



# TOWN OF NORFOLK

## BOARD OF SELECTMEN

ONE LIBERTY LANE  
NORFOLK, MASSACHUSETTS

Blythe C. Robinson  
Town Administrator

(508) 440-2855  
(508) 541-3366 FAX

**In accordance with the provisions of M.G.L. Chapter 30A, Section 20, notice is hereby given that the Board of Selectmen will meet on Tuesday, October 1, 2019, at 7:00 p.m., in Meeting Room 124, One Liberty Lane, Norfolk, MA**

**Be advised this meeting will be audio and video taped.  
Pledge of Allegiance\***

- 1. 7:00 p.m. Call Meeting to Order**
- 2. Public Comment**
- 3. Comcast Cable License - Invitation for public comment on renewal of this license**

### **Action Items**

- 4. Please consider appointments to the Zoning Board of Appeals**
- 5. Please consider accepting SAFER Grant award to hire two new Firefighter/Paramedics**
- 6. Please consider a determination under G.L. c. 268A, §19 of the Town Administrator's position as a member of the MIIA Board of Directors & Property & Casualty Board**
- 7. Please consider approval of a Halloween parade and party and to block Eric Road from Park Street to Erin Road from 3:00 – 6:00 p.m. on October 26<sup>th</sup>. (Rain date October 27<sup>th</sup>)**
- 8. Please consider a waiver of first refusal to purchase 7.64 acres of land at 84 Cleveland Street pursuant to Massachusetts G.L. c.61A**

### **Discussion Items**

- 9. Please discuss the proposed Green Communities Grant Application**
- 10. Please discuss Draft Capital Improvement Program**
- 11. Please discuss List of Potential Special Town Meeting Articles**

### **Report of Warrants**

**12. The following warrants have been signed:**

- 09/13/2019 05P20 and 05PS20 \$812,211.48 (CW)**
- 09/17/2019 12V20 \$288,003.25 (CW)**
- 09/24/2019 13V20 \$229,059.93 (CVT)**

- 09/24/2019 13VS20 \$63,441.84 (CVT)

**Approve Minutes**

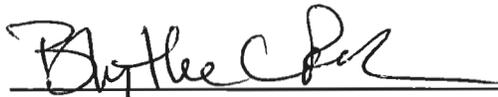
**13. Please consider approval of the minutes**

**Executive Session**

**Executive Session under M.G.L. c.30A, §21(a)(6) to consider the purchase of real estate, insofar as an open meeting may have a detrimental effect on the negotiating position of the public body.**

**Any other unanticipated business that may come before the Board**

**ADJOURNMENT**

  
\_\_\_\_\_  
**Blythe C. Robinson, Town Administrator**



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September 26, 2019

MEMO TO: Board of Selectmen

From: Blythe C. Robinson, Town Administrator *BCR*

RE: **Agenda Background – October 1, 2019**

Below please find background material on each of the items on the agenda as well as a draft motion that you can consider where action is required.

1. 7:00 pm. Call Meeting to Order
2. Public Comment
3. Comcast Cable License Renewal – Invitation for public comment on renewal of this license

In February of this year the Town received notice from the State that the Town's 10-year license with Comcast Cable will be expiring in 2022, and the Town should begin to consider the renewal process. Two months later the Town received a letter on this topic from Comcast Cable requesting that we begin the process to do so, which typically begins with an "ascertainment process". If the Town is to undertake this process, it must do so within six months of the letter, which is why it is on the agenda for this meeting. Included in your packet are this correspondence and a guide from the State about the overall process.

Thus the Norfolk Community Television Board asked that the Select Board schedule this meeting so that they could provide you with an overview of their work, what has been accomplished in this period, and any challenges that they face. Also included in your packet is the background information they will be discussing at the meeting. One of the Board members will make a short presentation to you on Tuesday night as well as two staff persons. They have also encouraged some community members to come and speak as well. Their goal is to gather feedback about the services and Comcast's license with the Town prior to negotiations commencing to renew the license. A representative of Comcast will also be present at the meeting.

4. Please consider appointments to the Zoning Board of Appeals

Just before the last regular meeting our office received two applications for this board. Since then I have confirmed with Dr. Carpenter and Josephine Carduhi that they remain interested, thus they are on the agenda for the Board's consideration and plan to attend Tuesday's meeting. Copies of their applications are in your packet. The available openings are for Associate positions.

**MOVE** that the Board appoint Dr. Tris Carpenter and Ms. Josephine Carduhi to the Zoning Board of Appeals as an Associate Members, each for a term to expire June 30, 2020.

5. Please consider accepting SAFER Grant award to hire two new Firefighter/Paramedics

Earlier this year the Fire Department applied for a Federal Staffing for Adequate Fire & Emergency Response (SAFER) grant to enable the Town to hire two additional firefighter/paramedics. We were notified on September 13<sup>th</sup> by Senator Warren's Office that the application was successful. Enclosed in your packet is a very thorough memo from Interim Chief Petruchik outlining the grant requirements and details about the program, as well as what it will mean for the Town of Norfolk.

The grant program requires that the Board vote to accept the grant within 30 days of notification of award (October 13<sup>th</sup>), and thereafter hire the two positions within 180 days of the vote. As you know the Town has been working to achieve a minimum of four full-time employees on each shift, and these two hires will enable us to do so. The grant pays a majority of the cost for the first two years, and a portion in the third year, giving the Town the ability to plan ahead to fully fund these positions once the grant is retired after that. We recommend approval to accept the grant.

**MOVE** that the Board vote to accept the Federal SAFER grant of \$246,995 to hire two additional firefighter/paramedics.

6. Please consider a determination under G.L. c. 268A, §19 of the Town Administrator's position as a member of the MIIA Board of Directors & Property & Casualty Board

Massachusetts General Laws in part govern ethics and conflict of interest for municipal employees and appointed officials. As you know, I am a member of two boards under the umbrella of the Massachusetts Interlocal Insurance Association (MIIA). Included in your packet is a memo from MIIA's counsel reminding board members that they should file a G.L. c. 268A, §19 form requesting that their appointing authority make a determination that there is no conflict of interest for board members continuing to serve on the Board and their ability to carry out their duties as for their communities.

I have been on the board for about 5 years, and believe that my responsibility to make recommendations and decisions to procure insurance for the Town of Norfolk is my primary responsibility. I have every intention of making such decisions that are in the best interest of the Town regardless of my position on the Board. Having said that I believe that being a member of the Board has been beneficial to me and each community I've worked for in

that it enables me to be current on trends in the marketplace and knowledgeable about topics that are helpful to my role.

**MOVE** that the Board vote to determine that there is no conflict of interest with respect to the Town Administrator serving as a member of the MIIA Board of Directors and Property & Casualty Board.

7. Please consider approval of a Halloween parade and party and to block Eric Road from Park Street to Erin Road from 3:00 – 6:00 p.m. on October 26<sup>th</sup>. (Rain date October 27<sup>th</sup>)

Resident Katie McNamara has filed a request with our office for approval to hold a Halloween Parade and block party on Saturday, October 26<sup>th</sup>. This would require that Eric Road from Park Street to Erin Road be blocked from 3:00 – 6:00 PM which is the estimated duration of both events. The residents of this street held a similar event last year with no issues. Chief Stone has indicated that the department would approve the request provided that the road be blocked with a removable barricade in case there is an emergency, and that to barricade should indicate that the road is detoured and the route to get around the blocked area for those who are not attending the event. The fire department also approves of the event with no further restrictions.

**MOVE** that the Board approves a request for the residents of Eric Road to hold a Halloween Parade and Block Party on October 26<sup>th</sup> from 3:00 – 6:00 PM, and in order to do so is authorized to block Eric Road from Park Street to Erin Road for this purpose.

8. Please consider a waiver of first refusal to purchase 7.64 acres of land at 84 Cleveland Street pursuant to Massachusetts G.L. c.61A

This item is on the agenda at the request of Attorney David Turchetta. In 2014 the property owner, Mr. Ted O'Harte, approached the Town Administrator expressing his interest to have the Board determine whether or not the Town would be interested in purchasing this property which at that point was in the State Chapter 61A program. That program enables landowners to reduce their taxes on eligible properties which remain undeveloped. The process to convert them back to be eligible for development requires that among other things the Board of Selectmen in a Town have right of first refusal to purchase the property once the landowner has a purchase & sale agreement in hand. From prior minutes it appears that while a discussion was had, the then Select Board did not receive a purchase and sale agreement, and did not take this matter up on an agenda. In 2017 the property was sold to Lakeland Farms LLC and removed from Chapter land, after which work began to develop the 32 homes approved for the parcel. The taxes have been paid on the land that the Town had forgone to have the parcel held as Chapter land.

Enclosed with your packet is a memo from Attorney Turchetta outlining this matter in more detail, and providing the sale documents and other supporting information. Lakeland Farms is now ready to have the first closing on the 32 homes on October 3<sup>rd</sup>, and is anxious to clear up this defect that has been identified by the first purchaser. The request before you is to vote to waive the Town's right of first refusal to purchase the property.

**MOVE** that the Board vote to waive the Town's right to notice of sale and to waive the Town's right of first refusal to purchase 7.64 acres of land at 84 Cleveland Street pursuant to Massachusetts G.L. c.61A.

9. Please discuss submission of the Town's Green Communities Grant Application

For quite a while the Town's Energy Committee has been working to complete a grant application to the State to become a "Green Community". The Town's application is nearly complete for submission by this fall's deadline. As you may recall, through the program the Town pledges to work to reduce its energy consumption by 20% over a five year period. In return for this the State provides an initial grant of approximately \$140,000 to help implement some of the identified initiatives, after which the Town can also apply for competitive grants to continue its work. A draft of the application and energy reduction plan is still being finalized, and we anticipate being able to send it to you on Monday before the meeting. The Committee has asked that the Board discuss the application at this meeting, and depending on feedback received, ask the Board to authorize the submission of the grant at the October 15<sup>th</sup> meeting. Chairman Andy Bakinowski plans to attend the meeting to review the plan with the Board.

10. Please discuss Draft Capital Improvement Program

An important component of any community's financial planning strategy is to develop a blueprint for meeting its capital needs in future years. A capital budget is distinct from an operating budget in that it includes items that are typically large or infrequent such as construction of a building or replacement of a large dump truck, whereas an operating budget includes personnel costs and recurring expenses that are more modest such as supplies and vehicle maintenance.

Upon arrival in my position I noted that the Town does not have a capital improvement program currently. In order to plan for needed investments in the community in the areas of infrastructure, schools, equipment, roads, public safety and technology, we have begun the process of developing a plan for the current fiscal year and the following five years. The goal of this work is that the community and its leaders have a better understanding of the capital costs to maintain and repair its current infrastructure and assets, and the costs of major construction projects such as expansion of the Freeman Kennedy School. That understanding will hopefully spur conversations about when projects are needed and should be funded, set priorities for projects, and manage the overall budget of the town by planning ahead for these expenditures.

This is very much first draft of the projects and expenditures that each department has identified in this timeframe. The items included are those for which there is a cost of \$10,000 and a useful life of more than five years. At this point we have not identified funding sources, but will continue to develop this document by doing so. Funding sources include but are not limited to free cash, general fund revenues, debt exclusions, grants, revolving funds and gifts. I would like to go over the document in general with you on Tuesday, and then schedule the departments with the higher expenditures amounts to come to subsequent board meetings to talk about their plans in more detail.

11. Please discuss List of Potential Special Town Meeting Articles

The warrant for the November 19<sup>th</sup> special town meeting closed on September 26<sup>th</sup>. Included in your packet is a list of the known articles, the proposed dollar amounts where applicable, and the funding source if different from free cash. Also included is a memo with a brief description of each article which I hope will answer most of your questions.

Some of the capital requests are ones you'll find on the first year of the CIP, but not all due to funding constraints. At Tuesday's meeting I would like to discuss the list, understand if the Board has any questions or concerns about any of the articles, and any preferences as to the order of the articles. With that in hand I plan to develop the first draft of the warrant and have it available for discussion at the October 15<sup>th</sup> meeting, so that it can be finalized and executed by the Board on October 29<sup>th</sup>.

The Finance Director and I are working on how to fund these requests, which would be from various sources and will plan to review that with you as well at the next meeting.

12. Please consider approval of the following warrants:

**MOVE** that the Board approve the following warrants:

- 09/13/2019 05P20 and 05PS20 \$812,211.48 (CW)
- 09/17/2019 12V20 \$288,003.25 (CW)
- 09/24/2019 13V20 \$229,059.93 (CVT)
- 09/24/2019 13VS20 \$63,441.84 (CVT)

13. Please consider approval of the minutes

**MOVE** that the Board approves the minutes of the March 19, 2019; April 16, 2019; August 13, 2019; and September 17, 2019 meetings.

Executive Session under M.G.L. c.30A, §21(a)(6) to consider the purchase of real estate, insofar as an open meeting may have a detrimental effect on the negotiating position of the public body.

This item is on the agenda so the Board can discuss the acquisition of real estate for a parcel that may become available suitable for various municipal purposes. The property address has not been disclosed so as to protect the Town's negotiating position.

**MOVE** that the Board vote to enter into executive session under Massachusetts G.L. c.30A, §21(a)(6) to consider the purchase of real estate, insofar as an open meeting may have a detrimental effect on the negotiating position of the public body, and further to invite Town Administrator Blythe Robinson, and Executive Assistant Nancy Langlois. The Board will only reconvene into open session for the purpose of adjourning the meeting.

**CHAIR** states that an open meeting may have a detrimental effect on the litigation position of the public body

**BOARD** polled individually votes Kevin Kalkut – aye, Chris Wider – aye, CiCi Van Tine - aye.

After the Executive Session

**Motion** to close the Executive session and enter into open session to adjourn the meeting.

Board votes individually to close the executive session

Board votes to adjourn the public meeting.



# 2022 Comcast Cable License Renewal: NCTV's Statement of Impact, Support & Need

October 1, 2019

## Overview

Over the next 30 months, NCTV will work with the Town of Norfolk and the Norfolk Select Board to assist in securing a renewed cable contract with Comcast. The purpose of this proceeding today is to provide an introduction to the current contract, a summary of NCTV's impact over the course of the existing license, and a few key needs that we anticipate during the next potential contract period. A formal and more detailed public hearing will be forthcoming within the next 24 months to help ascertain additional needs in our community to ensure the people of Norfolk are being adequately served through the renewal agreement between the Town of Norfolk and Comcast.

## Historical Data

- **Funding for Local Content:** The current contract between the Town of Norfolk and Comcast **commenced on March 21, 2012** and will **expire at midnight on March 20, 2022**. In this license, **the Town negotiated 5% of all cable revenue** earned through the use of Norfolk's public ways to be paid back for the purposes of running a non-profit and bipartisan hyper-local television station. Norfolk Cable Corporation (dba Norfolk Community Television or NCTV) has been designated as the recipient of these funds since the founding of our private nonprofit in 1986.
- **Capital Funding:** In addition to the funding for general operation, these contracts have also provided a limited amount of capital funding which is intended to go towards equipment and capital improvements to carry out the terms of the contract. **During the current 10 year Comcast contract, NCTV received a total of \$50,000 in capital funds**, which was disbursed at \$10k per year for the first 5 years. In contrast, **Verizon's current 15 year contract provided \$150,000 in capital funds** which was disbursed as three \$50k payments in 2008, 2009, and 2015.

## Community Impact

- **Freedom of Speech:** NCTV has an unwavering commitment to freedom of speech and we encourage people from the entire spectrum of ideas and beliefs to create, share, and explore the different media available. We have a proven history of finding a way to say "yes" to almost any challenge in the name of free-speech.
- **Access to Information:** Access to information is a key pillar of NCTV's values and we strive to provide multiple ways for people to engage with local content such as broadcasting on our cable channels, on-demand viewing via [YouTube.com/NorfolkCable](https://www.youtube.com/NorfolkCable), as well as readily providing DVD copies at a small cost.

- 
- Kids' Programs: While we provide one-on-one and group training for people of all ages, we also run special programs up to four times per year for key student populations including the 9-12 year old range and the 13-15 year old range. These kids learn critical creative and technical skills to create wonderful videos to share with the community.
  - Media Literacy: In 2015, we piloted a Media Literacy program to help the residents of Norfolk adapt to fast-changing technology. By teaching the skills needed for critical thinking, surrounding the birrage of media messages we're all faced with on a daily basis, we're arming our community to be more responsible consumers and creators of media. This work has become critical for the senior population in town and we welcome residents of all skill levels for both one-on-one training as well as group training.
  - Historical Preservation: Video is a unique medium and access to a video-recording of an event years after it happened serves as a powerful reminder of the people, culture, and customs that have come before us. NCTV's staff and volunteers are active participants in Norfolk's culture by recording and preserving key moments in our residents' history as well as documenting and sharing the issues, debates, and needs of the times.

## Future Needs

Rapid advancements in technology require constant care and change by the end user. Computers have a useful life of only about 5 years and cameras not much longer. With new technology comes new community needs and a capital budget to support them. As the Norfolk community continues to grow, NCTV will require the capital to meet the demand.

- Signal Quality & Fair Treatment: Norfolk has experienced significant signal problems during the current contract which impacts the public's ability to consume the information necessary to keep a well-informed public and enjoy hyper-local events. NCTV has been filming most events in high definition (HD) since 2012 and has had the ability to send an HD signal to Comcast since October 2017. The inequality community media faces with the lack of ability to broadcast in widescreen, lack of HD channels, and exclusion from the Electronic Program Guide (EPG) hinders the public's access to these types of programs on a cable service for which they pay.
- Electronic Program Guide (EPG): The lack of EPG inclusion hinder's the public's access to programming information and causes frustration among our community members. While we try to combat this by providing frequent on-screen listings of the next programs as well as an online program schedule, equal treatment with other broadcast stations is paramount to the success of community media in our town.
- Capital Updates & Infrastructure at Town Hall: With a rapidly aging system in place in room 124, repairs are frequent and challenging. The system is not compatible with current technology and to replace one item means investing new capital dollars into old technology or replacing the entire system. Additionally, increasing demand for government meeting coverage often leaves subpar results for double-booked meetings. Adding an additional filming setup in the basement of Town Hall where meetings are often held would drastically increase the quality as well as allow the community to access two simultaneous meetings online while they are live.



# October 1, 2019: Ascertainment Proceeding Agenda

30 sec. Introduction and Welcome

Speaker: NCC Board Member

5 min. Presentation of Community Impact

Speaker: Jen Jacobs, Production Coordinator at NCTV

5 min. Presentation of Future Needs

Speaker: Katy Jefferson, Executive Director at NCTV

1 min. Support - Local Nonprofit Organizations

Speaker: Bill Hawkins, Norfolk Lions Club

1 min. Support - Town of Norfolk

Speaker: Detective Michelle Palladini, Norfolk Police Department

2 min. Support - Education

Speaker: Dr. Ingrid Allardi, Superintendent of Norfolk Public School District

Speaker: Linda Balfour, Principal of the H. Olive Day Elementary School

30 sec. Thank you!

Speaker: NCC Board Member



## Attachments

### Letter of Support: Elizabeth (Liz) Davey (NCTV Producer)

Liz produces a long-running series at NCTV, A Walk in the Garden with Liz Davey, which is nearing 100 episodes since it was revitalized in 2010.

### Letter of Support: Greg Kanelos (Local Business)

Greg is the Teacher/Choreographer & Competition Team Co-Director at Kathy Ryan Dance Studio, a local dance studio here in Norfolk. NCTV has worked with Greg over the course of a few months highlighting the life of a dancer and what

### Chart: Hours of Original Programming by PEG (JAN 2012 - AUG 2019)

### Chart: Number of Programs by PEG (JAN 2012 - AUG 2019)

## Additional Resources

Massachusetts Department of Telecommunications and Cable

<https://www.mass.gov/orgs/departments-of-telecommunications-and-cable>

Norfolk Community Television (NCTV)

<https://norfolkcable.com/>

September 24, 2019

I have been involved as a volunteer with NCTV since May 2000 and I have watched as the original has become three channels. Most recently I have been involved with producing 97 episodes of "A Walk in the Garden with Liz Davey" filmed by NCTV at my home and focused on home gardening and the use in the kitchen of the things grown. . I have greatly enjoyed working with NCTV in this capacity and have had the opportunity to see many of the other good things that NCTV provides for the Norfolk Community.

Local cable provides a way for Norfolk residents to share their talents and provides also gives training and opportunities for volunteer service. In addition, NCTV produces programs of interest to the area on a wide variety of topics.

Norfolk does not have dependable newspaper coverage which creates a void in the local government news area. NCTV's government channel provides valuable coverage of town committee meetings as well as town meetings. This is very useful not only those who are unable to leave their homes, but to others who cannot attend the meetings, but are interested in town government. Interviews with candidates for public office are also a valuable service. Many of the filmed programs are then available on YouTube for convenient watching.

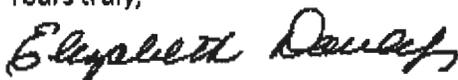
Coverage of Norfolk's school programs gives working parents and grandparents a chance to keep up with their children or grand-children's activities.

Education is an indispensable part of NCTV. Individual and hands-on learning, through individual training or workshops, and the use of equipment is a wonderful NCTV service and because this educational service is without charge it can level the playing field for children and adults who do not have as much access to technical equipment and education . In classes, workshops and school vacation camp programs, children can learn about many facets of video animation and movie production. The NCTV personnel work with Norfolk's non-profits to ensure they use social media safely and effectively. Senior Citizens can become frightened and frustrated with new technology, but NCTV is there to help them overcome their concerns and use their computers and cell phones and video cameras confidently in ways that enrich their lives.

Public meeting space in Norfolk is in very short supply. The Green Room which is currently under construction will provide valuable resources for community non-profit groups and individuals

In conclusion, I support NCTV and believe that it is worthy of financial support.

Yours truly,



Elizabeth Davey  
7 Meadowbrook Way  
Norfolk MA 02056  
Liz.davey@comcast.net

To the Norfolk Select Board,

I am writing on behalf of Norfolk Community Television as a representative of the Kathy Ryan Dance Studio, which has been a staple in the town of Norfolk for the past 34 years. I, having been part of this business for the past 20 years, have participated in many local town events such as Norfolk Community Day, the Santa parade, different town common events, etc. Per every event we attend, we always see familiar faces, and one of our favorites is NCTV. In the small town of Norfolk, we believe it is extremely important to keep that family friendly atmosphere comradery alive. The town can only advertise & cover events to a point. NCTV has done a REMARKABLE job covering all events the town holds. From school concerts, to select board meetings, they are there providing digital record for all to access, and nowadays that is very important. Imagine you were not able to make the town meeting last night, but wanted to hear about all that went on. No worries, NCTV was there to cover it & it will be available to watch soon on air & YouTube. Imagine you were you stuck at a work meeting & couldn't make it to your kids second grade concert at HOD? No worries, NCTV filmed all of it & it will be available soon! In addition to those bigger events, the stations segments are some of my personal favorites. "Our Town" will host Jill Hindley Lawrence is an awesome segment that is both educational & fun to watch! Bringing together a town resident with another member of the community to discuss something in regards to the town is important for viewers. It provides an educational background & you might just learn something new! I have been able to work closely with the station on a special project recently, and I will say Katy, Jenn, & Andrew have such a passion for what they do. All the little things that go into running a local TV station they have down to an exact science, and that is what makes a successful team. As mentioned above, Digital record is key, and it makes community members lives easier to find information out about the town, but most importantly it highlights all the good that is going on as well, and that to me is what matters the most in making the town "Our Town". I would be saddened if NCTV was no longer at each local event covering it all and from a personal standpoint, you create such bond with businesses over year, and not matter if you're a "non-profit" or "profit" company, you grow each year! I would personally love to see their continued growth & see what is next for them.

