for this since she has now become certified.

The Board discussed the exams that Bob Bullock, Building Commissioner, has now passed.

The Board noted that Bob Markel and Jack Hathaway received the Norfolk Elementary School budget.

The Board discussed the options they had regarding Sunday liquor sales. They could: (a) do nothing, and the bars and restaurants remain status quo. Package stores would close; (b) allow package stores to open on Sundays – Bob Markel can obtain verbiage from Town Counsel; or (c) mandate all closed – package stores, restaurants, and bars. Norfolk would become a "dry" town. The Board took no action on this matter.

Jack McFeeley moved to grant a Class II license to Dave Lind, Dedham Street. Ramesh Advani seconded, and it was so voted.

Jack McFeeley moved to permit a Class II license to Donald Crawford, WSAB, 84 Rockwood Road for only the minimum number of vehicles. Ramesh Advani seconded for discussion purposes. Joyce Terrio brought up the issue of the ZBA hearing and the Building Commissioners concerns for pre-existing conditions and the business being run there. Are we allowing something we shouldn't be? Jack McFeeley and Ramesh Advani voted aye; Joyce Terrio voted no.

The Board briefly discussed the employees who are taking early retirement. Should we try to do something? What should we do – any ideas? No action was taken.

At 7:33 p.m., being no further business, 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 December 29, 2003.

John J. McFeeley, Clerk