

Regular meeting of the Board of Selectmen convened at 7 p.m. on Tuesday, November 24, 2015 in Room 34, the Harry B. Butters Chambers, Norwood Memorial Municipal Building, with the Pledge of Allegiance, and a silent moment of prayer and reflection. Meeting is Recorded.

Present: Chairman Paul Bishop, Selectmen William J. Plasko, Michael J. Lyons and Allan D. Howard. Also present General Manager John J. Carroll, Clerk Frances L. Jessoe and Assistant Christina Mulvehill.
Absent: Selectman Helen Abdallah Donohue

Appointments

7:00 P.M. – Mark Ryan, Supt., DPW/Town Engineer:

Mr. Ryan did a brief review of his monthly report of department's activities. He stated that the DPW Open House and building dedication of the John J. Carroll Administration Building on November 1 went well. It was well deserved by Mr. Carroll for all he has done for the town. Coakely and Balch lighting projects are being completed. The Balch field has been energized and the DPW is working to get ready for next season so the State Champions can start off the year in style. Winter street compost area is very busy and is working out very well. The cemetery division has been very hard at work, much busier than most years. They are getting the grounds ready for the winter. They have also been planting trees, compliments of the Norwood Bank. Engineering department worked hard all summer on street resurfacing. Monroe Street from Rock Street to Cross will be delayed until the spring due to National Grid work. They also supervised widening the intersection of Pleasant and Dean.

Public Works yard update: Brian Jarvis of Compass is still working with the contractor and the PBCC on final numbers and will be here at December meeting instead.

Selectman Lyons asked about the widening project at Dean Street with the dedicated right hand turn. He asked if there was any follow up to how this is working. Mr. Ryan said they will follow up but do not expect issues as this was minor. Something big like Morse we took a good look at this and followed up. They do go back. Selectman Plasko inquired of Mr. McKenna asked what work is still going on at the DPW. Mr. McKenna said there is a test of the electrical generator scheduled for a week from today on December 1. They have natural gas powered emergency generator and this saves money. They have to determine that the piping size and gas flow is adequate. They could not do it with the warm weather. Invoices are normally handled on the second Thursday of the month and they hope to complete them by December 10th. They hope to show they brought the project in on budget. Selectman Plasko thanked the PBCC for all their work.

Selectman Howard thanked Mr. McKenna and other members of PBCC for all the work they do. It is a lot of work for volunteers. He told Mr. Ryan the guys at the landfill are incredible.

Chairman Bishop asked about a grant received from EPA for mattresses. Mr. Ryan was not aware of that but said that each month they dispose of about 80 mattresses. This grant will take care of that expense.

Mr. Ryan wished all a Happy Thanksgiving. Chairman wished the same for Mr. Ryan and Mr. McKenna and their families.

7:20 P.M. – James Collins Supt., Light Dept. /Broadband:

Mr. Carroll announced that Mr. Collins became a grandfather today to a baby girl. The Board congratulated Mr. Collins.

Mr. Collins stated that the transmission project contract has been completed and signed and the contractor should start in a couple of weeks. Once it starts there will be a monthly meeting on Friday morning in Room 24 for the public if they have questions at 8:30 a.m. He introduced Dan Morrissey, Asst. Superintendent. Mr. Morrissey summarized some projects- 101 poles needed replacement. He said that

Supt. James Collins (cont'd)

98 have been replaced; 168 poles have been removed as double poles. Upland Woods needs four transformers and they have installed two thus far. Benchmark Senior Housing they are working with the Mass. Dept. of Transportation to get some permits to install poles. CarMax is energized and ready to go from the Light Department standpoint. Herb Chambers has two dealerships which should be energized within next couple of weeks. Subaru is almost done. Endicott woods is about 2-3 weeks from getting power. He stated that they are currently working on bringing additional capacity to this area for Home Market Foods. He said that the Light Department is in the process of replacing system that helps with water heaters and capacitors and allows them to read hard to read meters. They will be putting it out to bid for an RF system and then can replace meters and do automated metering. Selectman Plasko asked if that would be similar to the water meter system. Mr. Morrissey said yes.