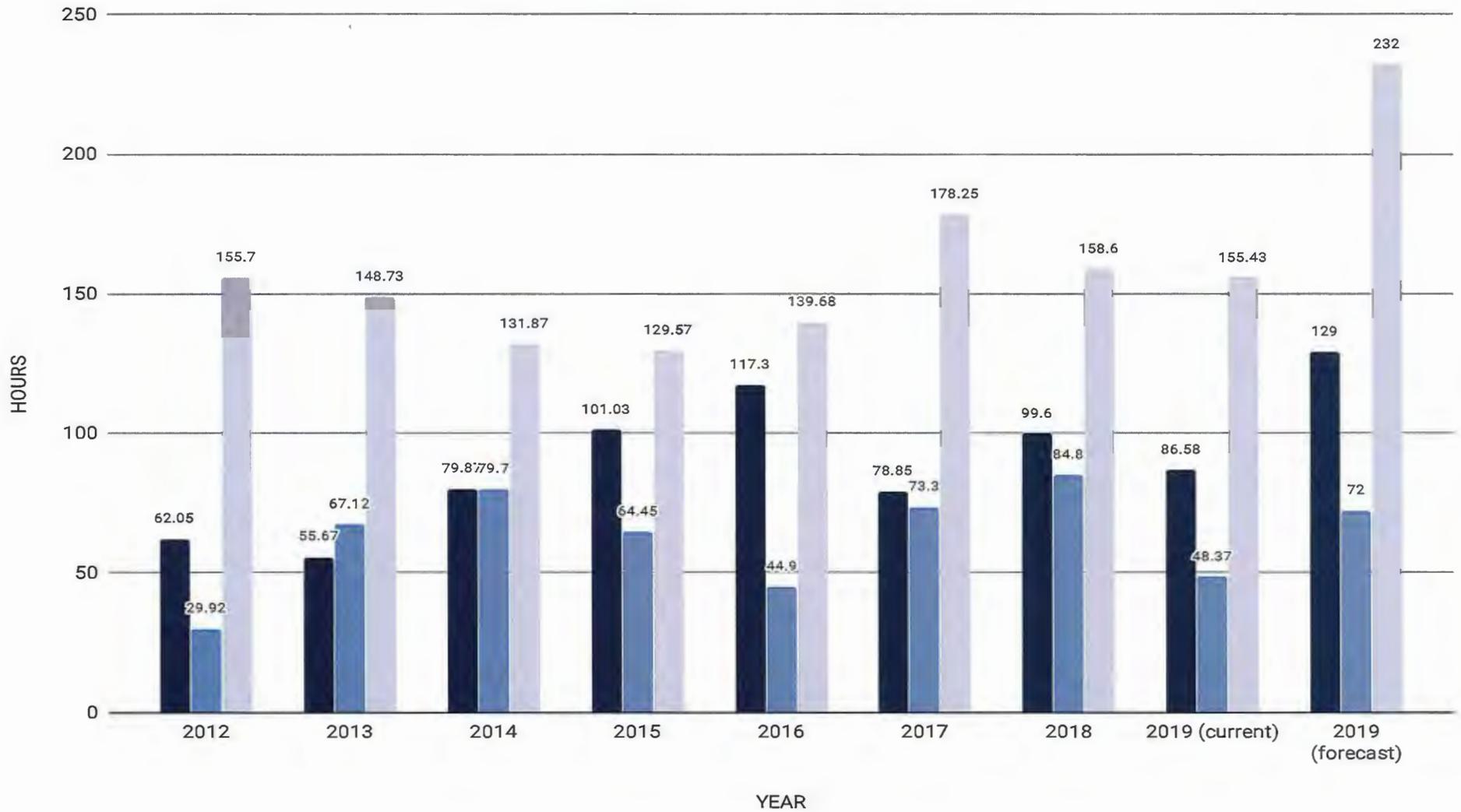
Yours truly,

A handwritten signature in blue ink, appearing to read "Greg Kanelos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Kanelos

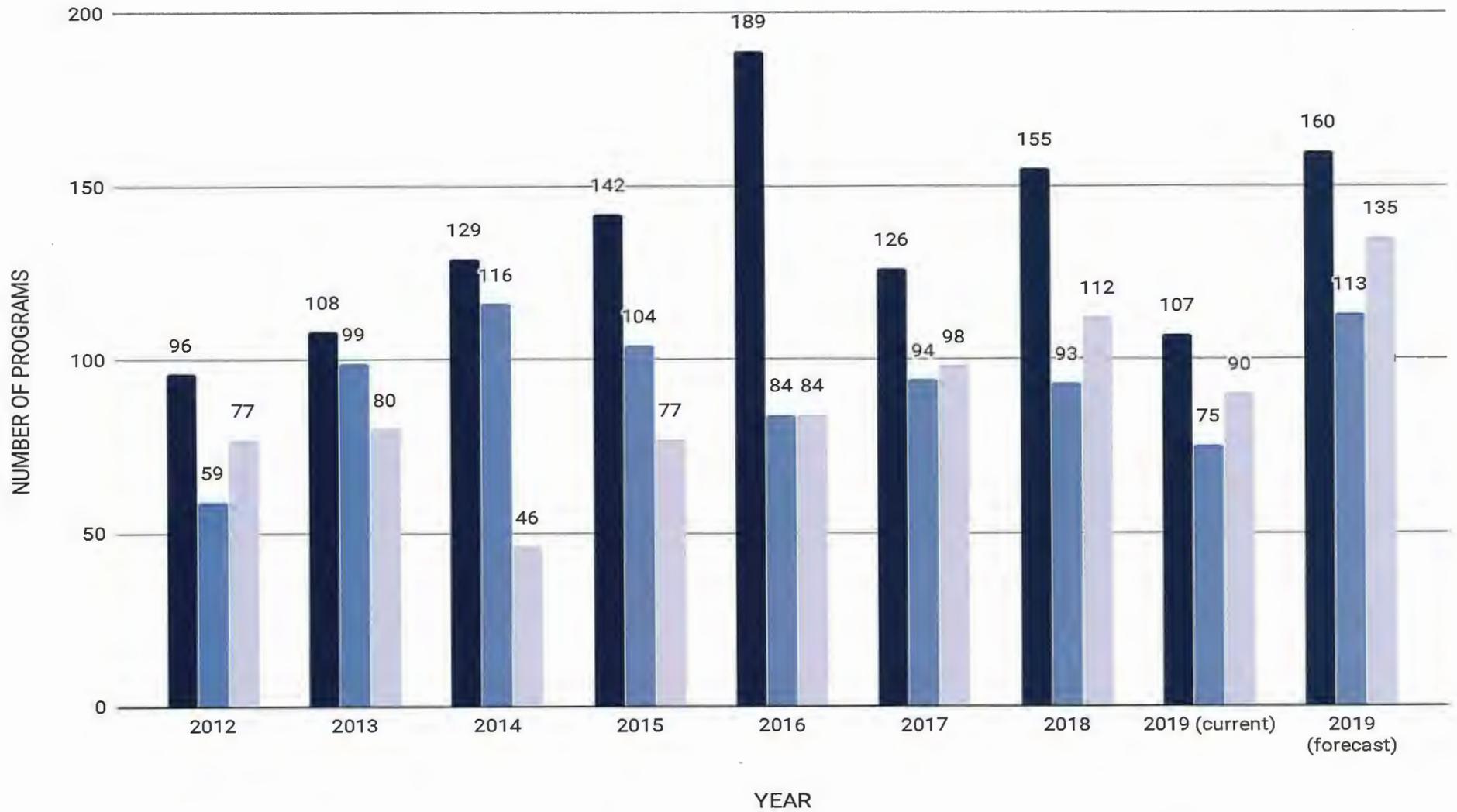
# Norfolk Cable Corp: Hours of Original Programming by PEG (JAN 2012 - AUG 2019)

Public Public/Education Government



# Norfolk Cable Corp: Number of Programs by PEG (JAN 2012 - AUG 2019)

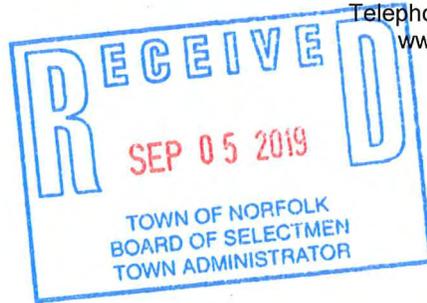
Public Public/Education Government





**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
Telephone: (617) 305-3580  
[www.mass.gov/dtc](http://www.mass.gov/dtc)



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MIKE KENNEALY  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT  
EDWARD A. PALLESCHI  
UNDERSECRETARY  
OFFICE OF CONSUMER AFFAIRS AND  
BUSINESS REGULATIONS  
KAREN CHARLES PETERSON  
COMMISSIONER

September 4, 2019

Board of Selectmen  
1 Liberty Lane  
Norfolk MA 02056

Re: License Expiration Notice

Dear :

Six months ago, the Department of Telecommunications and Cable (Department) notified you that your cable television license (license) with Comcast Cable Communications, Inc. expires on 3/20/2022. If either you as the Issuing Authority or Comcast Cable Communications, Inc. invoked the formal renewal process, you should have started the ascertainment process to determine your community's cable-related needs and review Comcast Cable Communications, Inc.'s performance under the current license.

Even if you and Comcast Cable Communications, Inc. have agreed to forgo the formal renewal process, you should have an ascertainment process. By ascertaining your cable needs early in the renewal process, you will benefit from sufficient time to review the proposal submitted by Comcast Cable Communications, Inc.. The Department recommends that the Issuing Authority complete its ascertainment process at least twelve months, and no later than six months, prior to the expiration of its cable license.

The Department is available to advise you regarding your duties and rights during the renewal process. While we cannot assist you with substantive negotiations, we would be happy to meet with you and/or your Cable Advisory Committee to discuss procedural requirements. If you would like to schedule a meeting or if you have any questions, please contact the Department at 617-305-3580 or [dte.efiling@mass.gov](mailto:dte.efiling@mass.gov).

Sincerely,

Shonda D. Green  
Department Secretary

30 month



Comcast  
676 Island Pond Road  
Manchester, NH 03109  
Phone: 603-695-1400  
Facsimile: 603-628-3303  
www.comcast.com  
www.comcastcorporation.com

April 16, 2019

***Via Overnight Delivery***

Town of Norfolk  
Board of Selectmen  
One Liberty Lane  
Norfolk, MA 02056

RECEIVED APR 18 2019

***Re: Commencement of Renewal Process***

Dear Chair and Members of the Select Board:

Over the years, we at Comcast have appreciated the opportunity to serve the citizens of the Town of Norfolk (the "Town"). We have done our best to provide the high quality cable television service the Town and its residents demand, and we anticipate being able to provide that service to our subscribers in the Town for many years to come. Therefore, we are taking this step to ensure the renewal of our agreement with you.

The Cable Communications Policy Act of 1984 encourages issuing authorities and cable companies to reach agreement on a renewal agreement at any time through an informal process of discussion. However, Section 626 of the Act also provides for a contemporaneous alternative formal renewal procedure with specific substantive and procedural requirements. If either the issuing authority or the cable company does not initiate the formal process within a certain time frame, the protections of that process may be lost. To that end, Comcast hereby notifies the Town that the renewal period for our agreement under Section 626 is now open, and we request the start of renewal proceedings pursuant to the Section 626(a)(1).

This letter is not intended to preclude informal negotiations, but instead is intended only to preserve the rights of Comcast under the formal renewal process. Comcast has every reason to believe that the Town and Comcast will reach a mutually agreeable renewal of the cable television agreement through good-faith negotiations, thus making many of the Act's formal procedures unnecessary. The relevant provision of Section 626 on the informal process is brief and reads as follows:

"(h) . . . [A] cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after formal proceedings pursuant to this section have commenced) . . ."

Re: Commencement of Renewal Process

April 16, 2019

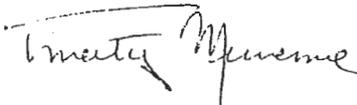
Page 2

The "formal" process generally includes the following steps:

1. Within six (6) months of the submission of this letter, the Town conducts an ascertainment proceeding which affords residents an opportunity to a) identify the future cable-related needs, and b) review Comcast's performance under the current agreement.
2. At your request or on our own, Comcast submits a renewal proposal with a draft cable television agreement.
3. Within four (4) months of the Town's receipt of Comcast's proposal, the public is afforded "adequate notice and opportunity to comment on the renewal proposal" and the Town must choose to renew the agreement or issue a preliminary denial, which triggers a further formal process.

I am attaching a copy of Section 626 of the Cable Act for your review. Catherine Maloney will be in contact with you soon to arrange a meeting with the Town to discuss informally negotiating a renewal agreement. Please feel free to contact Cathy at 781-769-5986 at any time. Comcast looks forward to meeting with the Town in the near future and continuing the long relationship that, we believe, has benefited both the community and the residents of the Town of Norfolk.

Sincerely,



Timothy Murnane  
Vice President, Government and Regulatory Affairs

TM/cam  
Attachment



cc: Cable Advisory Committee  
Town Manager  
Catherine Maloney – Comcast Government & Regulatory Affairs

*The Communications Act of 1934, as amended*  
(47 USC Sec. 546-Renewal)

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Section 626. Renewal

(a) Commencement of proceedings; public notice and participation -

(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless -

- (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
- (B) such a proceeding is commenced by the franchising authority on its own initiative.

(b) Submission of renewal proposals; contents; time -

(1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript; written decision -

(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether -

- (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
- (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;
- (C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and
- (D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial -

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e) Judicial review; grounds for relief

(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.

(2) The court shall grant appropriate relief if the court finds that -

- (A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or

- (B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision -

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined -

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures -

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(i) Effect of renewal procedures upon action to revoke franchise for cause - Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
Telephone: (617) 305-3580  
[www.mass.gov/dtc](http://www.mass.gov/dtc)

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JOHN C. CHAPMAN  
UNDERSECRETARY  
OFFICE OF CONSUMER AFFAIRS AND  
BUSINESS REGULATIONS  
KAREN CHARLES PETERSON  
COMMISSIONER



February 5, 2019  
Board of Selectmen  
1 Liberty Lane  
Norfolk MA 02056

Re: License Expiration Notice

Dear :

According to the Department of Telecommunications and Cable's (Department) records, your cable television license (license) with Comcast Cable Communications, Inc. expires on 3/20/2022. Federal law provides for a formal renewal process that begins between 36 and 30 months before a license expires. As the Issuing Authority, you may begin the process of determining your community's cable-related needs and review Comcast Cable Communications, Inc.'s performance under the current license. This is known as the "ascertainment process." You must notify Comcast Cable Communications, Inc. if you elect to begin the ascertainment process. You may also be required to begin the ascertainment process if you receive a notice from Comcast Cable Communications, Inc. invoking the formal renewal process; you must begin the ascertainment process within six months of receiving such notice.

You may want to form a cable advisory committee (CAC) as part of the formal renewal process and delegate to it certain duties. If you form a CAC, please provide the Department with the name and contact information for at least one CAC member. I have enclosed a fact sheet describing the typical responsibilities of a CAC, and please see M.G.L. c. 268A concerning potential conflicts of interest for both municipal officials and CAC members.

For your convenience, the Department has prepared a "Practical Guide to Cable Television License Renewal" that is available at [www.mass.gov/dtc](http://www.mass.gov/dtc). The Department is also available to advise you regarding your duties and rights during the renewal process. While we cannot assist you with substantive negotiations, we would be happy to meet with you and/or your CAC to discuss procedural requirements.

If you would like to schedule a meeting or if you have any questions regarding the renewal process, please contact the Department at 617-305-3580 or [dtc.efiling@mass.gov](mailto:dtc.efiling@mass.gov).

Sincerely,

Shonda D. Green  
Department Secretary



**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**



## **Cable Advisory Committee**

Under Massachusetts regulations, an Issuing Authority (“IA”), such as the mayor of a city or the board of selectmen of a town, may appoint a Cable Advisory Committee (“CAC”) to advise the IA throughout the licensing process. 207 C.M.R. § 3.01(3). In many instances, the CAC remains as an active committee throughout the term of the license. Currently, there are over 280 CACs in the Commonwealth. The composition of the CAC is determined by the IA, including the number of members on the CAC.

The IA may, at its discretion, define the role and responsibilities of the CAC to the extent permitted under G.L. c. 166A. Thus, there is almost complete local control as to the tasks assigned to an advisory committee, so long as these tasks do not conflict with the statutory requirements of the IA in G.L. c. 166A. While an IA may delegate to a CAC the authority to negotiate a license agreement, an IA may not delegate authority to execute such an agreement. CAC responsibilities vary according to the current status of the license or the objectives of the IA. The following list includes some typical responsibilities assigned to CACs in the Commonwealth:

- Inform and educate the public about cable television service;
- Assess the cable needs of the community and recommend policy changes;
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
- Report to the IA on company compliance with the license;
- Supervise the cable operator’s response to complaints;
- Respond to citizen’s questions regarding the cable television system; and
- Keep abreast of community programming issues.

CACs are considered “governmental bodies” within the purview of the Massachusetts Conflict of Interest law, G.L. c. 268A.

Recognizing that CACs fulfill an important and valuable link between the IA, the licensee, and the citizens of the community, the Department of Telecommunications and Cable (“Department”) seeks to build positive professional relationships with the CACs. The Department’s staff works closely with local committees to educate them on the licensing process and improve information-sharing.

The Department’s program includes an informational presentation available to communities. Please contact the Department to schedule a presentation or to discuss any cable licensing matter.

# **CABLE TELEVISION LICENSE RENEWAL PROCESS**

## **A PRACTICAL GUIDE**

**Updated March 2015**

**Prepared by the Massachusetts Department of  
Telecommunications and Cable**

**1000 Washington Street, Suite 820**

**Boston, MA 02118-6500**

**617-305-3580**

**[www.mass.gov/dtc](http://www.mass.gov/dtc)**

# INTRODUCTION

This Practical Guide is presented by the Massachusetts Department of Telecommunications and Cable (“Department”) in our supervisory role with respect to cable television licensing. Under both federal and Massachusetts law, no cable operator may construct and/or operate a cable television system in a community without first obtaining a license. In Massachusetts, the city manager, mayor or board of selectmen is responsible for issuing a license and, hence, is designated as the Issuing Authority. Since Massachusetts law limits the term of a license, Issuing Authorities must periodically review and renew licenses. The Department oversees the licensing renewal process, which has been established under federal law, and supplemented by our regulations.

By establishing a formal renewal process, Congress sought to protect a municipality’s right to a cable system that is responsive to the needs and interests of the local community. Congress also sought to protect cable operators, which have invested in infrastructure in a community, from an unfair denial of a renewal license. The Department’s goal in developing this Practical Guide is to ensure that both municipalities and cable operators are aware of their rights and responsibilities as they contemplate license renewal and to guide them through the process.

In this Practical Guide, the Department first presents an overview of the role of government in cable television licensing. We describe each level of regulatory oversight with a focus on the resources available to Issuing Authorities. Next, the Department outlines the formal renewal process, highlighting the rights and responsibilities of each party under that process. Lastly, we discuss an alternative method by which parties may negotiate informally to reach an agreement. Since there are no procedural protections in informal negotiations, we recommend that this method be used only where there are no contested issues between the parties.

The guidance we provide herein offers both Issuing Authorities and cable operators direction on the most prudent manner in which to proceed under the rules established by Congress so that each party’s rights and interests are protected. The information in this Practical Guide is necessarily general in nature. The Practical Guide is not a substitute for particularized advice from an attorney. In addition, federal and Massachusetts laws and regulations are subject to change. Therefore, persons should refer to the current Massachusetts General Laws, the Code of Massachusetts Regulations, the federal Communications Act of 1934, as amended, or the appropriate federal rules and regulations, or they may consult the Department with case-specific questions.

## **THE ROLE OF GOVERNMENT**

Licenses to construct and/or operate cable television systems are granted by the “Issuing Authority” of a city or town. Pursuant to section 1 of chapter 166A of the Massachusetts General Laws, the Issuing Authority is the mayor of a city, the board of selectmen of a town, or the city manager of a city with a plan D or E charter. The Issuing Authority decides initially whether to go forward with the licensing process, recommends services and terms to be included in the license, and decides whether to grant a license. Upon license renewal, the Issuing Authority reviews the performance of the cable operator, determines the services and terms to be included in the renewal license, and decides whether to grant a renewal license.

The Issuing Authority takes these actions within the framework provided by federal and state law. Congress has enacted a series of laws that establish many of the substantive and procedural requirements governing cable television licensing. For example, federal law requires that each operator obtain a license to service a particular area, and that the license be non-exclusive. Federal law also specifically addresses local access programming and franchise fees. Further, federal law establishes the process by which licenses are granted and renewed. The Federal Communications Commission (“FCC”) is charged with ensuring that cable operators and licensing authorities comply with federal law.

In addition to federal oversight regulation, many states have enacted laws regarding cable television regulation. In Massachusetts, the Department oversees cable television licensing and ensures that municipalities and cable operators comply with both federal and state law, particularly where state law is more restrictive than federal law. For example, state law limits the term of a license to 15 years for an initial license and ten years for a renewal license. The Department also acts as an appellate body, as a cable operator may appeal to the Department for review of an Issuing Authority decision.

Since it is the Department’s enabling legislation and regulations promulgated thereunder that establish the regulatory framework for Issuing Authorities to follow, the Competition Division has created the position of Municipal Liaison to bridge these two bodies. The Municipal Liaison’s chief function is to assist municipal officials as they work through the licensing process. The Municipal Liaison will meet with local governments to explain the statutory and regulatory requirements. The Department maintains, as public records available for inspection, a copy of each license granted in Massachusetts. In addition, we maintain, on our website, an electronic library of many of the licenses executed in Massachusetts. By providing this assistance, the Department seeks to ensure that Issuing Authorities act in compliance with federal and state law to obtain a license that best serves the needs of the community.

# **THE FORMAL RENEWAL PROCESS**

Under federal and Massachusetts law, cable operators may not provide cable television service without obtaining a license from the Issuing Authority. Congress anticipated that cable operators would seek renewal licenses in order to continue providing cable television service in areas where money has been invested in infrastructure. Congress also recognized that municipalities should review the performance of a cable operator and ensure that the operator continues to meet the community's needs and interests. Thus, Congress established a formal renewal process that considers each of these interests. By following the formal renewal process, Issuing Authorities protect their right to a cable television system that serves the needs and interests of the community and cable operators protect their investment from a unfair denial of a renewal license. An Issuing Authority or cable operator must explicitly invoke the protections of the formal renewal process. Generally, each party must notify the other that it intends to proceed under the formal process.

The framework set forth by federal law provides a 36-month period in which to conduct license renewal proceedings. This 36-month period is often referred to as the "Renewal Window." The process consists of two phases: 1) reviewing the cable operator's performance under the current license and ascertaining the needs and interests of the community ("Ascertainment"); and 2) applying the results of the first phase to the review of the cable operator's proposal. The Department recommends that a municipality complete the first phase within 24 months. At most, the ascertainment phase should not extend longer than 30 months. This timeframe affords the municipality sufficient time to review and consider the cable operator's proposal and make a determination whether to grant renewal of the license before the current license expires.

## **PHASE I -ASCERTAINMENT**

### **COMMENCEMENT**

The formal renewal process must begin between 36 and 30 months prior to expiration of the license. The Issuing Authority may commence the formal renewal process on its own initiative and must inform the cable operator that it has done so. While there is no specific action that an Issuing Authority must take in order to demonstrate it has commenced the formal renewal process, the Issuing Authority should perform some tangible act to begin to ascertain the community's cable-related needs and interests. For example, the Issuing Authority could begin to survey the community or hold a public hearing.

Most often, the cable operator will request, in writing, that the Issuing Authority commence the renewal process. The cable operator will make this request between 36 and 30 months prior to the expiration of the license. If the cable operator requests that the Issuing Authority commence the renewal process, the Issuing Authority must begin ascertaining the community's cable-related needs and interests within six months of receiving the cable operator's request.

In either case, the letter requesting commencement of the formal license renewal process or advising that a community has commenced the formal renewal process is called a "Renewal Letter." The Renewal Letter is often referred to as the "626 letter" (626 refers to the section of the federal Communications Act that sets forth the franchise renewal process).

The protections of the formal renewal process must be invoked in a timely manner, that is between 36 and 30 months prior to the expiration of the current license. If neither the Issuing Authority nor the cable operator requests commencement of the formal process within this period, the

opportunity to conduct the renewal license under the formal renewal process expires and neither party is able to claim the protections provided by federal law.

## **ASCERTAINMENT**

Ascertainment is a series of actions taken by the Issuing Authority by which the Issuing Authority reviews the cable operator's performance under the existing license and identifies the cable-related needs and interests of the community. Many Issuing Authorities find it helpful to appoint a committee to assist in gathering information about a cable operator's performance and the community's needs and interests. The size and make-up of the cable advisory committee ("CAC") is determined by the Issuing Authority, and its members may include both residents and non-residents of the community. A CAC is considered a governmental body within the purview of the Massachusetts conflict of interest laws, at General Laws chapters 268A and 268B, and is subject to the guidelines contained therein.

The Issuing Authority, in appointing a CAC, should define the CAC's role and duties. Under Massachusetts law, only the Issuing Authority may make the final licensing decision. However, this does not preclude the Issuing Authority from relying on the CAC's recommendations.

An Issuing Authority and its CAC may choose a wide variety of methods to assess the cable operator's past performance and determine the future needs and interests of the community. An Issuing Authority may:

- Hold a public hearing. While a public hearing is required after receipt of the cable operator's proposal as part of the Issuing Authority's deliberative process, some municipalities choose to hold additional hearings during the ascertainment phase to solicit input from the community with respect to the cable operator's performance as well as the future needs and interests of the community;
- Conduct a municipality-wide survey;
- Meet with community organizations such as schools, senior citizen centers, and police and fire services to determine their proposed needs;
- Review the current license held by the cable operator in the municipality to determine, for example, which terms and conditions have been particularly beneficial to the community;
- Review the cable operator's financial forms (CTV Forms 200 and 400);
- Review consumer complaint records, including CTV Form 500 and municipal records;
- Obtain and review a map of the service area (often referred to as a street or strand map) to determine, in part, whether there are unserved parts of the community;
- Tour the cable operator's technical facilities (i.e., headend) and PEG access studio; and
- Review licenses granted by other communities in Massachusetts (many have been filed electronically and are available at the Department's web page).

There is no law or regulation that explicitly establishes a deadline by which an Issuing Authority must complete ascertainment. The Department has interpreted federal law as requiring Issuing Authorities to complete ascertainment no later than six months prior to the current license expiration date. The better practice, however, is to ensure that ascertainment is complete 12 months prior to license expiration in order to maximize the amount of time an Issuing Authority has to review a cable operator's proposal. Under federal law, a cable operator may not submit a formal renewal proposal until the Issuing Authority has completed ascertainment. This timeline allows a cable operator to respond to the results of the ascertainment studies in preparing its proposal. Upon receipt of the proposal, an Issuing Authority has only four months, or until the expiration of the current license, whichever occurs first, to make a determination on the proposal. Prolonging completion of the ascertainment thus reduces the amount of time during which an Issuing Authority may review and deliberate on a cable operator's proposal.

Under Massachusetts regulations, the Issuing Authority must notify the cable operator in writing upon completion of ascertainment. In its written notification, the Issuing Authority must specifically state the date that ascertainment was complete. The Issuing Authority should provide its ascertainment results as a part of a Request for Proposals ("RFP"). Presenting the ascertainment results to the cable operator is critical in demonstrating the community's needs and without it, a proposal in response to an RFP may not accurately represent the community's needs.

As part of the RFP, the Issuing Authority may provide the cable operator with a draft license in its RFP that contains terms and conditions consistent with the ascertainment results. The Issuing Authority should provide a reasonable deadline for the cable operator to respond to the RFP, that is, to submit what is known as the Formal Renewal Proposal. Generally, a period of at least 30 days is considered a reasonable response time. However, in establishing a deadline for responses, the Issuing Authority must be aware of the length of time remaining before the current license expires.

## **PHASE II - REVIEW OF PROPOSAL**

After the Issuing Authority has completed ascertainment, the cable operator may (on its own initiative) or must (within the time frame established by the Issuing Authority in the RFP) submit its renewal proposal. The cable operator submits its proposal on the Department's Form 100 and often supplements it with additional information.

Upon receipt of the proposal, the Issuing Authority must:

- 1) provide prompt public notice that the cable operator has submitted a renewal proposal;  
and
- 2) during the four-month period that begins upon the receipt of the proposal, renew the franchise or issue a preliminary assessment that the franchise should not be renewed; and
- 3) at the request of the cable operator or on its own, commence an administrative proceeding to consider whether:
  - A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
  - B) the quality of the cable operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the cable system, has been reasonable in light of community needs;

- C) the cable operator has the legal, financial, and technical ability to provide the services, facilities, and equipment as set forth in the cable operator's proposal; and
- D) the cable operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

If the Issuing Authority determines, upon initial review of the proposal, that it will accept the cable operator's proposal and grant the license, there is no need to commence an administrative proceeding. Nonetheless, under the Department's regulations, the Issuing Authority must conduct a public hearing to allow the public an opportunity to comment on the cable operator's proposal.

The administrative proceeding is an evidence gathering proceeding that must be conducted so as to afford both the Issuing Authority and cable operator due process, including the right to introduce evidence, question witnesses, and require the production of evidence. If the Issuing Authority bases the preliminary denial of the renewal proposal on criteria (A) or (B), the Issuing Authority must provide the cable operator with notice of non-compliance and an opportunity to cure.

At the conclusion of the administrative proceeding, the Issuing Authority must issue a written decision granting or denying the cable operator's proposal for renewal.

### **GRANTING A RENEWAL LICENSE**

If the Issuing Authority determines that the cable operator satisfies each of the four criteria, and decides to grant a renewal license to the cable operator, the Issuing Authority must issue a public, written statement detailing the reasons for the grant of the renewal. The Issuing Authority must file a copy of the issuing statement, renewal license, and license application (Form 100) with the Department within seven days of granting the license. In addition, the Department requests that the Issuing Authority also submit the license in electronic format.

### **DENYING A RENEWAL LICENSE**

If the Issuing Authority determines that the cable operator has failed to satisfy one or more of the criteria, and has not cured any claimed non-compliance, the Issuing Authority must issue a written statement detailing the reasons for its denial within 14 days of the decision to deny. The written decision must include the basis for the denial, that is, identify which of the four criteria the cable operator did not satisfy. The Issuing Authority must file a copy of this statement along with the renewal proposal (Form 100) with the Department.

### **APPEAL OF ISSUING AUTHORITY DECISION**

A cable operator who is aggrieved by a decision of an Issuing Authority to deny a renewal license may appeal to the Department for review of that decision. Any such appeal must be filed within 30 days of the date of the Issuing Authority decision.

## INFORMAL NEGOTIATIONS

While Congress established the formal renewal process, Congress also determined that where Issuing Authorities and cable operators are able to negotiate an agreement outside of the formal renewal process, they should be allowed to do so in a manner that best fits the parties' needs. That is, where a municipality has a good working relationship with a cable operator and there are no compliance issues, the parties are not required to follow the formal process. Rather, the parties may negotiate an agreement informally. Since there are no procedural safeguards in informal negotiations, this method should be used only where there are no contested issues between the parties.

When negotiating informally, a cable operator may submit a proposal for the renewal of a license at any time, and the Issuing Authority may, after affording the public adequate notice and an opportunity to be heard, grant or deny such a proposal. By negotiating informally, parties avoid the time requirements of the formal process. For example, Issuing Authorities are not obligated to review a cable operator's proposal within 120 days, as required under the formal process. However, even with informal negotiations, state law requires that the Issuing Authority hold a public hearing on the cable operator's proposal.

There is no regulatory requirement that an Issuing Authority conduct ascertainment if it chooses to negotiate with a cable operator rather than follow the formal process. Nevertheless, the Issuing Authority's negotiating position can only be enhanced if it has ascertainment results to substantiate its requests. It is highly recommended that an Issuing Authority conduct some form of ascertainment prior to entering into negotiations with a cable operator.

In practice, cable operators in Massachusetts will often request an Issuing Authority to commence the formal renewal process, but simultaneously request that the parties negotiate informally. Thus, the parties actually enter into informal negotiations while conducting the formal renewal process. While this is acceptable, there are two potential areas where confusion may result:

### 1) The Nature of the Proposal - Formal Proposal versus Informal Proposal

There is a distinction between a proposal submitted for discussion purposes and one that is submitted as a formal renewal proposal, namely, the submission of the formal renewal proposal triggers the 120-day review period. In order to avoid any confusion or violation of process, an Issuing Authority negotiating informally should ensure that the cable operator identify any informal proposal submitted as "Informal" or "For Informational Purposes Only."

### 2) "Reservation of Rights"

As indicated above, often a cable operator will request that the parties negotiate informally, while "reserving its rights" under the formal renewal process. In essence, the cable operator protects itself from an unfair license denial, but is relieved of following the strict time requirements of the formal process. The Issuing Authority is similarly relieved of the strict requirements of the formal process, including the requirement to conduct ascertainment. However, it is unlikely that a decision to deny a license will stand without appropriate ascertainment to support it. Thus, it is recommended that an Issuing Authority conduct ascertainment even when negotiating informally. Moreover, if informal negotiations do not result in a renewal license, the cable operator may revert back to the formal process, and submit a formal renewal proposal for the Issuing Authority's consideration. The review is limited to 120 days under federal law. Therefore, in order to ensure that sufficient time exists

for the Issuing Authority to review a formal proposal, the Department recommends that an Issuing Authority complete ascertainment 12 months prior to the license expiration date, but absolutely no later than six months prior to the license expiration date.

Informal negotiations may be a productive and efficient means for many Issuing Authorities and cable operators to reach mutually agreeable license terms, particularly where the parties have developed a solid professional relationship. However, where a party which has agreed to proceed informally has "reserved its rights" under the formal renewal process, both parties should proceed with the understanding that the requirements of the formal process may become applicable.

# REFERENCES

## RELEVANT LAWS AND REGULATIONS

Massachusetts General Laws, Chapter 166A

Code of Massachusetts Regulations, 207 C.M.R. §§ 3.00-10.00

United States Code, 47 U.S.C. § 546

## ADDITIONAL RESOURCES

Information regarding cable television licensing may be found on the Department's website at [www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/municipal-info/](http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/municipal-info/). The Department's website also provides several licenses in electronic format that are available for download.

A comprehensive glossary of cable-related terms is available on the Department's website at [www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/glossary-of-cable-television-terms.html](http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/glossary-of-cable-television-terms.html).



TRISTRAM C. CARPENTER, D.V.M.  
120 Seekonk Street  
Norfolk, Massachusetts 02056

EDUCATION:                   \* D.V.M. MICHIGAN STATE UNIVERSITY                   1967  
  
\* BS MICHIGAN STATE UNIVERSITY  
\* Certificate as Captain and Operator of  
Uninspected Passenger Vessels.

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WORK EXPERIENCE:           NORWOOD ANIMAL HOSPITAL, INC.           1968-2017  
                                  437 Walpole Street  
                                  Norwood, Massachusetts 02062  
  
\* Director and President.  
  • Designed, built, and established the practice  
    In 1969.  
  • Awarded " Hospital of the Year" in 1970 by  
    Veterinary Economics Magazine.  
  • Employ 22 non-professional and 2 professional  
    Staff.  
\* Designated AAHA Member Hospital since 1971.

WESTWOOD ANIMAL CLINIC                   1984-2017  
                                  919 High Street  
                                  Westwood, Massachusetts  
  
\* Owner and Director.  
\* Purchased from Dr. Harrison Brown in 1988.  
\* Stand alone outpatient clinic.  
\* Feeder clinic for Norwood Animal Hospital.

VETERINARY EMERGENCY TREATMENT SERVICES, INC.                   1980-1990  
                                  Main Street  
                                  Walpole, Massachusetts  
\* Founder  
\* President.                   1980-1981  
\* Stockholder.  
\* Conceived the concept and founded the  
  Organization.  
\* Completed the project from conception to  
  Opening in eight months, for under \$20,000.  
\* Cooperative venture of ten local practices.  
\* Offers off hour emergency coverage and.  
  Intensive care for local practice  
\* Sold to Tufts University

GROOMING ROOM AND THE TAIL GAIT 1985-1988

437 Walpole Street  
Norwood, Massachusetts

- \* An outgrowth of the attempt to merchandise and create "one stop shopping" for clients.
- \* The Grooming Room has survived and is extremely successful, while the Tail Gate pet Supply was closed.

WOUND MANAGEMENT LECTURES 1980-PRESENT

- An outgrowth of being a consultant for the Kendall Company, and their wound care management division.
- Give 1-3 lectures and hands on wet labs each year at technician colleges, state and national meetings
- \* Have received the help and cooperation from Five vendors donating products for the labs.

JETT LABS, INC. 1985-1988

437 Walpole Street  
Norwood, Massachusetts 02062

- \* President.
- Invented and patented a medical device for the drawing, storage, isolation and transporting of body fluids.
- \* Sold the rights for manufacture and marketing In 1988.

WALPOLE ANIMAL CLINIC, INC. 1975-2017

Main Street  
Walpole, Massachusetts

- \* President and Director.
- \* Stand alone outpatient clinic.
- \* Sold along with Norwood Animal Hospital

Fishing Solutions 2005-Present

120 Seekonk Street  
Norfolk, Massachusetts

- Develop and market rod holders and other tools for the Fly Fishing industry.
-

ORGANIZATIONS:

AMERICAN ANIMAL HOSPITAL ASSOCIATION  
12575 Bayaud Avenue  
Denver, Colorado

1995-1996	* Immediate Past President.
1994-1995	* President.
1993-1994	* President Elect.
1992-1993	* Vice President.
1986-1992	* Northeast Regional Director.
1977-1986	* Northeast Regional Coordinator.
1971-Present	* Member

ACCOMPLISHMENTS AND INNOVATIONS:

\* MEMBER FORUMS

- Held the first member forum in 1986 in Buffalo, NY As a method of gathering member input for the Board.
- Program has become international in scope with Member forums at every major national, regional, And state meeting.
- \* Program has made AAHA one of the few members Associations that elicits and listens to member Input.

\* FORMULARY

- Brought the Formulary of Veterinary Drugs by Dr. Rhea Morgan to the entire membership along with Funding for the project. The entire project Completed in four months

\* COMBINED AAHA/AVMA PET FOOD TASK FORCE

- Became the catalyst that changed the AAFCO regulations to require feeding trials rather than formulation for the verification of the statement of use in commercial pet foods.
- \* Program first begun by Dr. R.L. Collinson and later included the AVMA.

\* REGIONAL CONTINUING EDUCATION

- \* Chairman of the northeast regional meetings 1980 & 1986.
- \* Conceived and planned the first offshore AAHA meeting in Bermuda in 1993.

\* NATIONAL CONTINUING EDUCATION

- Chairman of the AAHA National Meeting in Conjunction with the World Small Animal Association (WSAVA) in San Francisco in 1990.
- Chairman of the 1993 AAHA National Meeting in Seattle.
- \* Served on the task force that investigated and developed case based continuing education for veterinary practitioners.
- As president, initiated the task force that completely evaluated AAHA meetings.
- Began championing the use of satellite communication and computers in continuing education in the 80's that culminated in the first program ever given by national satellite in 1995

\* AAHA FOUNDATION

- \* Chairman. 1993-1994
- \* Member of the board of directors. 1991-1994
- \* Raised over \$100,000 in four months to assist Veterinary practitioners in the wake of hurricane Hugo in Florida and Iniki in Hawaii.
- \* Funded many practice oriented research projects in Veterinary Colleges throughout the country.

\* OTHER ACCOMPLISHMENTS AND INNOVATIONS

- \* As President, attended meetings and held forums all over the country and world.
- \* Represented AAHA at the World Veterinary Congress in Durban, South Africa, 1994
- \* As President gave numerous addresses and speeches concerning the state of veterinary medicine.
- As President, began the process that led to the Strategic review program. Analyzing the state of veterinary medical delivery from both the consumer and the professions views. This program and report hopefully will be a blueprint for the success of veterinary practice in the future.
- \* Developed computerized networking among the Board of Directors of the AAHA.
- \* Served on every committee in the American Animal Hospital Association.
- \* Planned and chaired a planning committee composed entirely of woman veterinarians, which looked at the future of veterinary medicine from a woman veterinarian's point of view.
- \* Boston Regional spokesperson for Purina/AAHA Rib Check day in Boston 1997

MASSACHUSETTS VETERINARY MEDICAL ASSOCIATION

- \* Member. . . . . 1967-Present
- \* Program chairman. . . . . 1986
- \* Ad Hoc committee for non-dues revenue. . . . . 1993
- \* Chairman of the screening committee,  
Committee to select a new executive director. . . . . 1995
- \* Member of the Education committee . . . . . 1996
- \* Member of the Animal Welfare Committee . . . . . 1996
- \* Chair of task force to enact legislation to  
Allow licensure by endorsement . . . . . 1997
- \* Treasurer . . . . . 1999-2002
- \* Vice President . . . . . 2002

NEW ENGLAND VMA

- \* Massachusetts representative . . . . . 1997
- \* President . . . . . 2001-2002

NEPONSIT VALLEY HUMANE SOCIETY . . . . . 1993

- \* Founding member of the Board of Directors. . . . . 1993
- \* Secretary . . . . . 1995
- \* Spay/neuter over 100 feral cats a year at the Norwood  
Animal Hospital.

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INTERESTS:

- Fishing, sailing, snorkeling, and other water  
Sports.
- \* Gardening.
- \* Restoration of British sports cars.
- \* Woodworking and Nantucket basket making.

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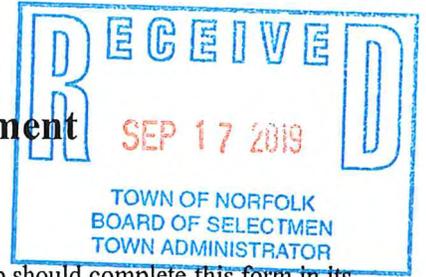
PERSONAL:

- \* Married
- \* Two children.



# TOWN OF NORFOLK

## Request for Committee Appointment



Norfolk residents interested in serving on a Town Board, Committee, Commission or Group should complete this form in its entirety and submit to:

Board of Selectmen, One Liberty Lane, Norfolk, MA 20256

The information received will be given to the applicable officials.

Name: Josephine Cordahi  
(First) (M.I.) (Last) (Suffix)

Address: 53 Seekonk St. Norfolk MA 02056

Telephone: (H)                      (W)                      (Cell)                     

E-Mail Address:                     

Are you a Norfolk Registered Voter  Yes No  (circle one)

1. Please list the Boards, Committees, Commissions or Groups you are interested in:

Zoning Board of Appeals

2. Please describe your interest in serving for the above Boards, Committees, Commissions or Group:

I love this town and feel the choice + input from the zoning board can greatly effect its future. Fresh input can only serve to enhance the outcome, in a result of decision made on the zoning board.

3. Do you presently serve on any Town Boards or Committees, etc? Yes  No  (circle one)

4. Please list positions you previously held in Town Government (with committee name and approximate dates served). This may be applicable to both Norfolk or other towns:

5. Please list your past/present education and/or special training:

Bachelors in pharmacology, Master's degree in Nursing - Advanced practice RN

6. Please list the amount of time available for a Town Board or Committee, etc:

I am available 3 evenings per week

7. Please state any other comments you would like to add:

Norfolk - w facing many challenges + potential changes that can impact the town's character and limited resources. Norfolk w one of the most lonely charming towns of the Commonwealth + requires "fresh outlook" input from board members to achieve a positive result + successful outcome

Signature Josephine Cordahi

Date 9/17/19

J. Cordahi

***Josephine Cordahi, BSN, RN***

*53 Seekonk St.  
Norfolk, MA 02056*

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**Work Experience**

Registered Nurse Showa Institute (per diem)	07/2017-Present
Wrentham Developmental Center (DDS-Commonwealth of MA) Charge Nurse-Nurse 2	05/2018-11/2018
Registered Nurse Boston Higashi (per diem)	09/2016-Present
Registered Nurse Franklin Public Schools	10/2017-03/2018
Camp Nurse Explo at Wheaton College (Summer)	06/2016-8/2016
School Nurse Quincy Catholic Academy	10/2015-9/2016
Substitute School Nurse Brockton Public Schools-Brockton, MA	12/2014-10/2015
Substitute School Nurse Weymouth Public Schools-Weymouth, MA	02/2015-10/2015

**Education**

<b>Southern New Hampshire University (SNHU)</b> Bachelors of Science in Nursing-GPA 4.0 Alpha Sigma Lambda Honors Member	2/2015-02/2016
<b>Massasoit Community College, Brockton, MA</b> Associate of Science Degree in Nursing -GPA 3.50	2011-2014

J. Cordahi

**McGill University Montreal/Northeastern University, Boston, MA** 1992-1996  
Bachelors of Science Degree-Pharmacology/Marketing –GPA 3.79

**Lasell College, Newton, MA** 1989-1991  
Associate Degree-Liberal Arts-GPA 3.88

**Licenses/Certifications**

Registered Nurse- Massachusetts October 2014  
School Nursing Certification 2018  
Cardio Pulmonary Resuscitation Certification 2018

**Other work experience and achievements**

Alpha Sigma Lambda Honors Society 4/2016

Phi Theta Kappa 10/2012  
Golden Key International Honor Society 1995-1996

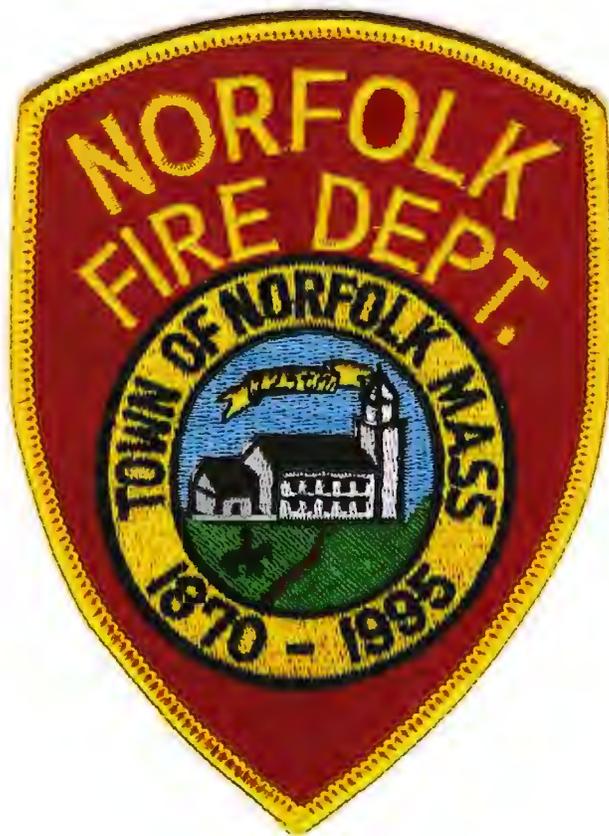
Community Involvement  
Christ Church Quincy Food and Essentials Pantry 2011-2012

**Languages**

Arabic, French, conversation Polish, Persian and Japanese

*References furnished upon request*

SAFER GRANT  
CONSIDERATIONS



October 1, 2019

## **Introduction:**

It is with tremendous pleasure that I present information to you for your consideration relative to accepting a \$246,995 SAFER grant to hire two career firefighter/paramedics that the Town of Norfolk Fire Department was recently awarded.

The grant application process began in early February with our grant proposal being submitted on March 22, 2019. We received notification from Senator Elizabeth Warren's office on September 13<sup>th</sup> that our grant application scored very well and that our community would be receiving funding for two firefighter/paramedics. With the grant award notification date being September 13<sup>th</sup>, it is very important to note that the grant must be accepted by the town within 30 days of that notification, **October 13, 2019** or we will lose the funding. The following is an overview regarding the SAFER program, along with our justifications relative to staffing the fire department with four firefighters per workgroup, and some budget considerations.

## **Overview:**

The SAFER (Staffing for Adequate Fire and Emergency Response) grant program is administered through the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA). This is a competitive grant program which is open to all fire departments in the country with the purpose to provide funding to assist in increasing the number of firefighters to help communities meet industry minimum standards and to provide adequate protection from fire and fire related hazards. The two industry standards that specifically correlate to fire department staffing are OSHA Two In/Two Out and NFPA 1710/1720.

The SAFER grant program has a three year performance period with the federal share accounting for 75% of the total salary for the first two years and 35% for the third year. Additionally, the grant would also pay for the town's share of health insurance for the two positions. The total cost of the grant program is \$400,530. Our share would be \$153,535 over the 3-year performance period with the federal share being \$246,995. After the three year performance period, it would be the town's responsibility to fully fund the two positions.

## **Definitions:**

**Basic Life Support (BLS)** — A specific level of prehospital medical care provided by trained responders, focused on rapidly evaluating a patient's condition; maintaining a patient's airway, breathing, and circulation; controlling external bleeding; preventing shock; and preventing further injury or disability by immobilizing potential spinal or other bone fractures.

**Advanced Life Support (ALS)** — Emergency medical treatment beyond basic life support that provides for advanced airway management including intubation, advanced cardiac monitoring, defibrillation, establishment and maintenance of intravenous access, and drug therapy

**Emergency Medical Services (EMS)** — The treatment of patients using first aid, cardiopulmonary resuscitation, basic life support, advanced life support, and other medical procedures prior to arrival at a hospital or other health care facility

**National Fire Protection Association (NFPA)** — A nonprofit organization, established in 1896, with the mission to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training and education.

**National Institute of Standards and Technology (NIST)** - A division of the U.S. Commerce Department. Formerly known as the National Bureau of Standards, NIST promotes and maintains measurement standards. It also has active programs for encouraging and assisting industry and science to develop and use these standards.

**OSHA Two In, Two Out** - In firefighting, the policy of two-in, two-out refers to United States Occupational Safety and Health Administration (OSHA) policy 29 CFR 1910.134(g)(4)(i) that mandates that firefighters never go into a dangerous situation in a fire or rescue incident alone, and that there be two firefighters outside the hazard area.

## **FY 2018 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program Frequently Asked Questions (FAQs) - partial from Program Guidance**

### **What is the purpose of SAFER?**

*The purpose of SAFER is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments.*

*To achieve this purpose, SAFER is a competitive, discretionary grant program comprised of two categories: 1) Hiring of Firefighters Activity grants provide financial assistance to help fire departments hire new firefighters or change the status of part-time or paid-on-call firefighters to full-time firefighters. The goal is to assist departments to improve staffing levels to ensure they have adequate personnel to respond and safely perform at incident scenes, providing protection from fire and fire-related hazards in their communities. This activity provides three-year grants to assist fire departments by paying a portion of the salaries and benefits of the SAFER-funded positions.*

### **How much time does a department have to hire the SAFER-funded positions?**

*For all grant recipients awarded under the Hiring of Firefighters activity, a default 180-day recruitment period begins when the application is approved for award (i.e., the award date). The three year period of performance automatically starts after the 180-day recruitment period, regardless of whether the grant recipient has successfully hired the awarded positions. In order to maximize the available federal share of funds, departments should take steps to fill the SAFER-funded positions within the 180-day recruitment period. Salary and benefit costs for the SAFER-funded positions can only be billed to the grant during the period of performance. There are no extensions to the grant period of performance, so any delays in filling the SAFER positions may lead to unexpended grant funds. If the SAFER positions are filled before the start of the period of performance, departments may submit an amendment requesting to start their grant period of performance early. If a grant recipient is able to hire their SAFER-funded firefighters during the 180-day recruitment period, the period of performance may begin at that time. However, grant recipients must submit an amendment requesting that the period of performance start before the end of the 180-day recruitment period.*

**Is an extension to the SAFER period of performance allowable under the Hiring of Firefighters Activity?**

*No. Extensions to the period of performance are not allowable under the FY 2018 Hiring of Firefighter Activity grants. Therefore, in order to maximize the available federal share of funds, departments should take the necessary steps to ensure all SAFER-funded positions are hired within the 180-day recruitment period or as close to the start of the period of performance as possible. Departments should also take active and timely steps to fill any SAFER positions that become vacated during the grant period of performance.*

**The 2018 SAFER Notice of Funding Opportunity (NOFO) states that grant recipients cannot layoff any firefighters during the period of performance. If the department loses positions to retirement or other attrition, must it fill those vacancies?**

*Yes. During the grant period of performance, recipients of the FY 2018 SAFER Hiring of Firefighters Activity grant are required to maintain their staffing at the level that existed at the time of the award offer, in addition to the SAFER-funded positions. Once awarded, grant recipients under the Hiring of Firefighters Activity must submit a current (pre-SAFER) roster listing all paid operational/firefighting personnel, in support of NFPA 1710 or NFPA 1720, who are in full-time positions on the date of the award offer. The program office will work with a grant recipient to establish the correct staffing maintenance number which combines the number of pre-SAFER and SAFER-funded positions. Once this is established, grant recipients must agree to maintain this number throughout the grant period of performance by taking active and timely steps to fill any vacancies. Grant recipients who are unable to fill firefighting positions (due to documented economic hardship) that are vacated through attrition (e.g., resignation, retirement) may petition FEMA for a waiver of staffing maintenance requirements. An approved waiver allows a grant recipient to decrease and reestablish the staffing maintenance number agreed to at the time of award by the number of positions that a grant recipient is unable to fill. In order to qualify for this waiver, the economic hardship must affect the entire public safety sector in a grant recipient's jurisdiction, not solely the fire department. Waivers will not be granted for SAFER-funded positions. Grant recipients who fail to maintain this level of staffing risk losing the federal funds awarded under this grant.*

**Current Staffing:**

Currently we operate with 15 fulltime firefighters, one being the Chief of Department, and 7 "on call" firefighters. Career coverage consists of 4 workgroups that have a shift officer and two firefighters working 24 hours on, 24 hours off, 24 hours on, 120 hours off schedule. Two of the workgroups currently have two firefighter/paramedics and two have three firefighter/paramedics. Additionally, we have two firefighters that work a four day on, four day off schedule of 12 hours each day. These two positions work from 0800 to 2000 thus allowing our fulltime staffing to be at four for seven days per week for 12 hours each day. From 2000 to 0800, we operate with three firefighters. Our current "on call" staff of 7 consists of three firefighter/paramedics who currently are career firefighter/paramedics in other communities (Bridgewater, Foxboro, Hingham), two who are currently enrolled in paramedic school with an anticipated finish of spring 2020, and two who are trained at the BLS level.