Mr. Hanson stated that they are gathering customers at Upland Woods. The food pantry promotion starts December 1st. Last year they raised about \$5000. He said if you upgrade they will donate \$20 and if you become a new customer they donate \$50. The donations will be made in the customer's names.

Selectman Howard asked about transformers. He inquired if a place like Upland Woods pays for them. Mr. Morrissey said we pay for the transformers, it is built into their electric rate but they pay for everything else, including the wire and everything will be underground. They have to furnish and install the wire on the underground.

Selectman Lyons referred to the transmission line project and what is the time line. Mr. Collins said the original timeline was 18 months. The contractor intended to do it in a shorter timeline but for permitting purposes we will keep with the longer timeline. Lots of the work has to be done under frozen conditions because of all the wetlands.

Chairman Bishop said we have 8 new projects coming on line – what kind of revenue would that be. Mr. Collins said there has been a slowdown in the load in the town in kilowatt hours. It looks like it has leveled off and he anticipates about 1.5% increase. The printing plant in Oceana Way will be delayed by a year.

New Business

Chief A. Wayne Sampson (Ret.) Executive Director, Mass. Chiefs of Police Association:

On motion of Selectman Lyons, seconded by Selectman Howard, voted the usual regarding invitation to the Board to attend their meeting on December 10, 2015 at the Sheraton Four Points. Chief Brooks will be installed as President for 2016. Please arrive no later than 11:45 a.m. RSVP by November 30.

ABCC:

On motion of Selectman Howard, seconded by Selectman Plasko, voted to file informational advisory that after January 1, 2016, the law will take effect increasing from 5 to 7 the number of off premises (§15) licenses any person or combination of persons may hold, directly or indirectly, in Massachusetts. The law does not change the statutory limitation of holding more than one license in a town.

Verizon:

On motion of Selectman Plasko, seconded by Selectman Lyons, voted to accept and forward to NPA \$64,911.45 for Peg Access as per their contract for PEG Grant Report 3rd Quarter 2015.

Commonwealth of Mass. Office of the Governor:

On motion of Selectman Lyons, seconded by Selectman Howard, voted to file correspondence that Mass. Dept. of Environmental Protection has awarded the Town of Norwood a Sustainable Materials Recovery Program grant. The Town of Norwood will receive access to a MassDEP-funded program for the transportation and recycling of residential mattresses.

12 Vernon Street, LLC, 12 Vernon Street:

On motion of Selectman Lyons, seconded by Selectmen Plasko, voted to schedule a public hearing re request by Jeffrey Morrell for Lodging House license to operate 12 Vernon Street

On motion of Selectman Plasko, seconded by Selectman Lyons, voted to file copy of letter from Robert N. Donahue that they will be selling the Verne Inn Lodging at 12 Vernon Street.

Clerk, Board of Selectmen:

There is a vacancy on the Norwood Cable Communications Commission as of December 6, 2015 as one member does not wish to be reappointed. Please send letters of interest to the Selectmen's Office. On motion of Selectman Howard, seconded by Selectman Plasko, voted to send a letter of thanks and file the information.

Selectman Lyons said downtown steering is looking for town residents who are interested in getting involved. Fairly small time commitment but it is a good way to get involved with the uptown business district.

Norwood Portuguese Club, 1090-1092 Washington Street:

On motion of Selectman Howard, seconded by Selectman Lyons, voted to approve the following requests for one day Wine and Malt Beverage Licenses.

Sunday, December 6, 2015 from 4 p.m. to 12 midnight

Saturday, December 12, 2015 from 4 p.m. to 12 midnight

Judith A. Howard, Town Meeting Member, District 3:

Submitting copy of letter to Town Moderator David Hern, pertaining to Article 16 of the Special Town Meeting. Selectman Plasko said this is directed at the Moderator and her frustration with the way he handled things on one particular article. But she also mentions the Board of Selectmen on several parts and he takes quite a bit of an exception to them in particular she notes that it seems that out of town developers and outside interests are paramount to the best interest of Norwood residents and businesses. He said that is the farthest thing from the truth. He stated that this Board takes its neighbors and responsibilities to the Town very seriously and it is our residents that are paramount in all decisions that the Board makes. He stated that sometimes some of our decisions while we are trying to make them in the best interests of the entire community may not be in the best interest of a particular group or neighborhood as things turn out but we take that into consideration and try to make our decisions in the best interest of the entire town. He said that it is the residents and the welfare of the town that count in our decisions not the businesses or developers that may want to come into the town. We work with them as much as we can to make whatever is going to happen in Norwood be the best that it can be if it is a reality that it is going to happen, but that doesn't mean the Board necessarily favors it, that doesn't mean we do that at the cost of residents-they are paramount to us-not business or developers. He said that he does understand her frustration with the moderator that evening as he tried to get recognized over and over again for that particular article and I wasn't recognized and wasn't able to speak, but he said that he has been there and he had been the moderator and he knows how difficult that job is and he knows Mr. Hern and his integrity and that everything he does and tries to do is with the best interest of trying to make things work smoothly for town meeting. He is like us and he is not infallible, he can make a mistake, but it is always with the best intention, never with harmful intent. He takes exception to the tone of the letter even though Ms. Howard has a right to express here opinion. Chairman Bishop agreed with Selectman Plasko.

Yves Urio, YKLU Food Inc., dba Olivio's Grille & Pizzeria, 1210 Boston Providence Tnpk.:

On motion of Selectman Lyons, seconded by Selectman Plasko, voted to approve request for the Board to issue a CV License so that they may operate while we are waiting for the approval from the ABCC on the liquor transfer from Tuscany Pizzeria. The Board of Health has approved their food permit.

Unfinished Business

Avalon Norwood:

Submitting copy of the Board's comments to Mass. Housing Partnership regarding the Avalon Norwood, 119-165 Lenox Street proposed project. Selectman Plasko said this is a rather long letter we put together with the assistance of town counsel. He stated that sometimes the Board is criticized by people who don't think the Board does much work and we don't take things seriously, but the people don't see what is behind these things and sometimes the Board takes it for granted that they have done the work and just approve the letter, but the people don't know what is involved so he would like to go over a few points. Selectman Plasko stated that this letter has to do with an application by Avalon bay for an eligibility letter from Mass. Housing Partnership that would allow them, if granted that eligibility criteria, to apply to the Zoning Board of Appeals for a 40b housing development at the former Plimpton Press property. He stated that the Board sent in an opinion on behalf of the town and made it clear that the letter states that if the Avalon Bay project moved forward then Norwood would require that the affordability requirements remain in effect in perpetuity. We do not see the benefits of any project in which the affordability requirements lapse after a certain period of time. The Norwood Board of Selectmen requests denial of the project eligibility because this project will not advance the affordable housing objectives of Norwood as intended by Chapter 40B of the Mass. General Laws; the project is not appropriate for residential development in Norwood given the amount of affordable housing already available in the town and the projects conceptual design is not compatible with or appropriate for the site. Further the Board believed that the Mass. Housing Partnership should consider all of the factors and actions taken by the town to comply with the intent of the 40B law and regulations. Selectman Plasko continued to read from the contents of the letter. He said that in the letter that Norwood's zoning practices are anything but exclusionary and Norwood has a significant amount of low and moderate-income housing within the town. The letter points out that Mass. Housing when reviewing another proposal on Washington Street, denied that permit because Norwood is one of the leaders in Mass. for providing low and moderate housing within the town. In November 13, 2013 when this project was denied, they recognized that the percentage of rental housing in Norwood exceeded that of all neighboring communities, the Boston metro area and the commonwealth. Selectman Plasko continued to read the letter that was sent regarding Avalon. This letter points out the things we have done to reach this goal and claimed the 1.5% status and that is being challenged and that nothing else should be allowed in at this time as it is not fair, that should Norwood lose that case it would bring us above the 10%. Selectman Plasko stated that there is nothing in the 40B law that any one community should have to shoulder more than 10%. This Board and the Planning Board supported housing at Plimpton Press. He said that he personally supports some type of housing there as he feels it is an appropriate use of that old dilapidated site. He said in each of these issues you have to consider such as the density, whether there are other projects coming into town as the same time so that there would be too much happening in the town to absorb at one time, that it lacks proper planning. At this time, he is not in favor of this project because the other 40B is lingering over our heads. People say because we favored Plimpton in the past, they seem to think the Board favors all projects. Selectman Plasko said we are opposing this project and the Washington Street project was denied because the Board wrote a letter. He stated that he and Selectman Howard attended the site meeting and argued the town's case as to why the project should be denied and not go forward. Discussion continued. You want to do what is in the best interest of the community. Selectman Plasko stated that for those people who think the Board doesn't spend time dealing with these things and don't care about the town, he just wanted to let people know that the Board has addressed this asking for a denial on behalf of the town of Norwood.