## EMS Enhancement:

The SAFER grant will improve our fulltime staffing level and will allow the department to operate with four firefighters per workgroup 24 hours per day, seven days a week, 365 days a year. This enhances our ability to deliver effective and efficient medical and fire service to the community. Perhaps the most important factor for a four member staffed group is presented in the National Institute of Standards and Technology (NIST) Emergency Medical Services Analysis of 2010 relative to cardiac issues which states that *crews responding with four first responders completed all cardiac tasks from the 'at patient time' to completion of packaging 70 seconds faster than first responder crews with three persons, and 2 minutes and 40 seconds faster than first responder crews with two persons. Additionally, after a patient went into cardiac arrest, an assessment of time to complete remaining tasks revealed that first responders with four-person crews completed all required tasks 50 seconds faster than three-person crews and 1.4 minutes (1 minute 25 seconds) faster than two-person crews.* When time is muscle, every little bit counts. Seconds can add up to a great difference in saving a life, and in saving a heart. The phrase that is often used by cardiologists is "Time Is Muscle," meaning the longer you wait to get someone in for treatment the more damage that can occur to the heart muscle and the less likely are the chances for recovery. Other various types of common medical emergencies that we manage where seconds can mean the difference include respiratory/airway emergencies, allergic reactions, traumatic injuries, strokes, overdoses, and diabetic emergencies. The patient's medical condition and treatment modalities also determine the need for additional EMS providers on scene. An internal analysis conducted annually by Chief Cole Bushnell, Ret. has shown that Norfolk's Emergency Medical Service program has contributed to positive outcomes for 2,902 patients since the inception of our advanced life support program through the end of 2018. Ensuring each shift is staffed with four members around the clock will contribute to even more positive outcomes for our community.

Other on scene challenges such as the difficulty of the extrication from the scene is an important consideration. For example, after considering the patient's weight, a stair chair or scoop stretcher can be utilized for extrication, while still having to navigate on scene conditions such as living conditions in the home, i.e., hoarding, narrow hallways, tight staircases, decaying building construction. Weather conditions such as snow, ice, rain, etc. have an effect on the amount of work that a crew can actually perform while still effectively treating a patient's medical problem. Removing patients from homes or other various situations require heavy lifting and are labor intensive. The tasks also involve descending stairs while carrying a patient, carrying all equipment down stairs, and getting the patient and equipment out multiple doors, onto a stretcher and into an ambulance. Time efficiency in access and removal can be achieved by deploying four person crews. To the extent that each second counts in an EMS response, these staffing features are extremely important.

Answering multiple calls for service immediately is another extremely beneficial component of additional staffing per group. Generally when these situations occur a second medical or fire call has to be managed with callback personnel or with mutual aid which contributes to extended times for assistance to arrive. An analysis found since the inception of our new record management system (RMS) software on May 6, 2019 to September 21, 2019, that the fire department responded to multiple calls for service 51% of the time during that period after an initial call occurred.

**Fire Service Enhancement:**

Norfolk’s ability to deliver safe and effective fire protection to the community will unquestionably be enhanced with the addition of these two firefighters. On March 9, 2018 Governor Baker signed a bill that amended M.G.L. chapter 149 §6 ½ which sets minimum standards for employee safety requirements in public sector workplaces, and is enforced by the Department of Labor Standards (DLS). The effective date was February 1, 2019. The law clarifies that the definition of a public sector workplace includes municipalities and that public sector employers are required to provide methods to reduce work related injury and illness, which meet the minimum requirements provided under OSHA. One of the major OSHA components relative to the fire service is the Two-In, Two-Out regulation. This regulation requires that whenever firefighters enter a burning structure or other dangerous environment, they must do so in teams of at least two that operate in direct visual or voice contact. Additionally, there must be at least two fully equipped and trained fire fighters who remain outside the structure, who are capable of rescuing the firefighters inside should they become disoriented, trapped or injured (Four total firefighters). OSHA regulations recognize deviations to regulations in an emergency operation where immediate action is necessary to save a life. If firefighters find a known life hazard situation where immediate action could prevent the loss of life, deviation from the two-in/two-out standard may be permitted although the exception is for a known life rescue only, not for standard search and rescue activities. When the exception becomes the practice, OSHA citations are authorized.

National Fire Protection Association Standard (NFPA) 1720’s purpose is to specify the minimum criteria addressing the effectiveness and efficiency of volunteer and combination public fire suppression operations and emergency medical service’s delivery in protecting a community. It is very important to note that this standard and the recommendations are based on scientific data derived from the NIST, Report on Residential Fireground Field Experiments conducted in 2010. In that report, it states that *four person crews operating on a low-hazard structure fire completed all the tasks on the fireground (on average) seven minutes faster, nearly 30 %, than the two-person crews. The four-person crews completed the same number of fireground tasks (on average) 5.1 minutes faster, nearly 25 %, than the three person crews.* As important, NFPA 1720 states that initial firefighting operations shall be organized to ensure that at least four firefighters are assembled before interior fire suppression operations are initiated in a hazardous area. In the hazardous area, a minimum of two firefighters shall work as a team. Outside the hazardous area, a minimum of two firefighters shall be present for assistance or rescue of the team operating in the hazardous area.

**Budget Considerations:**

Fire Department Budget

FY 2016	\$1,577,422	
FY 2017	\$1,645,811	
FY 2018	\$1,683,455	
FY 2019	\$1,749,995	(added ½ 14 <sup>th</sup> firefighter)
FY 2020	\$1,812,790	(full cost of 14 <sup>th</sup> firefighter)
	<b>\$1,847,528</b>	<b>*NOT FULLY FUNDED IN SPRING (\$34,738)</b>

Average yearly increase +3 % during 5-year period, +3.4% with FY 20 restored funding

The fiscal year 2020 budget was originally approved in the spring at \$1,847,528. In order to assist in balancing the budget, \$34,738 was cut from our budget with the stipulation that the funds would be restored at the fall town meeting. Town meeting approved the fire department budget at \$1,812,790. This was also done in FY 2019, with \$31,566 being initially removed from our budget in the spring but ultimately restored at fall 2019 town meeting.

FY 20 began without the Chief's position being filled. With the new Chief's projected start date to be December 2<sup>nd</sup> and the amount of the Chief's position budgeted at \$135,000 for this fiscal year, we have realized a savings of about \$2,600 per week or about \$57,000. We had a firefighter injury occur at the end of the first week of the fiscal year. The firefighter required surgery and was on injury leave for ten weeks. The cost to fill his position utilizing career and on call staff was \$17,535. Additionally, we had to fill a week of night shifts in August when I was away on vacation. This was critical to do as it ensured adequate staffing was in place as the night shift has only three firefighters on duty. The cost to ensure safe staffing for this period was \$5,465.

**SAFER Grant 3-Year Performance Period Cost Breakdown**

	<u>1<sup>st</sup> 12 months</u>	<u>2<sup>nd</sup> 12 months</u>	<u>3<sup>rd</sup> 12 months</u>
Personnel	120,000	120,000	120,000
Benefits	13,500	13,500	13,500
Total	133,510	133,510	133,510
Town Share	33,377	33,377	86,781
Federal Share	100,133	100,133	46,729

If we hire the two new firefighters with a start date of March 1, 2020, we will be within the 180 hiring period as specified in the grant requirements. There will be 17 weeks remaining in the fiscal year. With the Town Share of \$33,377 per 1<sup>st</sup> 12 month period broken down weekly which would equate to about \$642 per week required by the town to fund the positions. \$642 for the remaining 17 weeks would total just about \$11,000. It is my opinion, barring any unforeseen anomalies, i.e. multiple major events, firefighter injuries, etc., we could absorb the salary cost (\$11,000) for this fiscal year as long as the \$34,788 is restored. With that restoration, our budget for FY 20 would be complete at \$1,847,528. Moving forward, I believe that mechanisms for helping to offset the additional cost to the town relative to these positions could be found in increasing ambulance rates for services provided, increases in call volume, and through attrition.

The following is a breakdown of some of the expense costs associated with the hiring of two new firefighters. Certainly an attempt could be made to absorb these costs within our current expense budget or we could possibly look at a reserve fund transfer for the spring 2020 town meeting if we run short for the year. The \$4,000 cost to conduct a recently held assessment for the Chief's position is an unanticipated expense that we have just recently incurred.

EXPENSE REQUIREMENT

(2) Sets PPE (Coat & Pants)	\$6,000
(2) Helmets	\$900
(2) Pair Boots	\$900
(2) Pair Gloves	\$200
(2) Hoods	\$120
(2) SCBA Masks	\$1,400
(2) Physicals	\$2,000
(2) Physical/Agility Testing	\$300
TOTAL	\$11,820

On behalf of members of the fire department, thank you for your consideration with accepting the SAFER grant. Our members are extremely committed to providing the very best service that we can to the community and we believe that this project will absolutely enhance the service that we provide. We very much appreciate your continued support.

Peter Petrushik  
Interim Fire Chief

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST  
AND DETERMINATION BY APPOINTING AUTHORITY  
AS REQUIRED BY G. L. c. 268A, § 19**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name:	Blythe C. Robinson
Title or Position:	Town Administrator
Municipal Agency:	Town of Norfolk
Agency Address:	1 Liberty Lane, Norfolk, MA 02056
Office Phone:	508-440-2855
Office E-mail:	brobinson@norfolk.ma.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	<b>PARTICULAR MATTER</b>
Particular matter  E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter.  I am currently a member of the Massachusetts Interlocal Insurance Association (MIIA) Board of Directors, MIIA Property & Casualty Board of Directors and MIIA Reinsurance Board for Property & Casualty and have been since 2014. These roles requires that I participate in strategic and policy making discussions and decisions as a member of this Board which serves the majority of communities in the Commonwealth of Massachusetts. The Town of Norfolk purchases almost all of its insurance policies from MIIA.
Your required participation in the particular matter:  E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	My role on the MIIA Board is to participate in board debate on topics affecting the entire pool, and vote on policy decisions, setting of rates, settlement of claims. While I am not currently a member of the health insurance trust board, Norfolk purchases health insurance for all employees through the Trust and I obtain my health insurance for my family from the Town. I receive no compensation for being a member of this Board.  I believe that my participation on this board will have no effect on my ability to make recommendations to the Town with regard to the purchase of insurance that is in the best interests of the Town and its taxpayers. Day to day administration of the Town's various property & casualty, workers compensation, law enforcement liability and health insurance are made by the HR Director and Finance Department.
	<b>FINANCIAL INTEREST IN THE PARTICULAR MATTER</b>
<b>Write an X by all that apply.</b>	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it.

Employee signature:	
Date:	September 27, 2019

**DETERMINATION BY APPOINTING OFFICIAL**

<b>APPOINTING AUTHORITY INFORMATION</b>	
Name of Appointing Authority:	Board of Selectmen
Title or Position:	Select Board Members
Agency/Department:	Town of Norfolk
Agency Address:	1 Liberty Lane, Norfolk, MA 02056
Office Phone:	508-440-2855
Office E-mail	
<b>DETERMINATION</b>	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

**The appointing authority shall keep this Disclosure and Determination as a public record.**

**INSTRUCTIONS FOR DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE  
UNDER G.L. c. 268A, § 19**

**FINANCIAL INTEREST IN A PARTICULAR MATTER**

**WHEN TO USE THE § 19 DISCLOSURE FORM**

You are an appointed or non-elected municipal employee, as defined by G.L. c. 268A, § 1(g). **Your duties as a municipal employee include participating in a particular matter. You may not participate in the matter because one or more of the following individuals or entities listed below has a financial interest in the matter:**

- You;
- Your immediate family member (you and your spouse, and each of your parents, children, brothers and sisters);
- Your business partner;
- A business organization for which you are serving as an officer, director, trustee, partner or employee;
- A person or organization with whom you are negotiating or have made an arrangement about prospective employment..

You may file a § 19 Disclosure with your appointing authority describing the particular matter, your responsibilities in relation to it, and the financial interest that is preventing you from participating.

Your appointing authority has discretion to make a written § 19 Determination that the financial interest you have identified is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from you as its employee. **You may not participate in the particular matter unless your appointing authority files a written Determination allowing you to do so.**

If you choose not to seek authorization to participate, and do not file a § 19 disclosure, you may need to inform your appointing authority or agency that you will not perform your duties as you usually would.

**PARTICIPATION IN A PARTICULAR MATTER**

In a § 19 disclosure, you must explain in what way you participate in a particular matter.

A **particular matter** is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

You are expected to **participate** through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate – e.g., reviewing a proposal, approving an application, deciding about a grant; making a recommendation about a budget, providing advice about a case, conducting an investigation, performing a task or taking an action – in relation to the particular matter.

**FINANCIAL INTEREST**

In the disclosure, you must explain the financial interest that prevents you from participating in a particular matter. You should include the dollar amount of the financial interest, if known.

A financial interest must be **direct and immediate or reasonably foreseeable** (and not remote, speculative or not sufficiently identifiable), and may be **large or small, positive or negative** – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- Cause or prevent a **financial gain or loss**;
- Create or eliminate a **financial opportunity**;

- Determine who will make decisions affecting your or an immediate family member's **wages, hours or working conditions** as a municipal employee.

**Abutters and Owners of Nearby Property:** The following people are presumed to have a financial interest in a particular matter regarding real estate:

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

**Competitors:** Your business interest will have a financial interest if the outcome of a particular matter would affect the financial interests of a competitor in a way that would likely decrease or increase your business or the business of your immediate family, your partner, or your private employer.

#### **FILING THE § 19 DISCLOSURE AND DETERMINATION**

##### **For the municipal employee**

**Sign your completed Disclosure and submit it to your appointing authority.**

##### **For the appointing authority**

You have received a § 19 Disclosure from a municipal employee who may not participate in a matter because of a financial interest in the matter. **You may make a written Determination** that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. **You also may decide not to make this Determination.** If you make such a Determination, you should provide a copy to the employee. Keep a copy of the § 19 Disclosure as a public record.

**If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at [requestadvice@massmail.state.ma.us](mailto:requestadvice@massmail.state.ma.us).**

## MEMORANDUM

TO: Members of the Boards of Directors or Trustees of:  
Massachusetts Interlocal Insurance Association, Inc. ("MIIA")  
MIIA Property and Casualty Group, Inc. ("MIIA-P&C")  
MIIA Health Benefits Trust ("MIIA-HBT")

FROM: Linda D. Bentley, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
Judy A. Levenson, Brody, Hardoon, Perkins & Kesten, LLP

RE: Conflict of Interest Law Restrictions Concerning Financial Interests

DATE: June 10, 2019

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As you may know, certain restrictions of the Massachusetts Conflict of Interest Law, G.L. c. 268A ("Conflict Law"), apply to municipal officials and employees, who also serve as directors, trustees or officers of private non-profit organizations, such as the MIIA entities listed above ("MIIA Entities"). This Memorandum serves as a reminder about those restrictions.

Section 19 of the Conflict Law, prohibits municipal officials and employees, who also are directors, trustees, officers or employees of private business organizations, from participating as public officials in particular matters that affect the financial interest of the business organizations in which they serve, except under limited circumstances. The State Ethics Commission, which enforces the Conflict Law civilly, has opined that the MIIA Entities are business organizations within the meaning of §19. Therefore, in your roles as municipal officials and employees, you may not participate in municipal matters, such as approving payment of money owed (even if someone else verifies the appropriateness of the payment) or entering contracts with MIIA Entities, *unless* one of the following circumstances applies.

*Section 19 Disclosure and Appointing Authority Determination.* Under §19(b)(1), an *appointed* municipal employee may participate in particular matters involving the financial interest of a MIIA Entity if the employee: (1) first advises the employee's appointing authority of the nature and circumstances of the particular matter in which the employee is required to participate and makes full disclosure of the financial interest of the business organization in which the employee serves (e.g., a financial interest of MIIA-HBT in a municipal contract to provide health care coverage benefits), and (2) receives an *advance* written determination from the appointing authority that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may receive from the employee. Attached for your convenience is a copy of the Ethics Commission's required Disclosure by Non-Elected Municipal Employees and accompanying Instructions.

*The Rule of Necessity.* The §19 Disclosure and Determination does *not* apply to *elected* officials because they do not have appointing authorities. Under limited

circumstances, and only as a last resort, elected officials may be able to participate by invoking a court-created doctrine known as the Rule of Necessity, intended to apply only when no other municipal official or agency is legally available to act. A municipal official may invoke the Rule to the minimum extent necessary to allow the official to take the required action. If the legal duty to act permits the official to delegate the duty, then the official may use the Rule for the limited purpose of designating another person to act. If the official's duty to act is non-delegable, the Rule may allow the municipal official to take all legally required action. The Rule should be used only upon advice of municipal counsel or the Ethics Commission because improper use itself could be a violation of the Conflict Law.

Determination of General Policy. Section 19(b)(3) allows a municipal employee or official to participate in a particular matter, despite an affiliated business organization's financial interest in the matter, if it involves a determination of general policy shared with a substantial segment of the municipality's population. This exemption generally applies to matters such as determinations of real estate tax rates or municipal utility rates. Municipal counsel or the State Ethics Commission should be consulted before utilizing this exemption.

Your service as a MIIA Board Director, Trustee or Officer does not itself create an inherent conflict under §19. Rather, a potential conflict arises only if and when you are required to participate as a municipal official or employee in a particular matter in which a MIIA Entity has a financial interest. As a practical matter, the §19 restrictions may apply to you as follows:

- a. Appointed Town Managers, Town Administrators and City Managers. You may participate in particular matters affecting the financial interest of a MIIA Entity so long as you first make the required written Disclosure to your appointing authority under §19, and your appointing authority makes an advance written Determination that you may participate. Absent those circumstances, you should abstain from participation unless the Rule of Necessity applies.
- b. Elected Selectmen and City Councilors. You should abstain from participating in particular matters involving a financial interest of a MIIA Entity unless you invoke the Rule of Necessity upon advice of municipal counsel or the State Ethics Commission.
- c. Elected Mayors. If you have a conflict and your City Charter or law authorizes you to delegate your duty to an alternate, such as the City Clerk, you may invoke the Rule of Necessity to designate the alternate to carry out your duty. If your legal duty to act is non-delegable, you may be able to invoke the Rule to take all actions legally required of you. In either circumstance, you should consult with municipal counsel or the State Ethics Commission before invoking the Rule.



Town of Norfolk

Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;

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**Re: Block party**

1 message

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**Katie McNamara** <katie.mcnamara24@gmail.com>  
To: Nancy Langlois <nlanglois@norfolk.ma.us>

Tue, Aug 27, 2019 at 3:45 PM

Thank you! I appreciate it.

On Tue, Aug 27, 2019 at 3:32 PM Nancy Langlois <nlanglois@norfolk.ma.us> wrote:  
Hi Katie,

I will look into the process. It will most likely go before the Select Board at a future meeting (probably September 17th). I'll get back to you with details.

Regards,

Nancy Langlois

On Tue, Aug 27, 2019 at 2:24 PM Katie McNamara <katie.mcnamara24@gmail.com> wrote:  
Thank you, Bob! I very much appreciate your help.

Nancy, it's nice to e-meet you! I am hoping you can help me as Susan Jacobson did last year.

With the help of my neighbor, Siobhan Lonergan (CC'd), I am organizing a Halloween parade and party for my neighborhood on Saturday, October 26th at 3pm. I have coordinated with Mike Findlen from the Norfolk Fire Department to have a fire truck lead the parade provided there are no emergencies. The parade is short in distance and will start on Erin Road and end in front of my home (1 Eric Road).

As you know, Eric Road is a cut through street. I would like to put in a request to block Eric Road from the Park Street Entrance up to Erin Road for the duration of the parade and party (about 3-6pm) - similar to a block party! There are many families with young children, so it would be great to keep this event as safe as possible.

Would you please consider my request for a permit to temporarily block Eric Road (at the Park St. entrance) on Saturday, October 26th from 3-6pm? We have included a rain date for the 27th at the same time. Please let me know if you need any additional information. I'm also more than happy to chat over the phone!

Thank you,

Katie McNamara  
(508) 850-6640

On Tue, Aug 27, 2019 at 2:16 PM Robert Shannon &lt;rshannon@norfolk.ma.us&gt; wrote:

Hello Katie,

I am glad to help you obtain a permit from the board of select-persons. The contact person is Nancy Langlois, her email is [nlanglois@norfolk.ma.us](mailto:nlanglois@norfolk.ma.us). (I have cc'ed Nancy) I suggest you contact Nancy as soon as possible so she can get the permit request to the BOS for the September meeting. If there is anything else I can assist you with feel free to ask.

Regards,  
BobOn Tue, Aug 27, 2019 at 1:34 PM Katie McNamara <katie.mcnamara24@gmail.com> wrote:  
Hi Lieutenant Shannon,

I hope all is well! Last year, you were kind enough to help me gain approval from the town Selectmen to get a permit to temporarily block the Eric Road entrance from Park Street for our annual neighborhood Halloween parade and party.



Town of Norfolk

Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;

## Re: Block party

1 message

**Charles Stone** <cstone@norfolk.ma.us>

Thu, Sep 19, 2019 at 12:43 PM

To: Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;

I don't have a problem with the request. I would ask that the road be blocked with easily removable barricade in case there is a public safety emergency that has to be accessed using that section of Eric Road or Erin Road. The barricade should indicate that the road is detoured and provide a route to get around the detail for those who are not attending the block party.

CS

On Thu, Sep 19, 2019 at 11:22 AM Nancy Langlois <nlanglois@norfolk.ma.us> wrote:

Good Morning,

Please see the email from Katie McNamara requesting to have a Halloween parade (Erin Road to [1 Eric Road](#)) and party on Saturday, October 26th from 3:00 - 6:00 p.m (rain date October 27th). The request is also to block Eric Road from the Park Street Entrance up to Erin Road for the duration of the parade and party.

Please provide your comments and or concerns so I can inform the Select Board at the October 1st meeting.

Thank you,  
Nancy

----- Forwarded message -----

From: **Katie McNamara** <katie.mcnamara24@gmail.com>

Date: Tue, Aug 27, 2019 at 2:24 PM

Subject: Re: Block party

To: Robert Shannon <rshannon@norfolk.ma.us>

Cc: Nancy Langlois <nlanglois@norfolk.ma.us>, Siobhan Loneragan <siobhanloneragan2912@gmail.com>

Thank you, Bob! I very much appreciate your help.

Nancy, it's nice to e-meet you! I am hoping you can help me as Susan Jacobson did last year.

With the help of my neighbor, Siobhan Loneragan (CC'd), I am organizing a Halloween parade and party for my neighborhood on Saturday, October 26th at 3pm. I have coordinated with Mike Findlen from the Norfolk Fire Department to have a fire truck lead the parade provided there are no emergencies. The parade is short in distance and will start on Erin Road and end in front of my home ([1 Eric Road](#)).

As you know, Eric Road is a cut through street. I would like to put in a request to block Eric Road from the Park Street Entrance up to Erin Road for the duration of the parade and party (about 3-6pm) - similar to a block party! There are many families with young children, so it would be great to keep this event as safe as possible.

Would you please consider my request for a permit to temporarily block Eric Road (at the Park St. entrance) on Saturday, October 26th from 3-6pm? We have included a rain date for the 27th at the same time. Please let me know if you need any additional information. I'm also more than happy to chat over the phone!

Thank you,

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Town of Norfolk

Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;

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**Re: Block party**

1 message

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**Peter Petruchik** <ppetruchik@norfolk.ma.us>  
To: Nancy Langlois <nlanglois@norfolk.ma.us>

Thu, Sep 19, 2019 at 5:19 PM

Hi Nancy,

All ok with Fire. Thanks. Pete

On Thu, Sep 19, 2019 at 11:22 AM Nancy Langlois <nlanglois@norfolk.ma.us> wrote:  
Good Morning,

Please see the email from Katie McNamara requesting to have a Halloween parade (Erin Road to [1 Eric Road](#)) and party on Saturday, October 26th from 3:00 - 6:00 p.m (rain date October 27th). The request is also to block Eric Road from the Park Street Entrance up to Erin Road for the duration of the parade and party.

Please provide your comments and or concerns so I can inform the Select Board at the October 1st meeting.

Thank you,  
Nancy

----- Forwarded message -----

From: **Katie McNamara** <katie.mcnamara24@gmail.com>

Date: Tue, Aug 27, 2019 at 2:24 PM

Subject: Re: Block party

To: Robert Shannon &lt;rshannon@norfolk.ma.us&gt;

Cc: Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;, Siobhan Lonergan &lt;siobhanlonergan2912@gmail.com&gt;

Thank you, Bob! I very much appreciate your help.

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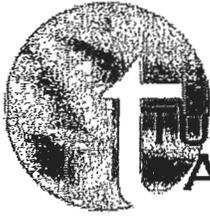
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**TURCHETTA &  
ASSOCIATES**

David M. Turchetta, Esq.\*  
Thomas E. Iessi, Esq.  
Joseph J. Pruell, Esq. (of counsel)

*\*also admitted in RI, CT and NY  
Conveyancing, Title Services, Estate Planning*

Six Park Street • Norwood, MA 02062  
Tel: 781.769.0003 • Fax: 781.769.0045

[www.norwoodlawyers.com](http://www.norwoodlawyers.com)

September 23, 2019

Town of Norfolk Select Board  
Norfolk Town Hall  
One Liberty Lane, Second Floor  
Norfolk, MA 02056

**Re: *Lakeland Farms LLC***  
***84 Cleveland Street Map 15 Block 54 Lot 43 7.64 acres***  
***Norfolk Registry of Deeds Book 20999, Page 419***

Dear Select Board Members:

This office represented Norwood Cooperative Bank when Lakeland Farms LLC purchased the above-captioned land on August 22, 2017 (copy of recorded deed and purchase and sale agreement are attached hereto from that transaction). Lakeland Farms LLC elected to convert the use of property to residential dwellings from Agricultural/Farmland which triggered a right of first refusal to purchase on behalf of the Town. The right of refusal is terminated either by 1) giving notice to the Town (and 120 days passing without exercise of the right of refusal); **OR** by 2) by obtaining written notice of waiver of that right from the Town Select Board. The property has already been approved for a housing development consisting of thirty two (32) single family residences for which all approvals have issued, and building permits are being issued. The first home is complete and is scheduled to be sold on October 3, 2019.

Through inadvertence at the time of transfer a notice of the transfer was not given to the Town of Norfolk Select Board. Recent title examinations by purchasers of the homes (the first sale pending for October 3) have revealed the error which needs to be corrected before the Developer can sell these homes to the residential buyers. I request that you execute the waiver of notice (draft included herewith for your convenience) (option 2 per the statute) which will correct the error and enable the closings to proceed as scheduled.

**Background**

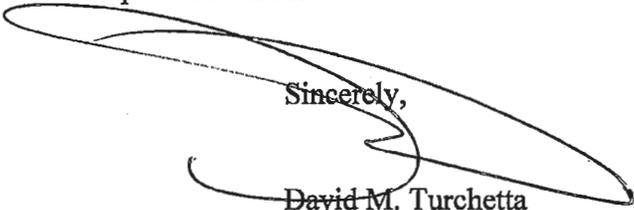
This property formerly had agricultural and horticultural land classification pursuant to Massachusetts General Laws Chapter 61A. This statute is designed to encourage the preservation of the Commonwealth's farmland and promote active agricultural and horticultural land use. It offers significant local tax benefits to property owners willing to make a long term commitment to farming. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits afforded the owner and an option to purchase the property should the land be sold or used for any purpose other than to continue raising farm products.

Once an initial application is approved, the assessors record a statement at the Registry of Deeds indicating that the land has been classified as agricultural or horticultural land under Chapter 61A. That statement constitutes a lien on the land for all taxes due under Chapter 61A. The owner must pay all fees charged by the Registry for recording or releasing the lien. Prior to subdivision approval and construction of homes, this lien was paid and released by the Developer (see attached copies of liens and releases all of which have been recorded with Norfolk County Registry of Deeds). Additionally all real taxes are current (see attached MLC) on the property and are being paid by the Developer.

The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial or industrial use. The owner must notify by certified mail the mayor and city council or the selectmen, assessors, planning board and conservation commission of the city or town of any intention to sell or convert the land to those uses. If the owner plans to sell the land, the city or town has the right to match a bona fide offer to purchase it. If the owner plans to convert it, the city or town has the right to purchase it at its fair market value, which is determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization. The owner cannot sell or convert the land until at least 120 days after the mailing of the required notices or until the owner has been notified in writing that the option will not be exercised, whichever is earlier. In this case the attached draft waiver of right of first refusal is all that would be needed from the Select Board as the Developer and home buyers would need to wait one hundred twenty (120) days to close without it.

If the town did want to purchase it, then the purchase has to be approved after public hearing followed by written notice and subsequently approved by town meeting. If the Select Board decides they do not want to purchase the land, then the enclosed draft notice acknowledging that they have been given the opportunity but they decline (or waive) the right to purchase is sufficient to clear up the title cloud.

Sincerely,



David M. Turchetta

Encl.

**QUITCLAIM DEED**

We, **Edward B. O'Harte and Sandra A. O'Harte**, husband and wife, of 84 Cleveland Street, Norfolk, Massachusetts for consideration paid, and in full consideration of One Million Three Hundred Thousand Dollars (\$1,300,000.00), grant to **LAKELAND FARMS, LLC**, a Massachusetts limited liability company having its principal place of business at 32 Norfolk Avenue, South Easton, Massachusetts,

*with QUITCLAIM COVENANTS*

A certain parcel of land, with the buildings thereon, situated on 84 Cleveland Street in the Town of Norfolk bounded and described as follows:

Beginning at a stake at the Northeasterly corner thereof on said Cleveland Street;

Thence running Southeasterly by a broken line on land now or formerly of Henry Parkman. three hundred four and 71/100 (304.71) feet and four hundred ninety-one and 98/100 (491.98) feet respectively;

Thence turning and running Southwesterly by land now or formerly of said Parkman, three hundred sixty and 82/100 (360.82) feet;

Thence turning and running Westerly by land now or formerly of said Parkman, five hundred seventy-three and 35/100 (573.35) feet to a stone wall;

Property Address: 84 Cleveland Street, Norfolk, Massachusetts

Thence turning and running Northeasterly by land now or formerly Elna O. Weeber by a broken line, one hundred fifty-four and  $\frac{73}{100}$  (154.73) feet, three hundred ninety-eight and  $\frac{61}{100}$  (398.61) feet, one hundred four and  $\frac{37}{100}$ (104.37) feet and seventy-two and  $\frac{91}{100}$  (72.91) feet respectively; Thence turning and running Northwesterly by said land now or formerly of Weeber, one hundred forty-seven and  $\frac{68}{100}$  (147.68) feet to said Cleveland Street; Thence turning and running Northeasterly by said Cleveland Street, one hundred eleven (111) feet to the point of beginning; All said distances being more or less.

This conveyance is made subject to and with the benefit of all restrictions, easements, rights, agreements, and stipulations of record, if any there be, insofar as the same are now in force and applicable.

By their execution hereof, the Grantors hereby release any and all rights of homestead or other interest they had or may have herein.

For title, see deed dated May 6, 2004 and recorded on May 12, 2004 with Norfolk District Registry of Deeds in Book 20999, Page 419.

Witness our hands and seal this 21<sup>st</sup> day of August, 2017.

*Edward O'Harte*

Edward B. O'Harte

*Sandra A. O'Harte*

Sandra A. O'Harte

**COMMONWEALTH OF MASSACHUSETTS**

County of Norfolk

On this 21<sup>st</sup> day of August 2017, before me, the undersigned notary public, personally appeared Edward B. O'Harte, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

*[Signature]*

Notary Public *David M Turchetta*  
My commission expires: *6-10-22*



**COMMONWEALTH OF MASSACHUSETTS**

County of Norfolk

On this 21<sup>st</sup> day of August, 2017, before me, the undersigned notary public, personally appeared Sandra A. O'Harte, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.

*[Signature]*

Notary Public *David M Turchetta*  
My commission expires:  
*6-10-22*



THIS INSTRUMENT MUST BE DULY FILED FOR RECORD OR REGISTRATION

State Tax Form A/H 2

Town of Norfolk

OFFICE OF THE BOARD OF ASSESSORS  
AGRICULTURAL OR HORTICULTURAL LAND TAX LIEN

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA  
CERTIFY  
*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

The Board of Assessors of the town of Norfolk hereby state that it has accepted and approved the application of

EDWARD B & SANDRA A O'HARTE

owner or owners of the hereinafter described land for valuation, assessment and taxation of such land under the provisions of General Laws, Chapter 61. for the fiscal year ending June 30, 2009.

DESCRIPTION OF LAND

A Parcel in Norfolk, known as 84 Cleveland St. shown on Assessors' Map 15, Block 54, Lot 43 containing 7.64 acres and a parcel in Norfolk, Book 20999 Page 0419.

Statement made this 1 day of Oct: 2008

*John M. Robbins*  
*Patricia J. Salomone*

BOARD OF ASSESSORS

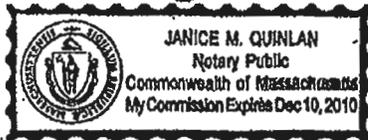
COMMONWEALTH OF MASSACHUSETTS

Norfolk  
COUNTY

October 15, 2008  
DATE

Then personally appeared John G. Robbins a member of the Board of Assessors of the town of Norfolk and acknowledged the foregoing instrument to be the free act and deed of the Board of Assessors of Norfolk before me,  
Identified by a Mass. Driver's License

*Janice M. Quinlan*  
Notary Public  
Justice of the Peace



APPROVED BY COMMISSIONER OF REVENUE

Fr

State Tax Form CL-9  
Revised 9/2008

The Commonwealth of Massachusetts

NOT Norfolk, Ma. NOT  
A N Name of City or Town A N  
O F F I C I A L O F F I C I A L  
C O P Y Office of the Board of Assessors C O P Y

**Release of Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien**

All rights upon the real property described below under a statement filed for record/registration on 11-13-2008,  
with the Norfolk Registry of Deeds, Book 26149 Page 488, Document Number  
Certificate of Title Number are hereby released.

That statement was filed to establish a lien for real property classified as forest  agricultural or horticultural   
recreational  land under the provisions of General Laws Chapter 61  61A  61B .

**DESCRIPTION OF PROPERTY**

(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)

A Parcel of land in Norfolk Ma. known as 84 Cleveland St. shown as  
Map 15 Block 54 Lot 43 containing 7.64 A.C. BK #20999 Page #419

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

Edward B & Sandra O' Harte  
Name of Owner(s)

CERTIFY  
William P. O'Donnell  
WILLIAM P. O'DONNELL, REGISTER

August 28 2019  
Date

[Signature]  
Board of Assessors

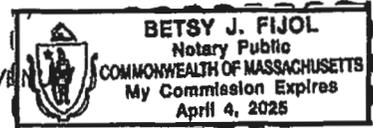
Norfolk ss. The Commonwealth of Massachusetts

On this 28<sup>th</sup> day of August, 2019 before me, the undersigned notary public, personally appeared Andrew Bakinawski & Patricia Salamone, as Board of Assessors for the city/town of Norfolk, proved to me through satisfactory evidence of identification, which were personally known to be the persons whose names are signed on the preceding document in my presence, and acknowledged to me that they signed it voluntarily for its stated purpose.

My commission expires April 4, 2025

[Signature]  
Notary Public

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE



State Tax Form CL-3  
Revised 9/2008

The Commonwealth of Massachusetts  
NORFOLK, MA

Name of City or Town

Office of the Board of Assessors

AMEND

**Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien**

The Board of Assessors in the city/town of NORFOLK hereby states it has accepted and approved the application of EDWARD B & SANDRA A O' HARTE owner(s) of the real property described below, for the valuation, assessment and taxation of that property as classified forest  agricultural or horticultural  recreational  land under the provisions of General Laws Chapter 61  61A  61B . This classification is effective as of January 1, 2010 for the fiscal year beginning July 1, 2011.

**DESCRIPTION OF PROPERTY**

(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)

A PARCEL OF LAND IN NORFOLK, KNOWN AS 84 CLEVELAND ST. SHOWN ON  
ASSESSORS MAP 15, BLOCK 54, LOT 43 CONTAINING 7.64 AC BK#20999 PG#0419

This statement made on the 8th day of APRIL 2010 constitutes a lien upon the property as provided in General Laws Chapter 61, § 2  61A, § 9  61B, § 6 .

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

Kathleen Mullineaux  
Victoria J. Delamora

CERTIFY  
William P O'Donnell  
WILLIAM P. O'DONNELL, REGISTER

Board of Assessors

The Commonwealth of Massachusetts

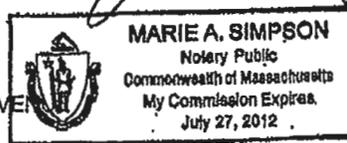
Norfolk

ss.

On this 8th day of April 2010, before me, the undersigned notary public, personally appeared Kathleen Mullineaux as Board of Assessors for the city/town of Norfolk, proved to me through satisfactory evidence of identification, which were personal knowledge to be the persons whose names <sup>is</sup> are signed on the preceding document in my presence, and acknowledged to me that they signed it voluntarily for its stated purpose.

Marie A. Simpson  
Notary Public

My commission expires July 27, 2012



THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

57

State Tax Form CL-9  
Revised 9/2008

The Commonwealth of Massachusetts  
N O R F O L K , M A N O T  
A N Name of City or Town A N  
O F F I C I A L O F F I C I A L  
C O Office of the Board of Assessors P Y

**Release of Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien**

All rights upon the real property described below under a statement filed for record/registration on 5/5/2010, with the Norfolk Registry of Deeds, Book 27649 Page 316 Document Number \_\_\_\_\_, Certificate of Title Number \_\_\_\_\_ are hereby released.

That statement was filed to establish a lien for real property classified as forest  agricultural or horticultural  recreational  land under the provisions of General Laws Chapter 61A  61B .

**DESCRIPTION OF PROPERTY**

(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)

A Parcel of land in Norfolk Ma. known as 84 Cleveland St. Shown as MAP 15 Block 54 Lot 43  
Containing 7.64 A.C. BK#20999 PG #0419

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

EDWARD B & SANDRA A O'HARTE

Name of Owner(s)

CERTIFY

William P O'Donnell  
WILLIAM P. O'DONNELL, REGISTER

2/14/19 Date

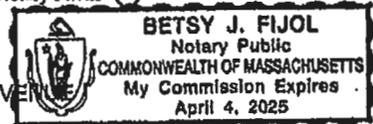
Kathleen Mullineaux  
Board of Assessors

Norfolk The Commonwealth of Massachusetts ss.

On this 14<sup>th</sup> day of February, 2019, before me, the undersigned notary public, personally appeared Andrew Bakinowski & Kathleen Mullineaux, as Board of Assessors for the city/town of Norfolk, proved to me through satisfactory evidence of identification, which were personally known to be the persons whose names are signed on the preceding document in my presence, and acknowledged to me that they signed it voluntarily for its stated purpose.

My commission expires April 4, 2025

Betsy J. Fijol  
Notary Public



CERTIFICATE NO. 10771

08/20/2019

**MUNICIPAL LIEN CERTIFICATE**

OFFICE OF THE COLLECTOR OF TAXES  
TOWN OF NORFOLK  
THE COMMONWEALTH OF MASSACHUSETTS

Doherty, Dugan, Cannon, Raymond & Weil, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 08/20/2019 are listed below.

**DESCRIPTION OF PROPERTY - TAXES QUARTERLY**

Assessed Owner: LAKELAND FARMS LLC  
Location of Property: 21 CLEARY CIRCLE  
Parcel Identification: ASSESSORS' MAP 23, BLOCK 54, LOT 43-21  
Land Area: 0 Square Feet  
Valuation: \$116,700  
Class 102 Residence - Condominium  
RECORDED IN NORFOLK COUNTY REGISTRY OF DEEDS, BOOK 35382, PAGE 102

FISCAL YEAR:	2018	2019	2020
TAX	NOT ASCERTAINABLE	NOT ASCERTAINABLE	
*Preliminary			1,067.22
Actual			
Personal Prop			
DISTRICT			
*Preliminary			
Actual			
BETTERMENTS/SA			
Committed Int.			
UTILITY LIENS			
Water			
Sewer			
Electric			
Committed Int.			
Collection Chg			
OTHER LIENS			
Community Pres			1.52
Committed Int.			
Collection Chg			
TOTAL BILLED			1,068.74
Payments			-534.37
Abatements/Exm			
Charges/Fees			
Int to			
per diem			
BALANCE DUE			534.37

\*PRELIMINARY TAXES generally represent no more than 50% of prior year's tax.

—>Real Estate taxes in this community are subject to the community preservation surcharge under G.L. Ch. 44B.<—

—>Real Estate parcels in this community are subject to supplemental tax assessments under G.L. Ch. 50 Sec. 2D.<—

UNPAID BETTERMENTS/SPECIAL ASSESSMENTS NOT YET ADDED TO TAX: Interest from to be added.

IMPROVEMENTS VOTED FOR WHICH THERE WILL PROBABLY BE BETTERMENTS/SPECIAL ASSESSMENTS:

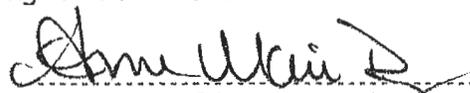
UNPAID UTILITY CHARGES:

OTHER UNPAID CHARGES:

This property is in tax title. Contact Treasurer for outstanding amounts.

All of the amounts listed above are to be paid to the Collector.

I have no knowledge of any other outstanding amount that constitutes a lien.

  
Collector of Taxes

**PURCHASE AND SALE AGREEMENT**

This \_\_\_\_\_ day of December, 2016

**1. PARTIES  
AND MAILING  
ADDRESSES**

**Edward B. O'Harte and Sandra A. O'Harte**, both of 84 Cleveland Street, Norfolk, MA 02056 hereinafter called the SELLER, agrees to SELL and **Downwind Realty, Inc.**, or its nominee, of 32 Norfolk Avenue, South Easton, Massachusetts 02375 Hereinafter, called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

**2. DESCRIPTION**

The land and buildings located in Norfolk, Norfolk County, Massachusetts, located on the south side of Cleveland Street, consisting of approximately 8.85 acres, known as and numbered 84 Cleveland Street, and being more particularly described in deed of Shawn A. Jorde, dated May 6, 2004 and recorded with Norfolk County Registry of Deeds in Book 20999, Page 419.

**3. IMPROVEMENTS**

**\*\*NOT APPLICABLE\*\***

**4. TITLE DEED**

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except  
(a) Provisions of existing building and zoning laws;  
(b) Existing rights and obligations in party walls which are not the subject of written agreement;  
(c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;  
(d) Any liens for municipal betterments assessed after the date of this agreement;  
(e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the proposed use of said premises for residential M.G.L. Chapter 40B development allowing construction of not less than 32 single-family detached residences as stated herein.

**5. PLANS**

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

**6. REGISTERED  
TITLE**

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

**7. PURCHASE PRICE**

The agreed purchase price for said premises is **\*\*One Million Three Hundred Thousand Dollars (\$1,300,000.00)\*\***, of which

\$ 65,000.00	has been paid as a deposit this day and
\$ 25,000.00	is to be paid upon recording an approved Comprehensive Permit pursuant to M.G.L. Chapter 40B providing for 32 single-family detached residences, not more than eight of which are required to be affordable houses/units. Buyer agrees to allow Seller to hold this additional deposit and to use up to \$25,000.00 of said deposit for any expenses prior to Closing.
\$1,210,000.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s)
<b>\$1,300,000.00</b>	<b>TOTAL</b>

**8. TIME FOR  
PERFORMANCE;  
DELIVERY OF  
DEED**

Such deed is to be delivered at the offices of the BUYER'S counsel at 32 Norfolk Avenue, South Easton, Massachusetts, unless otherwise agreed upon in writing, at 1:00 p.m. on the first day on which the Norfolk County Registry of Deeds is open for recording, which is at least forty-five (45) calendar days after any applicable appeal periods have run (with no appeals having been filed or any appeals having been denied) following the latest of the following to occur:

- (a) Final approval by the Town of Norfolk Zoning Board of Appeals;

*(Signature)*  
*EB-H SOH*

- (b) MEPA review and Natural Heritage approval;
- (c) Conservation Commission and DEP approval;
- (d) Septic system approval by the Town of Norfolk Board of Health and water mounding analysis done;
- (e) Receipt of an approved Regulatory Agreement from MassHousing.

It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISE  
Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then in compliance with the provisions of any instrument referred to in clause 4 hereof. Buyer agrees to allow the Seller to remain in the home after closing up to and including April 30, 2017.
10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM  
If the SELLER shall be unable to give title or make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended until such time as the title is clear and marketable and insurable. Reasonable efforts shall not require the Seller to expend more than \$25,000.00 to make the premises conform to the title provisions contained herein.
11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.  
If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extensions thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement (including any payments made directly to SELLER, whether expended by SELLER or not) shall be forthwith refunded and all other obligations of the parties hereto shall cease, at the option of the BUYER, and this agreement shall be void and without recourse to the parties hereto.
12. BUYER'S ELECTION TO ACCEPT TITLE  
The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either
- (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or
  - (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
13. ACCEPTANCE OF DEED  
The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. USE OF MONEY TO CLEAR TITLE  
To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, or reasonably soon thereafter in accordance with customary conveyancing practice.
15. INSURANCE  
Until the delivery of the deed, the SELLER shall maintain Insurance on said premises as follows:
- |     | <u>Type of Insurance</u> | <u>Amount of Coverage</u> |
|-----|--------------------------|---------------------------|
| (a) | Liability                | \$ LAND ONLY              |
| (b) |                          |                           |

*(Handwritten initials)* E6'H 50'4

- 16. ADJUSTMENTS                    Real estate taxes for the then current fiscal year, shall be apportioned, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed.
  
- 17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES                    If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
  
- 18. SELLER'S AND BUYER'S REPRESENTATION                    The Seller represents, covenants and warrants that the Seller has the legal right, power and authority to enter into this agreement and to perform all of its obligations under this agreement. Buyer represents, covenants and warrants that Buyer has the legal right, power and authority to enter into this agreement and to perform all of its obligations under this agreement.
  
- 19. BROKER'S FEE                    **[Intentionally Deleted]**
  
- 20. BROKER(S) WARRANTY                    **[Intentionally Deleted]**
  
- 21. DEPOSIT                            The initial deposit of \$65,000.00 made hereunder shall be held in escrow, in a non-interest bearing account, by The Law Office of W. Robert Knapik, P.C., as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. The second deposit of \$25,000.00 shall be held by the Seller and Buyer authorizes Seller to use said second deposit for any expenses of Seller. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER.
  
- 22. BUYER'S DEFAULT; DAMAGES                    If the BUYER shall fail to fulfill the BUYER's obligations under this Agreement, or shall breach the terms of this Agreement, then all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages and **this shall be the sole and exclusive remedy of the SELLER at law or in equity for BUYER's default.**
  
- 23. RELEASE BY HUSBAND OR WIFE                    The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
  
- 24. BROKER AS PARTY                    **[Intentionally Deleted]**
  
- 25. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.                    If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.
  
- 25. WARRANTIES AND REPRESENTATIONS                    The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): **NONE, except as stated herein.**
  
- 27. CONSTRUCTION OF AGREEMENT                    This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended by a written instrument executed by both the SELLER and BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.


EO'H
SO'K



Rider A to Purchase and Sale Agreement  
By and Between Edward B. O'Harte and Sandra A. O'Harte, as Seller,  
and Downwind Realty, Inc., as Buyer,  
For Property Located at 84 Cleveland Street,  
Norfolk, Massachusetts

**29. Approvals**

BUYER's obligations hereunder are subject to SELLER obtaining, at its sole cost and expense, all approvals for residential development on the premises to allow the construction by BUYER, or its nominee, of Thirty-Two (32) single-family homes (requiring not more than Eight (8) affordable homes) in accordance with M.G.L. Chapter 40B, Sections 20-23, as designed according to the site development plans prepared by Andrews Survey and Engineering, Inc., for the project identified as "Lakeland Farms Townhouse Community 84 Cleveland Street Norfolk, MA 02056", dated April 19, 2016, revised through October 24, 2016, including, but not limited to, those of the Zoning Board of Appeals, Conservation Commission and DEP, MEPA review and Natural Heritage, Department of Public Works, Zoning Board of Appeals, Board of Health, Sewer Department, Water Department and all necessary approvals required by or for the Massachusetts Housing Finance Agency or pursuant to any other local, state or Federal laws required in order to begin construction, but not including a Building Permit for any of the proposed single-family homes.

**30. Sale of Membership Interest**

Seller agrees to transfer, assign and convey 100% of the membership interest in Lakeland Farms, LLC (the "Membership Interest") to Buyer at the time for performance hereunder, but Buyer shall have no responsibility or liability for debts, liabilities or other obligations of Lakeland Farms, LLC which exist prior to the time of such transfer, assignment or conveyance, and shall deliver all business, banking and financial records of Lakeland Farms, LLC to Buyer at said time. Seller warrants and represents that it has full authority to convey said membership interests, Seller warrants and represents that Lakeland Farms, LLC has no unpaid debts, outstanding liabilities or other outstanding obligations that shall not be satisfied as of the Closing hereunder, and Seller agrees to immediately notify Buyer of any debts, liabilities or obligations which may arise prior to the time of transfer, assignment and conveyance hereunder. Seller shall sign such indemnification agreements as reasonably requested by Buyer to indemnify Buyer from any liability for debts, liabilities or other obligations of Lakeland Farms, LLC. This clause shall survive delivery of the deed.

**31. Approvals, Plans, etc. Included in Sale**

This purchase shall include, at no additional cost to BUYER, all approvals, plans, research, studies, engineering and architectural affecting the subject premises which are in SELLER's care, custody or control or those within the care, custody or control of their engineer, or that of their 40B consultant and hereby authorizes their engineer and/or their 40B consultant to release any and all such documents to Buyer. This clause shall survive delivery of the deed.

 E.O'H S.O'H

32. **Accounting Records and Receipts**

At the time for performance hereunder, SELLER shall provide Buyer with all accounting records and receipts of any costs incurred and interest paid for the purposes of a MassHousing Audit and Cost Certification. This clause shall survive delivery of the deed.

34. **Additional Documents:** The SELLER shall furnish to the BUYER:

- (i) upon the delivery of the Deed, a non-foreign affidavit in the compliance with the applicable provisions of the Deficit Reduction Act of 1984;
- (ii) upon the delivery of the Deed, an affidavit to any company providing title insurance to the BUYER, which affidavit shall state that there is no person to whom a debt is due for labor performance or materials furnished to the Premises in connection with the performance of any work thereon, and that no parties other than those specified in said affidavit are in occupancy of any portion of the Premises;
- (iii) such additional affidavits and certificates as the BUYER or the BUYER's mortgage lender may reasonably request.