Selectman Howard said people do not see or realize what the board members do behind the scenes on behalf of the town; especially Mr. Plasko going to meetings, going to Boston defending the Town of Norwood to fight these developers coming in. Mr. Plasko drafted those four pages for our board and our attorneys went over it with fine tooth comb. We fight our hardest to stop these projects from coming in to town and to say that we don't or are on their side is so wrong.

Memoranda

Trudy & Bobby Wallace, 72 Margaret Street:

On motion of Selectman Plasko, seconded by Selectman Howard, voted to file copy of thank you letter to Safety Officer Paul Murphy for his help in addressing the traffic issues facing their neighborhood. Chairman Bishop thanked the DPW for signage and police for enforcement.

Selectmen's Meeting:

On motion of Selectman Howard, seconded by Selectman Plasko, voted to approve as presented, minutes of October 27, 2015 and November 3, 2015.

Selectmen's Addenda

Selectman Howard

Veterans

They are trying to accumulate items to be given and or sent to soldiers in the field. He said the ELKS and the VFW are looking for travel size single serve type things; Shampoo, toothbrushes, chips, popcorn granola bars etc. and for people to drop these items of at the Elks or the VFW.

Holiday Extravaganza

Sunday November 29, 1:30. There will be lots of events; reindeer dash, horse drawn hayrides, farm visits, madrigals, holiday singalong, readings by Linda Rau and Selectman Donohue will read The Night Before Christmas and then Santa and Mrs. Clause and the elves will arrive.

Happy Thanksgiving

Selectman Plasko

Happy Thanksgiving to all.

Town Meeting

Selectman Plasko stated that he wanted to get back to town meeting and there was one discussion that he wanted to speak on. There is one point that he wanted to respond to and that was that this Board should be hiring experts to help us and we should not use town counsel and they cited the Light Department and suit and the Police and Fire Department construction suit which occurred. People need to get their facts right, he said that the Electric Light and Police and Fire law suits, Town Counsel had nothing to do with this, we used experts and those experts lost those cases. He said that experts don't say whether or not we are going to win a case. He stated that what matters is the value and the strength of our case. In this case the 40B case will be the strength of our numbers and how well they will be received by those who sit in the judiciary level to make the decision on those matters. He is confident that Town Counsel has a broad depth of experience in those matters. He said that they have been before the Housing Appeals Committee and they have a great depth of knowledge in dealing with regulations and regulatory authorities which the HAC is-not a court of law. He is confident that they will be able to handle our case as competently as anyone else. He said it was stated at Town Meeting and the record has to be cleared that Town Counsel is being blamed for two cases they had absolutely nothing to do with.

Chairman Bishop said there are no true experts on this issue – everything will be based on our presentation and the case we present.

Land

Selectman Plasko said he has heard that the Town doesn't do enough to purchase land and look for open space, etc. and that it has been years since we bought any land. He stated that just because we have been unsuccessful doesn't mean we haven't tried. Over last few years we talked to Campanelli about the land at Upland woods for open space or a DPW. They didn't want to sell. He said that they also spoke to the Davis Company as well. They tried to approach them for the DPW and open space, etc. They did not want to sell to us. The Commerce Center at the end

Selectman Plasko – Land (cont'd)

of Endicott Street, 28 acres. They had discussions and went to DEP to check on contamination issues and we came to the conclusion it was not worth the risk. We have always thought along those lines and are always looking.

Selectman Lyons

Small Business Saturday

Statewide push to promote this – this coming Saturday the stores in Norwood will be involved. There will be special features. It is a reminder for during the holiday season shop locally. The money stays in town, promotes local jobs, local tax revenue and it is really nice and has benefit.