35. **Seller's Warranties:** The SELLER warrants and represents as of the date hereof and as of the Closing Date that:

- (a) There are no suits, actions or proceedings pending or threatened in writing against SELLER materially affecting the Premises or the Assets or SELLER's right or power to consummate the transaction contemplated by this Agreement or before any court or administrative agency or office and, to SELLER's knowledge, there are no pending actions or proceedings (or actions or proceedings threatened in writing) regarding the ownership, use or occupancy of the Premises, the Assets or any part thereof or asserting that the Premises or the ownership, use or occupancy thereof is in violation of any applicable Legal Requirements (as defined in Section 27(d) of this Agreement). During the pendency of this Agreement, the SELLER shall promptly notify the BUYER in writing if the SELLER receives written notice of any such action.
- (b) To the SELLER's knowledge, there are no outstanding options to purchase or rights of first refusal with respect to the Premises or any portion thereof except for a Purchase and Sale Agreement by and between SELLER and Lakeland Farms, LLC. During the pendency of this Agreement, the SELLER warrants not to convey the Premises other than to the BUYER, or the nominee designated by the BUYER.
- (c) No work has been performed or is in progress at, and no materials have been furnished to, the Premises or any portion thereof which may give rise to a

 ED'A S.O'H

mechanics', materialmen's or other liens against the Premises or any portion thereof.

- (d) There are no service, lease, tenancy or other contracts in effect which are binding upon the BUYER or which will survive the closing and there are no deposits held by SELLER or any other person with respect to the Premises in the form of security deposits, pre-paid rent or last month's rent. During the pendency of this Agreement, SELLER will not enter into any such lease or agreement.
- (e) SELLER has not commenced nor has SELLER received written notice of the commencement of any proceeding that would affect the present zoning classification of the Premises. During the pendency of this Agreement, SELLER will not initiate any such proceeding and will promptly notify BUYER if SELLER receives written notice of any action by any court or governmental authority having jurisdiction over the Premises.
- (f) To SELLER's actual knowledge, there is no outstanding suit, order, decree, claim, writ, injunction or judgment relating to material violations of any laws ordinances, codes or regulations with respect to the Premises (collectively, the "Legal Requirements") in, of or by any court or governmental authority having jurisdiction over the Premises. During the pendency of this Agreement, the SELLER shall promptly notify the BUYER in writing if the SELLER receives written notice of any action by any court or governmental authority asserting jurisdiction over the Premises.
- (g) The SELLER has received no written notice of eminent domain taking, condemnation, betterment or assessment, actual or proposed, with respect to the Premises than would affect the Premises after the Closing and has received no written notice of any proposed governmental assessment for public improvements to or for the benefit of the Premises. During the pendency of this Agreement, the SELLER shall promptly notify the BUYER in writing if the SELLER receives written notice of any such actions by any court or governmental authority asserting jurisdiction over the Premises.
- (h) There is no pending bankruptcy, mortgage foreclosure, or other legal proceedings that might in any material way impact adversely on the SELLER's ability to perform on the closing date.
- (i) To the SELLER's actual knowledge, the purchase price of the Premises provided in this Agreement, outstanding water and sewer liens, real estate taxes and regular closing costs customarily paid by the SELLER (including real estate stamp taxes payable to the Norfolk County Registry) shall be sufficient to discharge all of the SELLER's obligations under mortgage loans granted by the SELLER on the Premises in full without the need for a so-called "short sale" approval from the SELLER's mortgage lender(s).



EB'H S.O.H

- (j) The SELLER has not received written notice of any outstanding violation of any federal, state, county, or municipal laws, ordinances, orders, codes, rules, regulations, or requirements affecting all or any portion of the Premises, or and has no knowledge of the presence or suspected presence in or under the Premises of any materials which might be classified as hazardous or toxic pursuant to applicable law.
- (k) The parcels of land which comprise the premises are contiguous to each other.

The foregoing representations and warranties of the SELLER shall remain valid and in effect through the Closing Date but shall terminate and shall be void and of no effect as of and following the recording of the Deed to the Premises from the SELLER to the BUYER.

36. **Errors or Omissions:** If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission), then such party agrees to make such payment as may be necessary to correct to error or omission. This Section shall survive the delivery of the Title Documents and the recording of the Deed for a period of ninety (90) days.

37. **Notices:** All notices, requests and the like which shall or may be given under this Agreement shall be deemed duly given when (a) delivered in hand; or (b) transmitted by overnight mail by courier of national reputation (e.g., Federal Express, UPS, DHL) to counsel for the BUYER and/or the SELLER at the following contact information:

**To SELLER:**

Edward B. O'Harte and Sandra A. O'Harte  
84 Cleveland Street  
Norfolk, Massachusetts 02056  
Phone:  
Fax:

**To SELLER's Attorney:**

W. Robert Knapik  
Law Office of W. Robert Knapik, P.C.  
1279 Providence Road  
Whitinsville, Massachusetts 01588  
Phone: (508) 234-3301  
Fax: (508) 234-2201

(12) E.O.H. S.O.H.

**To BUYER:**

DOWNWIND REALTY, INC.  
32 Norfolk Ave  
S. Easton, MA 02375  
Phone: 508-230-2300  
Fax: 508-230-3676

**To BUYER's Attorney:**

Thomas J. Filipek, Esq.  
32 Norfolk Avenue  
South Easton, MA 02375  
Phone: 508-857-6112  
Fax:

or to such other address or addresses as may theretofore have been specified by either party to the other by like notice. If delivered by hand or by overnight mail, notice shall be deemed served as of the date of the recipient's receipt provided such receipt is effected as of a business day (or if a Saturday, Sunday or United States or Massachusetts state holiday), as of the next following business day.

38. **SELLER** makes the following representations in connection with the PROPERTY:

- a. **SELLER** has full power and authority to enter into a Purchase and Sale Agreement for the sale thereof.
- b. **SELLER**, while this agreement remains in effect, shall not enter into any agreements, easements or permit any encumbrances of the Property (excluding financing or any acquisition Agreement) without the express written consent of the **BUYER**.

39. Notwithstanding anything contained herein to the contrary, it is not the intention of the parties hereto to create under any circumstances, a partnership or a joint venture. The rights, duties, obligations and liabilities of **SELLER** and **BUYER** hereunder are separate and not joint or collective, and nothing herein shall ever be construed to create a partnership or joint venture under the Laws of the Commonwealth of Massachusetts. For all purposes under this purchase and sale, the relationship of the parties hereunder shall be deemed to be a relationship of **SELLER** and **BUYER**.

40. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

41. During the term of this agreement, upon prior notice to the **SELLER**, the **BUYER** and/or its agents and assigns shall have the right to enter upon the Property at any reasonable time prior to closing.

 EOH S.O'K

42. If any provision of this Agreement or portion of such provision, or the application thereof to any person or circumstance is held invalid, the remainder of the Agreement (or the remainder of such provision) and the application thereof to other persons or circumstance shall not be affected thereby.

43. During the term of this Agreement the **BUYER** and/or its agents shall have the right to market the Property and to accept offers to buy, as long as the offers are contingent on the closing of this Agreement.

44. **BUYER** and **SELLER** warrant that they have not dealt with any broker(s) in connection with the real estate (the property) and the transaction which is the subject of this Agreement other than those broker(s) named herein, and **BUYER** and **SELLER** shall indemnify and hold harmless **each other** from and against any loss, cost, damage or expense, including reasonable attorneys' fees, **SELLER** or **BUYER** may suffer on account of any claim against **SELLER** or **BUYER** by any broker or finder with whom the **BUYER** or **SELLER** has dealt with for any commission or other payment in connection with the real estate and the transaction which is the subject of this Agreement. The provisions of this Paragraph shall survive the delivery of the deed.

45. Any matter which is the subject of a title standard or practice standard of the Massachusetts Real Estate Bar Association (REBA) at the time of the delivery of the deed shall be governed by said title standard or practice standard to the extent applicable.

46. **BUYER** and **SELLER** further agree to authorize their respective attorneys, if any, and by executing this agreement, do so authorize their attorneys, to execute, on his, her or its behalf, any and all extensions and accelerations in connection with this agreement, including, but not limited to, extensions for completion of any and all due diligencce and extensions for the date of closing.

47. With regard to this agreement, and any extension of this agreement or any contingencies included in this agreement, facsimile signatures and PDF signatures shall have the same effect as original signatures.

48. Prior to the Closing Date, Buyer and Seller(s) shall jointly agree on an allocation of the Purchase Price between the Premises and the Membership Interest and to enter into a Purchase Price Allocation Agreement memorializing such allocation. Each party hereto agrees to complete jointly and to file separately IRS Form 8594 (Asset Acquisition Statement) with its federal tax return consistent with such allocation for the tax year in which the Closing occurs and to file all other tax returns in a manner consistent with such allocation, and not take any actions inconsistent therewith. This paragraph shall survive the Closing hereunder.

49. Escrow Agent. The Escrow Agent shall be liable to the parties only for willful misconduct and shall not be personally liable for any action taken by the Escrow Agent in good faith. If the Escrow Agent shall be involved in any litigation or controversy, the parties hereto shall jointly and severally hold the Escrow Agent free and harmless from any loss, cost or expense which may be suffered by the Escrow Agent by reason of such litigation or controversy

 EBH S.O.H





Ma. Dept of forestry

## PROCEDURE FOR CHAPTER 61, 61A, 61B RIGHT OF FIRST REFUSALS

Within 120 of receiving notice to withdraw from Ch 61, 61A or 61B, the Goshen Select Board:

1. Act to exercise its option to purchase the property by meeting a bona fide purchase offer or at full and fair market value;
2. Assign its right to a non-profit conservation organization or the Commonwealth or any of its political subdivisions; or
3. Notify the property owner that it does not intend to exercise its right of first refusal.
4. Default option: Failure to act within 120 days of the notice constitutes a defacto decision to not exercise the right of first refusal.

### Procedure for handling MGL. Chapter 61, 61A, or 61B Right of First Refusal Requests

When the Select Board receives a notice to withdraw from Ch 61, 61A, or 61B, it shall:

1. Check to make sure the notice is proper and complete; (See reverse side for notice requirements).
2. Acknowledge to landowner (or attorney) receipt of notice, marking the start of the 120 day period for the town to exercise its Right of First Refusal or transfer it to a conservation organization;
3. Forward notice to the Planning Board, Conservation Commission, Board of Assessors, Open Space Committee and the Historic Commission. (school board or PTA, water board?)
4. Set an agenda item at a specific meeting date to receive comments from the above boards on the right of first refusal opportunity. If towns boards do not provide feedback by or at the meeting date, it will be assumed that they do not wish to move forward with the Right of First Refusal.
5. Based on responses of Boards, Committees, and other interested parties, determine need for a public meeting to discuss right of first refusal option and to seek further input. If the Select Board is considering assigning the Right of First Refusal to a land trust, the Select Board must schedule a public hearing with proper notice before making that decision.
6. Select Board ultimately makes decision to exercise the right of first refusal, assign the right to a qualified land trust or decline to exercise the right and notifies the landowner accordingly.

## REQUIREMENTS FOR NOTICE BY PROPERTY OWNER

The 120-day right of first refusal time period begins with a notice of the landowner's intent to sell or convert a parcel for commercial, industrial, or residential use. This notice must be sent by certified mail or hand delivered to the Select Board, in addition to the Planning Board, Board of Assessors, and Conservation Commission, and to the State Forester. The notice must include the following:

1. A statement of intent to sell or convert,
2. A statement of proposed use of the land,
3. The location and acreage of the land as shown on the assessors' map,
4. The name, address, and telephone of the landowner,
5. In the case of an intent to sell, a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited only to the property classified under the Chapter, and must be a bona fide offer. A bona fide offer is defined as a good faith offer not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of, development of the property for industrial or commercial use.
6. Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under the Chapter, but sold or to be sold contemporaneously with the proposed sale,
7. In the case of an intent to convert the land to another use, the landowner must also notify the town of the landowner's attorney, if any.

For more information about the Right of First Refusal process, refer to *Conservation and Land Use Planning under Massachusetts' Chapter 61 Laws: A Primer for Cities, Towns, and Conservation Organizations*. Second Revised edition, November 2007. Available at:  
[http://www.masswoods.net/images/stories/pdf/Mount\\_Grace\\_Ch61\\_Info.pdf](http://www.masswoods.net/images/stories/pdf/Mount_Grace_Ch61_Info.pdf)

**Town of Norfolk  
Summary**

<b>Town Department</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<i>Assessors Department</i>	15,000.00	0.00	0.00	0.00	0.00	0.00
<i>Building Department</i>	0.00	0.00	0.00	0.00	0.00	0.00
<i>Council on Aging</i>	0.00	100,000.00	165,000.00	20,000.00	15,000.00	110,000.00
<i>Dept of Public Works</i>	753,900.00	1,471,335.00	1,580,658.00	1,644,268.00	1,437,782.00	1,033,860.00
<i>Dept of Public Works - Cemeteries</i>	0.00	0.00	0.00	50,000.00	0.00	0.00
<i>Dept of Public Works - Sewer</i>	0.00	30,000.00	50,000.00	0.00	0.00	0.00
<i>Dept of Public Works - Water</i>	270,000.00	478,845.00	693,311.00	751,522.00	570,609.00	954,182.00
<i>Fire Department</i>	25,960.00	105,000.00	350,000.00	7,820,000.00	915,000.00	0.00
<i>Freeman Kennedy School</i>	0.00	20,000,000.00	25,000.00	0.00	0.00	50,000.00
<i>H. Olive Day School</i>	0.00	48,000.00	250,000.00	155,000.00	162,587.00	500,000.00
<i>Information Technology</i>	40,156.28	111,867.28	71,107.71	59,156.28	93,156.28	60,966.18
<i>Library Department</i>	0.00	90,000.00	95,000.00	65,000.00	65,000.00	450,000.00
<i>Maintenance Department</i>	0.00	0.00	0.00	65,000.00	10,000.00	0.00
<i>Planning Department</i>	225,000.00	20,000.00	100,000.00	0.00	0.00	0.00
<i>Police Department</i>	148,000.00	168,070.00	152,320.00	127,320.00	127,320.00	123,000.00
<i>Recreation Department</i>	22,000.00	91,100.00	95,000.00	450,000.00	45,000.00	3,970,000.00
<i>Town Clerks Office</i>	0.00	20,480.00	0.00	0.00	0.00	23,420.00
<i>Town Hall</i>	0.00	0.00	75,000.00	250,000.00	120,000.00	225,000.00
<b>Total</b>	<b>1,500,016.28</b>	<b>22,734,697.28</b>	<b>3,702,396.71</b>	<b>11,457,266.28</b>	<b>3,561,454.28</b>	<b>7,500,428.18</b>

**Town of Norfolk  
Assessors**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Vision 8 Upgrade	Technology		15,000.00					
<b>Total</b>				<b>15,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



**Town of Norfolk  
Council on Aging**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Parking Lot Paving				100,000.00				
	Exterior Repair & Painting					85,000.00			
	Parking Lot LED Replacment					60,000.00			
	Kitchen Equip. Safety Valves					20,000.00			
	Spray Foam Insulation						20,000.00		
	Interior LED Light Completion							15,000.00	
	Office Renovation								110,000.00
	Video Surveillance								
<b>Summary</b>				<b>0.00</b>	<b>100,000.00</b>	<b>165,000.00</b>	<b>20,000.00</b>	<b>15,000.00</b>	<b>110,000.00</b>



**Town of Norfolk  
DPW - Cemeteries**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Cemetery Mapping	Technology					30,000.00		
	Cemeter Expansion	Planning					20,000.00		
<b>Summary</b>				<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>

**Town of Norfolk**  
**DPW - Sewer**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	WWTP	Upgrades/Maintenance	Sewer		30,000.00				
	WWTP	Long Term Repairs	Sewer			50,000.00			
<b>Summary</b>				<b>0.00</b>	<b>30,000.00</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Town of Norfolk**  
**DPW - Water**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Holbrook Well Water Main Installation		Water	270,000.00					
	Replace Spruce Road Generator		Water		28,845.00				
	Transit Pipe Replacement Program		Water		450,000.00	450,000.00	450,000.00	450,000.00	450,000.00
	Water Main Looping Projects		Water						
	Valley Street		Water			160,811.00			
	Maple Street		Water				301,522.00		
	Grove Street - Trailside - Strawberry		Water					120,609.00	
	Grove Street - #91 - Park Street		Water						504,182.00
	F-550 One-Ton Utility Truck Replacmnt	Equipment	Water			82,500.00			
<b>Summary</b>				<b>270,000.00</b>	<b>478,845.00</b>	<b>693,311.00</b>	<b>751,522.00</b>	<b>570,609.00</b>	<b>954,182.00</b>

**Town of Norfolk  
Fire Department**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Replace Car 1	Vehicles			50,000.00				
	Purchase Mobile Data Terminals	Technology		25,960.00					
	Replace Personal Protective Clothing	Equipment			40,000.00				
	Replace Multi Gas Meters	Equipment			15,000.00				
	Ladder 1 Refurbishment	Vehicles				350,000.00			
	Replace Radio Equipment	Equipment					100,000.00		
	Replace Rescue 1	Vehicles					320,000.00		
	Fire Station Construction	Buildings					7,400,000.00		
	Replace Hydraulic Tools	Equipment						65,000.00	
	Replace Engine 1	Vehicles						850,000.00	
<b>Summary</b>				<b>25,960.00</b>	<b>105,000.00</b>	<b>350,000.00</b>	<b>7,820,000.00</b>	<b>915,000.00</b>	<b>0.00</b>

**Town of Norfolk  
FK School**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	HVAC Recommissioning	Equipment				25,000.00			
	FK Expansion - Design & Construction	Construction	Debt Excl.		20,000,000.00				
	Interior Painting	Maintenance							50,000.00
	<b>Sub-Total</b>			<b>0.00</b>	<b>20,000,000.00</b>	<b>25,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,000.00</b>

**Town of Norfolk  
HOD School**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Circulator Pump Replacements	Equipment			28,000.00				
	Sewer Ejector Pump Rebuild	Equipment			20,000.00				
	Building Mgmt System Upgrades	Equipment				250,000.00			
	Air Handler Refurbishment	Equipment					80,000.00		
	Parking Lot Light Replacement						75,000.00		
	Parking Lot Repaving							162,587.00	
	Interior Painting								50,000.00
	Boiler & Burner Replacements	Equipment							450,000.00
<b>Summary</b>				<b>0.00</b>	<b>48,000.00</b>	<b>250,000.00</b>	<b>155,000.00</b>	<b>162,587.00</b>	<b>500,000.00</b>

**Town of Norfolk  
Info Tech**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Desktop Replacements	Technology		27,762.04	27,762.04	27,762.04	27,762.04	27,762.04	
	Licensing/Printers/Switches	Technology		12,394.24	12,394.24	12,394.24	12,394.24	12,394.24	
	Firewall Replacement	Technology				16,951.43			
	Town Hall server applications	Technology			12,000.00	14,000.00	19,000.00	53,000.00	32,000.00
	Veeam Backup software				12,595.00				
	Phone System Replacement	Technology			47,116.00				
	Server Replacement - Police	Technology							28,966.18
			<b>Summary</b>	40,156.28	111,867.28	71,107.71	59,156.28	93,156.28	60,966.18

**Town of Norfolk  
Library**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Book Drop Awning								
	Computer Replacement	Technology							
	Exterior Painting	Maintenance			75,000.00				
	Interior Painting	Maintenance			15,000.00	15,000.00	15,000.00	15,000.00	
	Carpet Replacement	Maintenance				30,000.00			
	Building Mgmt System Upgrades	Equipment				50,000.00			
	Fire Alarm Panel Replacement	Equipment					50,000.00		
	LED Lighting - Interior	Maintenance						25,000.00	
	Parking Lot LED Replacement	Maintenance						25,000.00	
	Chiller/Condensor Replacment	Equipment							450,000.00
	Video Surveillance System	Technology							
	Outdoor Children's Area								
<b>Summary</b>				<b>0.00</b>	<b>90,000.00</b>	<b>95,000.00</b>	<b>65,000.00</b>	<b>65,000.00</b>	<b>450,000.00</b>





**Town of Norfolk  
Police**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Taser Replacements	Equipment			4,320.00	4,320.00	4,320.00	4,320.00	
	Cruiser Replacement	Vehicles		61,500.00					
	Cruiser Replacement	Vehicles		61,500.00					
	Radio Replacements	Equipment		25,000.00	25,000.00	25,000.00			
	Firearms Replacements	Equipment			15,750.00				
	Cruiser Replacement	Vehicles			61,500.00				
	Cruiser Replacement	Vehicles			61,500.00				
	Cruiser Replacement	Vehicles				61,500.00			
	Cruiser Replacement	Vehicles				61,500.00			
	Cruiser Replacement	Vehicles					61,500.00		
	Cruiser Replacement	Vehicles					61,500.00		
	Cruiser Replacement	Vehicles						61,500.00	
	Cruiser Replacement	Vehicles						61,500.00	
	Cruiser Replacement	Vehicles							61,500.00
	Cruiser Replacement	Vehicles							61,500.00
			<b>Summary</b>	<b>148,000.00</b>	<b>168,070.00</b>	<b>152,320.00</b>	<b>127,320.00</b>	<b>127,320.00</b>	<b>123,000.00</b>



**Town of Norfolk  
Town Clerk**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Voting Booths/Tables				11,600.00				10,700.00
	Poll Pad Replacement				3,180.00				12,720.00
	Voting Tabulator				5,700.00				
<b>Summary</b>				<b>0.00</b>	<b>20,480.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>23,420.00</b>

**Town of Norfolk  
Town Hall**

Project ID #	Project Title	Project Category	Funding Source	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
	Install Natural Gas Service					75,000.00			
	New Boiler/Circ Pumps/Overall Chiller						250,000.00		
	Install Emergency Generator							120,000.00	
	Carpet Replacement	Maintenance							25,000.00
	Interior Painting	Maintenance							25,000.00
	Building Mgmt System Upgrade								90,000.00
	Electrical System Upgrade								25,000.00
	Video Surveillance System Upgrade								60,000.00
<b>Summary</b>				<b>0.00</b>	<b>0.00</b>	<b>75,000.00</b>	<b>250,000.00</b>	<b>120,000.00</b>	<b>225,000.00</b>

Draft Special Town Meeting Article List - November 19, 2019

9/25/2019

Article #	Topic	Proponent	Dollar Amount	Other Sources
1	Budget Transfers	BOS		
	Reserve Fund - Replenish		13,000.00	Insurance Settlement
	Town Clerk - Ass't Clerk Additional Hours		7,000.00	KP Budget
	Fire Department Salaries		34,000.00	KP Budget
	Legal Fees - ZBA		20,000.00	KP Budget
2	Pay unpaid bills from prior year	BOS	-	
3	Appropriate State Ridesharing funds	BOS	1,208.20	State Funds
4	Matching Grant Funds - Message Board Sign	BOS	18,600.00	EMPG Grant
5	HR Pay & Classification Plan Update	BOS	22,000.00	Community Compact Funds
6	Capital Expenditures from Borrowing			
	- DPW Rolloff Truck Replacement	BOS	196,400.00	Inside Levy Borrowing
	- Lake Street Paving - Additional Funds		140,000.00	Inside Levy Borrowing
7	Capital Expenditures other than from borrowing	BOS		
	- IT - desktop computers/licenses		40,156.00	
	- DPW Replacement Field Mower		17,500.00	Transfer from Salaries
	- Stormwater Management		50,000.00	State Grant
	- Police Radios		25,000.00	
	- Police Cruiser		61,500.00	
	- Fire Department Mobile Data Terminals		25,960.00	MECC Grant Funds
	- Codification of Town Bylaws		15,000.00	
	- Vision Appraisal System Update		15,000.00	
8	Establish a COA Revolving Fund	BOS	6,000.00	COA User Fees for programs
9	OPEB - Contribution of funds to the Trust	BOS	25,000.00	Initial contribution to trust
10	Water Enterprise fund capital - Holbrook water main	BOS	270,000.00	Enterprise Funds
11	Hear reports from Town Committees			
12	Headstone Repairs at Town Cemeteries	CPC	10,000.00	
13	Install display case at Town Hall for Historical items	CPC	500.00	
14	Weed control program for Highland Lake & City Mills	CPC	40,000.00	
15	Athletic Field Restoration of three fields	CPC	90,000.00	
16	Amend General Bylaw - Bidding Procedures	TGSC		
17	Amend General Bylaw - Town Clerk/bylaw corrections	Town Clerk		
18	Amend General Bylaws - severability language	Town Clerk		
19	Amend Zoning Bylaws - F-11 Site Plan Approval Process	Planning		
20	Amend Zoning Bylaw - B-1 Business Center Zone	Planning		
21	Amend Zoning bylaws F.7.e - Parking areas	Planning		
22	Amend Zoning Bylaw - update Town zoning map	Planning		
23	Amend Zoning Map - Add Zone II Holbrook Street Well	Planning		

24	Various Street Acceptances	BOS/PB		
	- Meetinghouse Road			
	- Liberty Lane			
	- Tailwind Circle			
	- Westfield Drive			
	- Saddle Ridge			
	- Silver Fox Run			
			\$ 1,143,824.20	

## **Warrant Article Background**

### **November 19, 2019 Special Town Meeting**

1. **Budget Transfers** – there are three transfers proposed for this town meeting. They include:
  - Replenish the reserve fund – The IT department had one of its primary servers crash in early July which required a transfer of \$13,000 to pay for outside services to recover the data from the drives, and some equipment to that was purchased in the interim. The Town filed an insurance claim for this event and recovered \$10,500 for the outside services. This request will be covered primarily from the insurance proceeds, and the remaining from free cash. Insurance will also covered the replacement of the actual virtual server, and the payment for that will be taken from the insurance proceeds.
  - Town Clerk salaries – when the FY20 budget was being developed, a request was made to increase the hours of the Assistant Town Clerk/RAO from 32 to 40 per week to better manage the workload of the office. The request was inadvertently omitted from the budget. Funding it from December 1<sup>st</sup> – June 30<sup>th</sup> requires a transfer of \$7,000.
  - Fire Department Salaries – when the FY20 budget was finalized, in order to fully fund the KP school budget at the proposed rate, a decision was made to reduce the fire department budget by \$34,788. This request would restore those funds. Since that time a number of things have occurred – the fire chief retired on June 30<sup>th</sup> and the new Chief starts December 2<sup>nd</sup>, the Town has been awarded a federal grant to hire two firefighter/paramedics for which there is a cost share to fund, and there was an employee out on injury leave for which coverage of their shifts was required. The end result is that the Fire Department has requested that the funds removed from the budget be restored.
  - Planning Group legal fees – the Town continues to incur legal fees related to several 40B projects for which it requires special counsel. The Planning Group estimates that the original budget of \$20,000 for this work this year is insufficient, and has requested an additional \$20,000 to cover work anticipated to continue into the spring of 2020.
2. **Prior year bills** – as of the writing of this background there are no unpaid bills to be approved.
3. **Appropriate Ride Sharing funds** – in 2016 the State Legislature passed a law requiring that Transportation Network Companies (TNC) pay the State twenty cents from each ridesharing trip (Uber/Lyft) be collected from every ride and attributed to the town where the ride originated. Half of those funds are returned to the community, which they in turn appropriate at Town Meeting to be used to fund transportation improvement projects and activities. For calendar years 2017 and 2018 the Town of Norfolk has received a total of \$1,208.20 representing 12,082 trips. We recommend that these funds be used to purchase signs and other small items that are transportation related.

4. **Matching grant funds** – Message Board trailer – over the summer Ed Nolan (Emergency Management Director) alerted us to a competitive State grant program to purchase equipment to help us be better prepared for emergencies. We requested the full amount available of \$10,000 to purchase a second trailer mounted electronic message board sign. The Town was awarded the grant and must appropriate \$8,600 in order to purchase this item or lose the grant. On numerous occasions over the years we've found that one sign isn't sufficient to notify residents of an emergency or road closure, or simply announce important information in multiple locations. The sign will be housed at the Police Station and managed by them.
  
5. **Update the Town's HR Classification and Compensation plan** – the most recent classification and compensation plan was last completed in 2002. The pay plan governs the compensation for all employees in the clerical union and all non-union employees. Ideally the Town would update this plan every five years, but at the very least every 10 years. This has not been done, and the current plan is quite out of date. A number of things since the last plan was developed including:
  - a. The way work is performed and the tools used to do so (computers, & software)
  - b. Some jobs do not have job descriptions, and responsibilities in others have changed over 17 years
  - c. Job descriptions are not all compliant with recent changes in the law (ADA, Massachusetts Equal pay act, Occupational Safety & Health Act).
  - d. Educational requirements for jobs have changed over time

Once job descriptions are updated, they need to be graded as part of an updated compensation plan, and a new plan structure developed. The current structure has 13 grades and 20 steps. The issues with this structure include:

- The lowest step on the pay plan is unrealistic in today's compensation environment and hinders recruitment
- Some positions are paid above the top of the range because the highest step is insufficient to attract a qualified employee in the current market
- With no recent salary surveys (based on updated job descriptions) it isn't clear whether employees are paid more or less than similar and neighboring communities
- A pay range with 20 steps is not typical in today's marketplace. Most plans have 10 or fewer steps.

The Town's contract with the clerical employees is in place through June 30, 2021. The reason for requesting funding for this work now is that it will take at least six months to complete, and once done will form the basis for negotiating the successor agreement. Waiting until spring 2020 to fund would make keeping to this schedule more difficult. This project is estimated to cost \$22,000 of which \$5,000 can be covered through funds remaining in a State Community Compact grant to the Town to improve HR practices.

6. **Capital expenditures from borrowing** – we propose that two capital items be funded through borrowing inside the levy limit given the cost of the items which are:

- Roll Off Truck – Transfer Station – the Town has one 2006 one 2006 Roll Off Truck. It is a Sterling, Model LT9500 with over 360,000 miles. This truck is used to haul 30 & 40 yard containers filled with tons of household trash and recyclables to various locations within the State. We also deliver and pick up rental dumpsters to customers throughout Town. In its current condition the truck is becoming unreliable and expensive to operate. The engine leaks oil, metal fatigue requires welding and the cab requires fabricated repairs due to parts being discontinued etc. This is the highest priority piece of equipment identified by DPW to replace. The staff has also investigated sharing with another community, paying a hauler to transport the materials on a contract basis and has determined that the Town's purchase of a new truck would be more affordable and dependable. Finance recommends that given the price point of this truck and its likely 20+ year life span, that the funds to purchase be borrowed within the levy limit.
- Lake Street Paving – The funds requested in this article would be utilized towards installing drainage and paving the currently unpaved portion of Lake Street, as well as to install the final wearing course of pavement and curbing on the paved portion of the road. The paving of Lake Street has been a multi-year process. In 2014 the Town authorized \$139,376 for this project as part of a borrowing to pay for this work to be done. For a number of reasons, the work was never completed, although some tasks were addressed such as removal of trees, police details to support that work, repairs to the road after heavy storms, and in recent years, engineering work to design the final improvements. The work was also delayed due to questions about whether or not the Town owned the road (settled by Town acceptance of the road in 2017), and litigation brought by two residents over the Town's plan to pave the road and the impact to a property. The Conservation Commission has just issued an order of conditions as to what needs to be done to protect the wetlands and abutting pond so the work can go forward. However there are not sufficient funds remaining from the 2014 appropriation to do so. The remaining balance is \$81,812, to which DPW estimates we need a further \$84,890 to complete the unpaved section of road. \$55,000 of the request will be utilized to perform the final paving on the paved portion of the road. While it does not need to be done now as it is not subject to the order of conditions, we have received some complaints from the abutters of this section that the final paving needs to be done as it will include some curbing that will eliminate runoff onto their properties that they are presently experiencing. Given the date of Town Meeting, the work will be delayed until the spring when paving can resume. It should also be pointed out that the litigation resulted in a settlement obligating the Town to complete the road work, so the Town will need to complete it as soon as possible.

7. **Capital expenditures other than from borrowing** – typically the Town allocates funds for various capital projects and equipment at the fall meeting. Below is a list of those items and a description.

- IT – Desktop computers & licenses & site switches – the Town has 95 computers on its network not including the Library and schools, of which about 30% were bought in 2010-2013, 30% from 2014-2015, and the balance between 2016 and 2019. Licenses are also not up to date, with some machines running Windows 7 which is no longer supported at the end of this calendar year. This expenditure would put the Town on a replacement program of every five years replacing 19 units, and update machines with outdated licenses to current. The computers use the same switch as the VOIP phone system. The POE (power over Ethernet) site switches need to be on the same replacement cycle as desktop computers due to the fact that they run 24/7 and are subject to a short life expectancy. The total cost is \$40,156 and had been planned when the FY20 budget was developed.
- DPW – Replace Field Mower – The Grounds Division requires a replacement for its 2013 Mower Collector. This Mower cuts ball fields and other Municipal Properties and is used daily. At this time the machine requires on going repairs and parts replacements due to its extreme use. The replacement model will have “high lift dumping” abilities to be able to dump into small trucks or loaders. Currently this mower (G-8) needs to dump on the ground and is removed by a loader at a later date.
- Storm Water Management – in order for the Town to maintain its compliance with the Federal MS4 permit, it needs to spend \$50,000/year over the next 5 to perform mandated storm water compliance procedures and reporting tasks. Funds were not included in the FY20 budget but are required for storm water system mapping, outfall inspections and sampling, Illicit Discharge Detection and Elimination program (IDDE), Storm water Management Program (SWMP), Public Outreach and a variety of other storm water related tasks The State awarded \$50,000 to Plainville, Wrentham and Norfolk for storm water initiatives this year, of which \$16,000 will be coming to Norfolk, leaving the Town to fund the balance of \$34,000.
- Police Radios – The police department has 35 radios for its full time, special and reserve staff, as well as a couple of spares. A majority of the units were purchased in 2002 and have outlived their useful life. Increasingly the department has experienced some situations of late where radios have failed to work when officers are out on a call. A further issue is inoperability as the towns around us have been switching to digital units, which means in some cases we aren’t able to communicate with them which is a safety concern. The funds requested here would pay to replace 10 radios this fall, with the balance over the next two years. Each unit costs \$2,250 along with a programming charge of \$1,033 when new units are put in service.
- Police Cruiser – the department has requested funding to replace two cruisers this year, complete with the accompanying equipment and mobile data terminals. The total cost of a unit is \$61,500. Due to budget constraints we’ve recommended the replacement of only one car, which would remove a 2008 Crown Victoria from the fleet (of which there are a total of 15 vehicles and two motorcycles). That vehicle

has 166,500 miles, an estimated 666K engine hours of driving and idling time based on its age. It is currently used as an unmarked vehicle for transportation to training or court and has been undependable in recent years. The department has spent almost \$5,000 in repairs on the vehicle over the past three fiscal years to keep it in service.

- Fire Department Mobile data terminals – The fire department has requested \$25,960 to purchase 8 MDT's to put in service in a various vehicles in the department. When the MECC was originally conceived, it was anticipated that these would be bought for each community with State grant funds. That did not happen, and Norfolk is the only community that does not have them. These terminals will enable department staff to receive more information electronically then they do today, and take advantage of such information now provided by the MECC such as GIS locations, information about buildings and the hazards within, and eventually dispatching over the terminals instead of radios as appropriate. The State did provide the MECC with a one-time "transition grant" of \$200,000 just recently, of which about \$35,000 is being returned to Norfolk by a lowering of its quarterly assessment to fund the MECC. We recommend that the funds needed by buy these terminals be transferred from this source.
- Codification of Town Bylaws – over the years the Town's bylaws have had new sections added, parts amended or deleted, and other changes made but there has never been a comprehensive review and reorganization of our bylaws, the result of which is a set of laws that are unorganized and in some ways out of date. The Clerk's office has attempted to undertake some of the edits and updates but it is a much more intensive process than they are able to accomplish without assistance. General Code, which provides our Laserfiche services, also has a bylaw codification service which includes a review, rewrite, reorganization and publishing of both general and zoning bylaws. We have obtained a cost estimate for a complete codification of both out general and zoning bylaws of \$15,000. Once codified the bylaws would be available through our website "in the cloud" as a hosted service. One of the very attractive features of the service is that our bylaws and any other documents we load to the system would be searchable by all users, something we can't offer now. The ongoing costs would be about \$1,200 a year for hosting, and as needed a cost to codify new bylaws approved by Town Meeting.
- Vision Appraisal System update – the Assessor's Office utilizes the Vision Appraisal system for its work, and is currently operating version 6.5 which shortly will no longer be supported by the vendor. The Town needs to upgrade to the latest version (8.0) and we have negotiated a price to do so of \$15,000. It is important that the Town move forward on this right away, (and has tentatively scheduled this for December) because the Town will be in the process of conducting a full revaluation of all properties in FY21, and must have the latest version in place to do so ahead of this very intensive process.

8. **Establish a COA Revolving Fund** – the Council on Aging has requested that town meeting authorize the establishment of a revolving fund for its programs. Currently, the Town charges \$2 to each participant for programs they choose, and the funds are deposited in the general fund. The costs of the programs are primarily paid for out of the State grant, and occasionally out of the COA’s expense budget. Once the fund is established, the revenue from fees would be deposited in the revolving fund, and in turn costs to provide programs paid from it as well. The COA has committed to a review of the fees charged to program users, so that over time the cost of programs can be more fully paid for by those who enroll in them, freeing up the State grant to be used for other purposes. The COA has requested a budget of \$6,000 for the fund.
9. **OPEB Trust Contribution** – On April 16, 2019, the Town established an Other Post-Employment Benefits (OPEB) trust. In 1967 the Town accepted a section of State Chapter 32B guaranteeing those town employees who meet the requirements to retire from service to the Town be able to receive their retiree health insurance from the Town by paying 50% of the cost, the other 50% to be paid by the Town. Currently, the Town has 134 retirees in the plan, and the cost to provide those benefits is paid out of the annual operating budget. The Town is required to perform an actuarial evaluation of the future cost of these benefits, which at present are \$21,287,774. The purpose of the trust is to set aside funds that can be invested towards the goal of eventually fully funding this obligation. While the trust was established, no dollars were set aside. The \$25,000 requested would be a first step towards committing funds to this annually. Once funds are set aside, the trustees can begin the process of investing the funds.
10. **Holbrook Well Water Main** – part of the project to bring on line the new well field at Holbrook Street is to extend the water main to this new source. This article requests that the Town appropriate \$270,000 from the water enterprise fund for this work.
11. **Hear reports from Town Committees** – this is a typical placeholder article so that Town Committees can make reports to Town Meeting.
12. **CPC – Headstone repairs at Town Cemeteries**  
The CPC proposes an article to fund \$10,000 to allow for repairs to be made to headstones at Norfolk and Pondville cemeteries that have broken over time.
13. **CPC – Install display case at Town Hall for Historical Items**  
The historical commission has requested \$500 to install a second display case on the ground floor of Town Hall to display items of a historical nature.
14. **CPC – Weed control program at Highland Lake & City Mills**  
At the spring town meeting \$20,000 was allocated to enable the Town to rent a weed harvester to remove some of the chestnut weeds in Highland Lake. That work was

successful, but the limited funds did not enable the work to be completed. CPC funds have been requested to continue work on Highland Lake and treat City Mills pond.

**15. Athletic Field Restoration of three fields**

The Recreation Commission requested CPC funds in the amount of \$90,000 to fund the restoration of the Triple A Field at Freeman Kennedy, the Babe Ruth Field at Pond Street and the Premier Softball Field at Freeman Kennedy School. This work will be performed in the off season before play begins in April.

**16. Amend General Bylaws – Contracting Procedures**

The Town Government Study Committee recommends several updates to the general bylaws regarding contracting to bring them into current practice. Specifically, the bid procedures approved in 1936 are now out of date, and the procedures for which have been replaced by M.G.L. Chapter 30B and other state laws governing how all communities must contract for services. Along the same lines, section 4 regarding performance bonds is also out of date, both to the minimum amount of a bond, and when a bond is required (also governed by State law). Finally, the reference to the Town Accountant is also out of date, as the person responsible for contracting is now titled Finance Director.

**17. Amend General Bylaws – Enable Town Clerk to make Numerical & Lettering Corrections**

The Town Clerk has identified that from time to time amendments are made to the general bylaws that then require sections of the bylaws to be renumbered or re-lettered so that they are sequential. Absent the language proposed by the Clerk, she may not make changes to the bylaws without Town Meeting and then Attorney General's office approval. This language would only allow changes in numbering or lettering, anything further would be prohibited to ensure that as our laws are proposed for amendment that could only be taken on by Town Meeting. The language proposed has been approved by the Attorney General's Office in a number of other communities.

**18. Amend General Bylaws – severability language**

The Town Clerk's Office has identified a potential "gap" in our town bylaws regarding severability. While we have severability clauses in a couple of our articles, there is no language that covers the bylaws as a whole. It is recommended that we amend our bylaws to add a "general severability" clause, allowing parts of the bylaws to be invalidated without invalidating the whole thing.

**19. Amend Zoning Bylaws – Update the F-11 Site plan Process**

The F-11 process to determine if a parcel needs to undergo site plan approval by the Planning Board has received much scrutiny in recent months. The effect of this bylaw change would transfer responsibility for that process from the Building Commissioner/Zoning Enforcement Officer to the Planning Director.

**20. Amend Zoning Bylaw – Changes to the B-1 District**

The B-1 Working Committee and the Planning Board have been working over the past months to develop a recommended set of amendments to this zoning district. The purpose of this is to encourage establishment of a vibrant mixed use Town Center that allows for higher density housing and active ground floor uses in this district. Additional information about the project can be found on the website on the Land Use Departments page.

**21. Amend zoning bylaws – F.7.e Parking Areas**

This article would change the responsibility for granting special permit for parking areas from the Zoning Board of Appeals to the Planning Board.

**22. Amend Zoning Bylaw – Update Town Zoning Map**

This article would update the zoning map to the most current version of November 19, 2019 based upon the actions of this Town Meeting. That would replace the current map on file that dates from April 2, 2002.

**23. Zone II Aquifer Protection – Holbrook Street Well**

The Town needs to add the zone 2 for the Holbrook Street well to the existing zoning map. This is one of the permit requirements by the DEP in order for the well to go on line next year. This is a similar article to the action taken at last fall's STM for the Spruce & Gold Street wells, and a well for the State MCI-Norfolk prison.

**24. Various Street Acceptances**

Six different streets in Town have been proposed for acceptance by the Town. There are various reasons for the acceptances from subdivisions being completed and now ready to be turned over, to streets taken over by the Town but not yet formally accepted. The Board of Selectmen have voted their intent to accept them, and the Planning Board is in the process of review and submitting their report so a public hearing can be held on November 5<sup>th</sup> ahead of Town Meeting.



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Town of Norfolk - LIVE  
PRELIMINARY ACCOUNTS PAYABLE WARRANT REPORT

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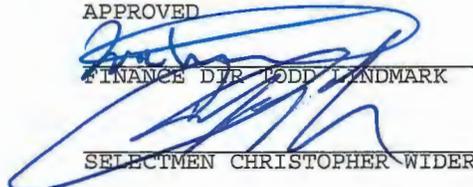
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TO THE TREASURER:

PAY TO EACH OF THE PERSONS NAMED IN THE ABOVE WARRANT, ACCOMPANYING SCHEDULES OF BILLS PAYABLE THE SUMS SET AGAINST THEIR RESPECTIVE NAMES, AMOUNTING IN THE AGGREGATE SHOWN ABOVE, AND CHARGE THE SAME TO THE APPROPRIATIONS OR ACCOUNT INDICATED.

APPROVED



FINANCE DIR TODD LINDMARK

SELECTMEN CHRISTOPHER WIDER

SELECTMEN KEVIN KALKUT

SELECTMEN CAROLYN C. VAN TINE

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SCHOOL BILLS

SCHOOL COMMITTEE  
THOMAS DOYLE

SCHOOL COMMITTEE  
PAUL COCHRAN

SCHOOL COMMITTEE  
JENNIFER WYNN

SCHOOL COMMITTEE  
MEDORA CHAMPAGNE

SCHOOL COMMITTEE  
JEFFREY CURRY

09/24/2019 12:15  
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Town of Norfolk - LIVE  
PRELIMINARY ACCOUNTS PAYABLE WARRANT REPORT

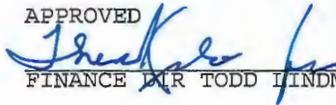
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TO THE TREASURER:

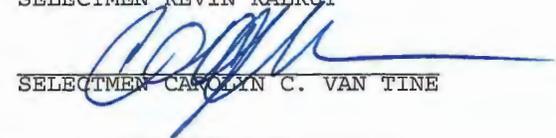
PAY TO EACH OF THE PERSONS NAMED IN THE ABOVE WARRANT, ACCOMPANYING SCHEDULES OF BILLS PAYABLE THE SUMS SET AGAINST THEIR RESPECTIVE NAMES, AMOUNTING IN THE AGGREGATE SHOWN ABOVE, AND CHARGE THE SAME TO THE APPROPRIATIONS OR ACCOUNT INDICATED.

APPROVED

  
FINANCE DIR TODD LINDMARK

SELECTMEN KEVIN KALKUT

SELECTMEN CHRISTOPHER WIDER

  
SELECTMEN CAROLYN C. VAN TINE

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SCHOOL BILLS

SCHOOL COMMITTEE  
THOMAS DOYLE

SCHOOL COMMITTEE  
PAUL COCHRAN

SCHOOL COMMITTEE  
JENNIFER WYNN

SCHOOL COMMITTEE  
MEDORA CHAMPAGNE

SCHOOL COMMITTEE  
JEFFREY CURRY

DATE: 09/24/2019 WARRANT: 13vs20 AMOUNT: \$ 63,441.84

TO THE TREASURER:

PAY TO EACH OF THE PERSONS NAMED IN THE ABOVE WARRANT, ACCOMPANYING SCHEDULES OF BILLS PAYABLE THE SUMS SET AGAINST THEIR RESPECTIVE NAMES, AMOUNTING IN THE AGGREGATE SHOWN ABOVE, AND CHARGE THE SAME TO THE APPROPRIATIONS OR ACCOUNT INDICATED.

APPROVED

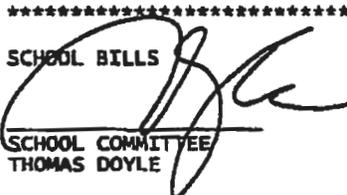
  
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SCHOOL BILLS

  
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JENNIFER WYNN

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MEDORA CHAMPAGNE

SCHOOL COMMITTEE  
JEFFREY CURRY

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16,340.16 +  
20,056.96 +  
63,441.84 ✓

**Norfolk Board of Selectmen’s Open Session Meeting Minutes  
August 13, 2019**

Present: Kevin Kalkut; CiCi Van Tine; Christopher Wider; Blythe Robinson, Town Administrator

The meeting was held in Room 124, Town Hall. Mr. Kalkut called the meeting to order at 7:00 p.m. Mr. Kalkut announced this meeting is being both video and audio taped. All present recited the Pledge of Allegiance.

Ms. Robinson read the agenda.

**Action Items**

Please consider awarding the sale of the current re-funding of 2011 outstanding bonds

Finance Director, Todd Lindmark, was present to give an overview of municipal bond funding. He explained how the Town authorizes debt; the borrowing process for capital projects; the length of borrowing; the financing process; bond premiums and limitations of the bond proceeds.

He then gave a history of the Town’s \$15,673,000 General Obligation Bonds originally dated in 2011 for the financing of the Freeman Kennedy School and Spruce Road Well and stated they will be maturing March 15, 2020 through 2031. Those bonds have a call provision, which enables the Town to “call” the bonds and go to the bond market through a bid process, the goal for which is to obtain a lower interest rate and thus reduced cost to our taxpayers. The 2011 bonds will be called on October 1, 2019. They were sold competitively on August 6<sup>th</sup> and out of 8 bids received, the lowest bidder was Fidelity Investments. If the Board votes the refunding, it will produce a Net Present Value savings of just over 1.5 million or 16.9%. The refunding bonds will be dated August 22, 2019.

A motion was made by Mr. Kalkut that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town’s \$15,673,000 General Obligation Municipal Purpose Loan of 2011 Bonds dated March 15, 2011 maturing on and after March 15, 2020, in the aggregate principal amount of \$9,190,000 (the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

And further move, that the sale of the \$ 8,040,000 General Obligation Municipal Purpose Loan of 2019 Bonds of the Town dated August 22, 2019 (the “Bonds”), to Fidelity Capital Markets, a Division of National Financial Services LLC, at the price of \$9,138,201.21 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on March 15<sup>th</sup> of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2020	\$615,000	5.00%	2026	\$690,000	5.00%
2021	670,000	5.00	2027	690,000	5.00
2022	680,000	5.00	2028	685,000	4.00
2023	680,000	5.00	2029	675,000	3.00

2024	685,000	5.00	2030	650,000	3.00
2025	690,000	5.00	2031	630,000	2.00

And further move, that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 30, 2019 and a final Official Statement dated August 6, 2019 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And further move, that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And further move, that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

And further move, that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and Bond Counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

And further move, that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

It was seconded by Ms. Van Tine, and so voted. All were in favor.

Mr. Kalkut thanked Mr. Lindmark.

Please consider making the following appointments the Energy Committee: Anthony Kennedy; John Kent (as an associate member)

Ms. Robinson explained that at the last Select Board meeting the Board decided to request that the Energy Committee clarify how many regular members they wish to have, and who they recommend for regular and associate members. They met and recommend that Anthony Kennedy be the regular member, and that John Kent be named as the associate.

A motion was made by Mr. Kalkut that the following appointments be made to the Energy Committee: Anthony Kennedy as a regular member and John Kent as an Associate member. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approving private street names as proposed for The Enclave 40B Project

A motion was made by Mr. Kalkut that the Board vote to name a new street in the Enclave development "Avery Way". It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approving the name of a new private street proposed as Ox Pasture Way

Mr. Eric Carlson of 113 North Street was present. He explained that he is in the process of subdividing the property and he has researched and found some old deeds. He provided the Board with historical documents supporting the request and explained that it has been referred to as the Ox Pasture since 1853 and thinks it would be an appropriate name. It was noted that the Historical Commission had been consulted on this request and concurs with the name.

A motion was made by Mr. Kalkut that the Board vote to name a new private way off of North Street "Ox Pasture Way" as requested by the property owners. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approving the 29<sup>th</sup> Annual Rodman Ride for Kids to ride on Norfolk roads on September 21, 2019

Ms. Robinson informed the Board that this request has been reviewed by Chief Stone who indicated that from his experience Town paid police details are not required and he supports the event. She also informed the Board that the Fire Department has indicated that they have no concerns with this.

A motion was made by Mr. Kalkut that the Board approve the use of Town roads on September 21<sup>st</sup> for the Rodman Ride for Kids. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider issuing a one-day liquor license to the Norfolk Library to host a brew night on September 27, 2019 from 6:30 p.m. – 8:30 p.m.

Ms. Robinson explained that the Library has requested a one-day license so that they can have a brew night program in September at which three local breweries will come and speak about the process of making beer, their products, and offer tastings to participants. They are hoping to draw 100 people and it will be held in the Community Room. She informed them that her office has obtained the required paperwork and insurance, and Chief Stone has noted his approval.

A motion was made by Mr. Kalkut that the Board grant a special one-day license for the serving of malts to be drunk on premises to the Norfolk Public Library on September 27, 2019. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider establishing dates to hold Liberty Lane and Old Town Hall Parking Lotteries and rates for permit period October 1, 2019 – September 30, 2020

Ms. Robinson informed the Board that for few years the Board has held a lottery to sell 90 parking passes for commuters to use at the Old Town Hall. Earlier this year a similar lottery was held for 32 spaces on Liberty Lane. The yearly cycle for these passes runs from October 1<sup>st</sup> to September 30<sup>th</sup>. The cost of the passes for Old Town Hall in the current cycle is \$75 per year plus \$5 for an optional second sticker (1 car parked at a time). The cost for Liberty Lane for the current cycle (prorated for 6 months) is \$105; proposed for \$150 per year in FY20, also with an optional second sticker for \$5 per year (1 car parked at a time).