Happy Thanksgiving

Chairman Bishop

Leaf Pickup:

December 4th is the last available day for leaf pickup. You can get leaf bags at True Value in the center of town.

NPATV

2015 youth video club film festival December 4th at 6:30 at Norwood High School. – many students have created video projects they want to show public.

Housebreaks

Yesterday we had 8 housebreaks. Police are gathering information. If you have and information, please contact police department. Please lock all doors and windows, trim shrubbery around doors and windows, use night lighting, motion detectors. Be aware of what is going on in your neighborhood and be responsible for your neighbors. Call 911 or if you have just information call 781 440- 5100 for police information.

Alumni weekend at Norwood High School

Friday and Saturday reunions all weekends. There will be a guided tour of high school on Saturday. Chairman Bishop went over the activities for the weekend.

Happy Thanksgiving

It is favorite holiday it is all about family

Manager

Martha Buckley has 50th anniversary as an employee of Town of Norwood at 2 p.m. on Monday.

The following item was presented for Executive Session but was handled in open session.

Executive Session

Law Offices of Robert W. Joyce

Selectman Lyons and Chairman Bishop were not sure this should be listed in Executive Session. Chairman Bishop asked that this letter be filed and sent to Town Counsel.

Selectman Plasko said they haven't filed the case, but it is a legal matter and depending upon what we might do or say about it, it could turn into a legal case and could certainly hurt our position. Selectman Plasko said he is shocked that this is an issue as the Town of Norwood has addressed this when it had to do with crèches on public property and the Board created a common area for public forums and he thought it should be clear that whenever we allow public spaces to be sponsored for any of these types of activities those are considered so called public forums and you cannot discriminate against who you allow to participate; you can set rules and guidelines and if people violate those particular rules and guidelines then there are actions you can take. Selectman Plasko stated that you just can't say that someone did

Law Offices of Robert W. Joyce (cont'd)

something and there wasn't a rule against, and then tell them they can't participate. He stated that you have to open participation up to anyone, even if it is some group that you personally might not like. For example, he stated that he would like to oppose the KKK, if they said they were going to have a table, but you can't do that. If you are going to have this type of forum then it must be open to everyone. To the best of his knowledge, we don't have any set rules that would have covered anything with this group; it seems to imply that they are being denied participation and he didn't think we have any grounds to be doing that.

Selectman Lyons said that the letter sent to the organization from the Norwood Day Committee was poorly written in his opinion. Selectman Lyons stated that this particular organization has had a history over the last two years of aggressively moving beyond the confines of their set up which is an 8 x 8 table where everyone is allowed to work within when they are working Norwood Day on the streets and the Common. He said that there were a couple of other organizations that have refused to abide by the guidelines that were set up by the Norwood Day Committee and that were aggressive in going out into the street and handing out literature and disturbing people as they were walking by. He said that they were warned and some of them were told they couldn't return because of that and this is no different. He stated that this organization for two years in a row has aggressively left the confines of the appropriate spaces that they were signed up for and were handing out inappropriate materials to very young children and age inappropriate materials and they were warned more than once and they continued to do it. He stated that it is not a free speech issue, it is that they refused to follow the guidelines-if they stayed within the confines of their booth they would be back next year, but they refuse to do that as no one was coming to their booth, they felt they needed to go out and grab people and that is the reason that they are not invited back.

Chairman Bishop said that is what it will come down to, whether or not there are constitutional ramifications regarding first amendment, freedom of speech issues, that is why he would like this sent to counsel so the Board can sit down with all parties and resolve it.

The Manager referred to another letter that deals with a slightly different subject, but they are protesting what the group that bought space has done with regard to animals. The Manager said he fears for the future of Norwood Day because of this contentious stuff as this is supposed to be a fun day.

Chairman Bishop agreed with Selectman Lyons as certain things should be discussed at home with their parents and not with strangers on the Town Common. We should go to Town Counsel and have him make the determination. The Board so voted to send to Town Counsel.

Adjournment

No other business being presented for consideration, on motion of Selectmen Plasko, seconded by Selectman Lyons, voted to adjourn and the meeting was adjourned accordingly at 8:02 p.m.

A True Record.

ATTEST: _____
Clerk