Mr. Kalkut gave a brief history of how the Liberty Lane parking lottery was initiated. There had been an over flow from the MBTA upper lot and commuters were spilling over to Liberty Lane and getting parking tickets. He stated there was a collaborative effort by the Board, the Town Planner, the Chief of Police and the Parking Clerk to provide a benefit to the residents of Norfolk.

The Board and Town Administrator discussed the parking permits and fees at length. There were some suggestions made by residents such as to auction off some spots, print registration numbers on tickets, as well as comments on fee increases. Resident Ernie Alex discussed that when he was on the Building Committee the Planning Board dictated the number of parking spots at the Town Hall parking lot and that they were to be used for Town Hall business only. He further stated that if the Town is designating spots outside of Town Hall use, it is not in conformance with the Planning Board's intent.

After much consideration, the Board decided that doubling the rates on each lot would still be quite economical and a great benefit to residents while providing extra revenue to the Town. They all agreed that the Liberty Lane spots are premium.

A motion was made by Mr. Kalkut that the Board set the parking permit rates for the following locations for October 1, 2019 – September 30, 2020 as \$150.00 per year per spot for 90 spaces Old Town Hall and \$300.00 per year per spot for 32 spaces on Liberty Lane. It was seconded by Mr. Wider, and so voted. All were in favor.

Please consider approving the request for use of Town Hill from the Girls Scouts for their annual kick-off party to be held on Tuesday, September 10<sup>th</sup> from 6:00 – 7:30 p.m., with a rain date of Thursday, September 12<sup>th</sup> from 6:00 -7:30 p.m.

Ms. Robinson gave the Board background on this item.

For a number of years, the local Girl Scouts Troop have held their annual kick-off party on Town Hill and have again requested to do so this year on September 10<sup>th</sup>. She stated they anticipate having approximately 100 participants for this early evening activity. The Chief of Police has no concerns with the event.

The Board and Town Administrator discussed the Select Board Policy which requires a \$100 advance deposit for Town Hill use. Mr. Wider questioned whether the Town should waive the deposit to organizations such as the Girl Scouts and Boy Scouts. The Board decided that they would look at the policy at a future meeting to make potential changes.

Resident Ernie Alex brought up a side issue of the height of the wall at Town Hill; that it was constructed too high and creates a hazard of someone falling and being injured. This is a liability to the Town. Ms. Van Tine suggested that the issue be explored further.

Resident David Rosenberg stated his opinion on the deposit requirement is that all non-town organizations be charged the same deposit regardless of whether for profit or non-profit.

A motion was made by Mr. Kalkut that the Board approve the use of Town Hill on September 10<sup>th</sup> (rain date September 12<sup>th</sup>) by the Girl Scouts for their annual kick-off party. It was seconded by Mr. Wider, and so voted. All were in favor.

## **Discussion Items**

Please discuss the Board's intention to lay out various streets for acceptance at the Fall Special Town Meeting: Tailwind Circle, Westfield Drive, Saddle Ridge, Liberty Lane, Meetinghouse Road, Silver Fox Run

Ms. Robinson explained that the six roads are proposed to become public ways through a process that is ultimately approved by the voters at Town Meeting. This is on tonight's agenda to see if the Board is willing to move forward with these. If so, at the September 3<sup>rd</sup> meeting, the Board will formally refer them to the Planning Board and DPW for each of them to write the required report. After which a public hearing will take place prior to Town Meeting. The streets are at various levels of being ready for acceptance.

Mr. Wider asked if the Planner will give a presentation at the September 3<sup>rd</sup> meeting. Ms. Robinson will check into that.

Please discuss the Police Substation located at 117 Main Street

Police Chief Stone was present to discuss this item. Ms. Van Tine had a number of questions on the topic. Her questions stem from a misunderstanding of the facts in a memo provided to the Board from Chief Stone.

Her understanding was that when the MECC was being built, the Police Department did not want to remain in the current building and they accepted the fact that they would be in a remote location rather than downtown. Her understanding was that all police would be in the new building and that the MECC/police station was built on that premise. However, after the grand opening, offices were then being renovated at the fire station for police use.

Chief Stone's memo suggests that a substation within the fire station was the plan all along. Ms. Van Tine asked Chief Stone why the police need space in the center of Town. Chief Stone stated when he sat on the Building Committee it was discussed that a (dark) office would be a good idea so that a resident could come in, request to speak to an officer, talk to MECC (through an intercom system) and an officer would come in, take a report, etc. He stated that this was the plan all along, as well as having Animal Control located there.

Ms. Van Tine asked about the cost of the renovation at the fire station. Ms. Robinson stated she would get that information.

Mr. Kalkut asked would there still have been a substation for Police and Animal Control if the original plan to have a new fire station built at the site was carried out. Chief Stone stated it was discussed in the meetings all along with the exception of the last Building Committee meetings, at which point it was changed to a police office that Animal Control would work out of as well, and there would be a "Triage" for walk in medical. Ms. Van Tine then asked if that was the plan prior to the purchase of the land for the MECC/police station. Chief Stone stated yes, once they decided that 14 Sharon Avenue was going to move forward, it was the plan.

Resident David Rosenberg asked if there would be one room or three rooms for Animal Control, Triage and Police. Chief Stone stated there have been no recent discussions on the triage being located in the fire station so one room would be used for Animal Control and Police.

Mr. Wider suggested we are putting the cart before the horse. There are a lot of questions to be asked; i.e. is there a possibility that Animal Control could come to Town Hall? And what do we need the triage for? Lieutenant Michael Findlen from the Fire Department was present and answered that if someone came in with an injury or needing attention, they could start treatment right away rather than wait for an ambulance.

Mr. Kalkut thanked Chief Stone for his input on the matter.

Please discuss the structure of the fall special town meeting

Ms. Robinson explained that typically the Town holds a special town meeting in mid-November. This item is on the agenda so that the Board can discuss the types of articles we anticipate will be brought forward and how to structure the meeting to conduct this business. She presented the Board with a list of possible articles, as well as a timeline that she is proposing to follow in preparation for the meeting, which is targeted right now for November 19<sup>th</sup> at the Freeman Kennedy School.

Mr. Wider commented that he is not seeing an article relating to the status of the police station. He noted that at the annual town meeting in May questions were raised about the project and how it resulted in such a high cost.

Ms. Robinson stated it could be handled as a committee report within that article.

Mr. Kalkut suggested that Town Meeting may not be the arena to discuss the police station. Mr. Wider concurred but suggested that it needs to be figured out along with Town Meeting. Mr. Wider also believes the zoning articles should be on a separate night.

Ms. Robinson stated that on the list there are several articles contemplated related to the zoning bylaw. The Board discussed if whether these are taken up as a group and in a particular order or possibly on a second evening. They agreed they would invite the Town Moderator, Jay Talerman to the September 3<sup>rd</sup> Board meeting to see if he is amenable to a 2<sup>nd</sup> night.

Ms. Robinson proposed that the warrant be officially opened on September 3<sup>rd</sup>.

Please discuss the potential of implementing a public comment period to the Board's agenda

Ms. Robinson explained to the Board that their present agendas do not provide the public with an opportunity to come to a meeting and discuss an item not already on the agenda. A number of communities do offer such an opportunity typically either at the beginning or end of the meeting. If a member of the public wants to comment on an item already on the agenda, it is usually up to the Chairperson how long that individual may speak and at what point in the discussion. Should the Board want to add a public comment item to its agenda, it is recommended that a policy be in place as to how the Board will go about it, and the expectations it has for those who wish to make comments.

Resident Ernie Alex made a suggestion that perhaps one Tuesday night a month would be a good idea.

Resident David Rosenberg expressed that he likes the idea of the comment period being at the beginning of the agenda and offered to help with efforts. He also expressed his thanks to the Board to address this item.

Please consider approval of the following warrants:

A motion was made by Ms. Van Tine to approve the following warrants: 06/30/2019 54VS19 \$10,995.15; 07/09/2019 54V19 \$626,653.16; 07/09/2019 02V20 \$438,572.56. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Mr. Kalkut to approve the following warrants: 07/16/2019 03V20 \$1,352,431.68; 07/19/2019 02LONG \$111,471.98; 07/21/2019 01P20 and 01PS20 \$486,109.11; 07/23/2019 04VS20 \$175,538.35; 07/25/2019 20P19 and 20PS19 \$787,585.52; 07/30/2019 05V20 \$230,829.50. It was seconded by Mr. Wider and, and so voted. All were in favor.

A motion was made by Mr. Wider to approve the following warrants: 07/23/2019 04V20 \$333,076.26; 07/30/2019 05DEBT20 \$348,568.41; 08/02/2019 02P20 and 02PS20 \$444,892.06; 08/06/2019 06V20 \$1,837,849.16. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Resident Anne Marie Battistone asked if the amounts on the warrant are from the budget. The Board answered that they were voted on in May and have been approved and budgeted.

Please consider approval and release of regular and executive session minutes

A motion was made by Ms. Van Tine that the Board approve the open session minutes of the May 21<sup>st</sup>, June 4<sup>th</sup> and June 25<sup>th</sup> regular meetings. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Ms. Van Tine that the Board release the following sets of executive session minutes: April 23, 2018 and May 20, 2018. It was seconded by Mr. Wider, and so voted. All were in favor.

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Mr. Kalkut reported that the B1 Zoning Committee will hold another community meeting will on Thursday, September 12<sup>th</sup> at 7 p.m. at the Freeman Kennedy School.

Ms. Robinson gave the Board a status update on the recruitment of the Fire Chief. She noted that we received 29 applications and short-listed and interviewed eight candidates. Four of those candidates were chosen to move forward to the assessment center on Tuesday, August 20<sup>th</sup>. From there, Ms. Robinson will interview 3 finalists. She spoke to Town Counsel and his opinion is that the Town Administrator Act states that she can bring forward one candidate to the Board to ratify. After speaking with the Select Board Chair, she will bring forward the top three candidates to meet the Board, and then inform them of her recommendation. The target date for that meeting is September 3<sup>rd</sup>.

Resident David Rosenberg complimented the Board for the way they are operating the meetings.

A motion was made by Mr. Wider to adjourn the open session meeting at 9:05 p.m. It was seconded by Ms. Van Tine, and so voted. All were in favor.

The next meeting will be held in Room 124, Town Hall, on Tuesday, September 3, 2019 at 7:00 p.m.

This is a true and accurate report of the Board of Selectmen's Meeting of August 13, 2019.

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CiCi Van Tine, Clerk

## **Norfolk Board of Selectmen's Open Session Meeting Minutes September 17, 2019**

Present: Kevin Kalkut; CiCi Van Tine; Christopher Wider; Blythe Robinson, Town Administrator; Judith Lizardi, Executive Assistant.

The meeting was held in Room 124, Town Hall. Mr. Kalkut called the meeting to order at 7:00 p.m. Mr. Kalkut announced this meeting is being both video and audio taped. All present recited the Pledge of Allegiance.

Ms. Robinson read the agenda. She stated the public comment item is a new initiative that will be on each regular agenda going forward. She noted there will be an executive session held at the end of the meeting with the Select Board returning to open session only to adjourn the meeting.

### Public Comment

Mr. David Rosenberg, 123 North Street, stated that during the September 3, 2019, Select Board meeting, possibilities for enhancing and increasing citizen engagement in town government were discussed. He reflected that focusing on one committee at a time constrains possible solutions. He stated he found four people through a professional society who may be able to help as brainstorming facilitators; they are not from Norfolk. He would like to talk to those people to get the benefit of their views.

Mr. Ernest Alix, 40 North Street, discussed a possible location for the fire station. He provided a plan of a 6.35-acre lot and stated the Bremilst property is for sale with 1,031 ft. on North Street. It would be large enough for the building; the land that is not used could be taken for open space. The land is approximately 10 to 12 ft. high with gravel which could be brought to the old fire station property. The town could sell the old fire station and use that money toward the purchase of this new property. He noted many houses could be built there if the town does not act first.

### Town Government Study Committee – Presentation of articles recommended for Fall Special Town Meeting

Chairman Jonathan Smith of the Town Government Study Committee stated they have been performing due diligence on many items of which two will be presented tonight. They would like to clean up Town Bylaw Article 6 pertaining to contracts with a main interest in Chapter 30B which was enacted in 1936. He recommended eliminating Section 3 regarding bid procedures which are much different now than in 1936. He recommended the town conduct a pay and classification study as it has been 17 years since the last study was done; this study is recommended to be done every 10 years. It costs money but is a value to the town. He discussed two proposed warrant articles coming from the town clerk's office that the Committee has endorsed: a general severability clause in the bylaws and a codification of the bylaws. He recommended the town review the bylaws as to form and put them in a way that they are interactive with the town. Right now, the entire PDF has to be reviewed to find a specific section. This would also help with transparency. He noted 135 other towns have done this.

Chairman Kalkut stated bylaw review is important to make sure we are not putting ourselves at risk in certain situations by not keeping up to date.

Mr. Smith mentioned there are two vacancies on the committee. Volunteer forms are available on the town website or call for information.

## **ACTION ITEMS**

Please consider appointing Michael Brogan to the Zoning Board of Appeals

Ms. Robinson stated Mr. Brogan had indicated his interest in being appointed to the ZBA during the annual appointment process. There was a 2 to 1 vote in opposition as Mr. Brogan was in litigation with the town at that time; that litigation has been resolved. She noted that 10 to 12 emails have been received about this possible appointment; they have been shared with the Board.

Mr. Brogan gave a brief statement of his interest in the ZBA. He stated he has been a resident of the town for 48 years, a building commissioner for the Commonwealth of MA and the State of RI, and he does zoning every day. He said he has a good background for this position.

Mr. Wider said the ZBA is the busiest board in the town. They may be losing a member and there are no associate members at this time. They need people with technical expertise and construction and zoning backgrounds on the ZBA to represent the citizens of the town as zoning laws are difficult. People willing to put in the time and effort are needed; Mr. Brogan brings those qualities.

Ms. Van Tine said she read the provided correspondence on this item. She appreciates people who volunteer; it is commendable. However, she has significant concerns about the level of acrimony. Mr. Brogan has a great background, but so do others who may not have the same contested issues; she questions his temperament as related to the ZBA position. She noted there are other people who have come forward with interest. She is a no.

Mr. Kalkut stated the Board has heard from many residents addressing concerns about Mr. Brogan's appointment.

Mr. Brogan stated he has done nothing wrong in this town. He has only defended his farm that his family has owned for generations. The alternative to his farm is having apartments. He is trying to work with the town, keep the farm as it is, and go forward. He wants to put his time and interest into Norfolk. He has a lot of knowledge that can be used and utilized.

Ms. Van Tine said she is not suggesting Mr. Brogan did anything wrong. Her issue is with temperament and how a person deals with neighbors and others, and how a person deals with conflicts. It has nothing to do with the farm.

Mr. Brogan said if it was not for the farm, he would be appointed to the ZBA.

Mr. Kalkut stated he disagreed with that. The charge of the BOS is to find people to act impartially and fairly. Mr. Brogan has the technical experience. However, looking at some of the historical interactions of what has occurred, this Board has to decide if the applicant would be able to work and make decisions with fairness and be unbiased.

Mr. Brogan said he would treat everyone fair and equally; he has worked in town for many years.

Mr. Wider stated that no one else has come forward for this position.

Ms. Robinson said she just received two more applications.

Mr. Wider stated he did not know about those applications. He stated Mr. Brogan is not involved in a lawsuit with the town. All the negative comments have been coming from residents of Seekonk Street who are unhappy with Run & Gun and do not like Mr. Brogan. He stated that whether someone is liked or not because of what they are doing on their property does not allow the Board to decide if that person can have a position in the town. He stated the ZBA is a five-member board; Mr. Brogan will not be making the decisions alone. Zoning issues are reviewed on fact, not on personal feeling. Mr. Wider stated that as he is chairman of the ZBA, Mr. Brogan will not get away with anything. He does not think the Board can judge Mr. Brogan on the Run & Gun farm. He has the right to have that farm. He stated he thinks it is outrageous that seven or eight letters from people on a street can determine the fate of whether a person becomes a member of the ZBA. Like him or not, he is technically capable of doing the job.

Ms. Van Tine said she appreciates what Mr. Wider is saying. However, when she reads the provided letters, they speak about Mr. Brogan's temperament. Her opinion is based on what she read in the letters, not with the lawsuit.

Mr. Kalkut said his interactions with Mr. Brogan's case have been fairly limited. He looks forward to the day they can leverage Mr. Brogan's experience and background; however, he does not think right now is the time.

A motion was made by Mr. Wider to appoint Michael Brogan to the Zoning Board of Appeals. It was seconded by Ms. Van Tine. A vote was taken as follows: Mr. Wider – aye; Mr. Kalkut – nay; Ms. Van Tine – nay. Motion denied.

Please consider updating the Town's list of Special Municipal Employees

Ms. Robinson explained the State's conflict of interest law (G.L. c. 268A) covers all municipal officials and employees, regardless of whether they are elected or appointed, as well as their pay status. There are two sections of the law where the conflict law rules apply less restrictively as long as those officials are designated as "special municipal employees." The provided list dates from 1998, and it is quite out of date with committees that no longer exist, ones that have been created in the intervening years, and positions that were at one time very part-time, that are now full-time roles. She recommended the Board review the enclosed spreadsheet and take several actions to update the list to reflect the boards and positions that should be classified as special municipal employees.

A motion was made by Ms. Van Tine to update the list of special municipal employees by removing from the list the following boards and positions: ADA Compliance Committee, Bylaw Study Committee, Cemetery Commission, Computer System Committee, Earth Removal Advisory Committee, Economic Development Committee, MBTA Advisory Board Rep, Mirror Lake Advisory Committee, Open Space Planning Committee, Permanent Building Committee, Permanent Building Committee Clerk, Personnel Board, Personnel Board Clerk, Recycling/Solid Waste Committee, Sealer of Weights & Measures & Assistant, Tree Warden and Deputy Tree Warden, Water Commissioners, Zoning Bylaw Study Committee, Advisory Board Clerk, Animal Control Officer and Assistant, Assistant Town Clerk, Burial Agents, Conservation Agent, Conservation Commission Clerk, Corrections Advisory Committee, Town Counsel, Zoning Board of Appeals Clerk. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Mr. Wider to update the list of special municipal employees by adding to the list the following boards and positions: B1 Zoning District Working Committee, Call Firefighters

and Lieutenants, Community Preservation Committee, Emergency Management Director, Energy Committee, Insurance Advisory Committee, MBTA Advisory Board Representative, Mechanical Inspector, Norfolk Municipal Affordable Housing Trust, Public Safety Building Committee, Town Government Study Committee, Assistant Inspector of Wires, Assistant Fence Viewer, Assistant Inspector of Gas Fittings, Planning Board Associate, Assistant Plumbing Inspector, Tri County School Committee. It was seconded by Mr. Kalkut, and so voted. All were in favor.

A motion was made by Mr. Kalkut to update the list of special municipal employees by updating the names and/or titles of committees and positions as follows: Advisory Board to Advisory Committee, Arts Council to Cultural Council, Call Firefighter/EMT to Call Firefighter/EMT/Paramedic, Custodian of Veterans Graves to Veterans Grave Officer, Electrical Inspector and Deputy to Inspector of Wires, Gas Inspector to Inspector of Gas Fittings, Health Agent & Sanitarian to Board of Health Agent, Regional District School Committee to King Philip School Committee, Trustees of Public Library to Library Trustee. It was seconded by Mr. Wider, and so vote. All were in favor.

Please consider updating the Town's Public Records Policy and designating the Police and Fire Chief's as Records Access Officers

Ms. Robinson stated this update provides grammatical changes and good housekeeping. She stated Mr. Anthony Turi, current Records Access Officer, will review his research and reasons for requesting to designate the Police and Fire Chiefs as Records Access Officers.

Mr. Anthony Turi, Assistant Town Clerk, reviewed the suggested changes. He stated records laws leave it open as to who can perform this duty. He has received a few police and fire department records requests over the years. From an efficiency standpoint, it is for the town's benefit to have the police and fire chiefs as the records request officers for police and fire report requests. He stated that when he is contacted for such a records request, he turns it over to those departments anyway. Through his research, he has determined that many towns do this. It makes those departments responsible for how they are responding to such requests. He noted if a person submits a public records request and it is not filled within 10 days, it can be appealed to the state. He explained that the other minor changes are to clear up language.

Mr. Wider stated that Mr. Turi does a good job and to keep it simple, Mr. Turi should continue to manage the records requests.

Mr. Turi stated the proposed method is simpler and makes for better responses; it does not make sense for someone to contact the assistant town clerk for a police or fire request. He reiterated that his research confirmed many other towns do it this way.

Ms. Robinson said 10 days is not a long time to complete difficult requests; every moment is needed. It is better to start the 10-day time period with people going directly to the police or fire departments. She noted that Mr. Turi does not work full time.

Mr. Kalkut confirmed both the police and fire chiefs were in agreement with this designation.

A motion was made by Mr. Kalkut to update the Town's Public Records Policy and designate the Police and Fire Chiefs as Records Access Officers. It was seconded by Ms. Van Tine, and so voted. All were in favor.

## **Discussion Items**

### Please discuss traffic and safety related to the intersection of Everett & Pine Streets

Ms. Robinson stated this intersection has been a concern for people for years. Recently, there have been some difficult traffic situations especially during stadium games. Emails, photographs, and videos from residents expressing concern have been received. She stated Police Chief Stone and Deputy Police Chief Carroll have a lot of experience responding to traffic accidents and they are here at the meeting to review some accident, speed data and traffic statistics. As well, Mr. Robert McGhee, Director of Public Works, and Mr. Barry Lariviere, Assistant Director of Public Works, will provide a review of the intersection. She suggested this will begin the conversation about the current concerns, possible options, and cost perspectives.

Mr. Kalkut stated that as this item was initiated by the residents, they should begin with their comments and concerns.

Mr. Peter Svalbe, 58 Everett Street, stated Everett Street and Rt. 115 is problematic during stadium events as well as with day-to-day traffic. Speeds and confusion at the intersection are concerns in this heavy traffic area. As well as commuter traffic, there are many heavy trucks. It is on an incline with vehicles going 45 mph downhill. There have been one or two car flips. He is concerned about his safety and that of residents for which he asked that something be done to slow the speed at this intersection and provide clarity as to when people are supposed to turn. He would like something considered in the interim until a real solution can be budgeted and implemented. He noted the DPW director has been very supportive of this being an important intersection to address.

Ms. Anna McGrath, 57 Everett Street, stated it is very unsafe and there is a lot of confusion at the intersection. She worries about children in the area and teenagers with new licenses. She supports any changes that can be made to make it safer.

Ms. Jennifer Svalbe, 58 Everett Street, discussed semi-trucks speeding down the hill having to use Jake brakes to slow down on Rt. 115 before crossing a residential street. She called 911 on September 10, 2019, because of a crash. This intersection poses a very serious safety concern.

Ms. Stephanie Donovan, 66 Everett Street, expressed concerns about the dangerousness of the intersection. She stated she and family members have been rear-ended in the past at this intersection. It is terrifying to watch the trucks speed by.

Ms. Betsy Whitney, 26 Valley Street, stated she supports all the previous comments about the dangerousness of this intersection. She stated it is a cut-through street. Although there is a 30 mph sign, the trucks go very fast. She stated she appreciates the police presence she has seen and is encouraged about the discussion for a roundabout.

Mr. Nathaniel Hunter, business owner on Hill Street, stated he gives his support to increasing safety in the area.

Ms. Van Tine mentioned she observes how fast the cars and trucks are going when she walks and runs on that street.

Police Chief Stone and Deputy Police Chief Carroll discussed the MassDot data and explained that the town's accident statistics are slightly different than the state's data. Deputy Chief Carroll reviewed that there were 32 accidents at Rt. 1A and Rt. 115 and 14 accidents at Pine and Everett Streets. They discussed their concerns and experience regarding the intersection. Chief Stone said Pine Street has been a heavily enforced area, however, there have been many accidents and a lot of citations written in the past 10 years. It is a heavily traveled public way. He explained what the police have tried to do with Everett Street because of stadium traffic including working with Walpole police and installing signs. He requested residents call them and they will go at different times to check the area. He discussed the hill and noted the difficulty people have in stopping due to snow. Going up the hill can also be difficult when it snows.

Mr. Kalkut asked Chief Stone if he believes another traffic light or speed mitigation method is needed for this road, or if the methods that have already been put in place are the most effective.

Chief Stone stated that anything more done to the intersection will be an investment for the town; it will have to be decided how much the town wants to spend. He suggested a possible traffic or engineering study for the area.

Mr. McGhee reviewed the history of the area and a \$7.5 million project for improvements to the area done in 2008. However, he thinks the only improvement for that inspection was some grading coming out of Everett Street; it must have been determined that a traffic light or roundabout was not needed. He said he believes it is a dangerous intersection that needs attention. Some work has been done with speed humps and four-way stop signs on Everett Street.

Mr. Lariviere reviewed a map of the area, some of the issues with the intersection, and some possible solutions. He stated the vertical issues and slope at the intersection preclude a roundabout. He discussed the work done at Boardman Street and Rockwood Road with the stop sign and radar sensor that signals a flashing beacon in front of the playground; speed and traffic data will be collected and reviewed. One scenario for the Pine Street and Everett Street intersection is along with the existing speed limit sign to add a caution intersection ahead sign and a flashing speed limit indicator. Another possible solution is to have an overhanging flashing yellow beacon similar to Main Street and Park Street warning people there is an intersection ahead and to slow down. He stated another scenario involves redesigning the traffic patterns with one-way and no-truck routes. The town would have to invest a significant amount of money to determine if one of these methods could be put there. All of the scenarios would be based on available funding. He noted that a roundabout could cost \$1 million; a flashing yellow is in the \$50,000 to \$60,000 range.

A resident asked about the Complete Streets program the Town participated in.

Mr. Lariviere explained the grant program, noting shovel-ready projects are required. The design must be done first, and then it is hoped to get the money from the state. They are testing Boardman Street and Rockwood Road now. He thinks a good comparison could be done between this intersection and the Everett Street and Pine Street intersection. He stated studies have shown that the blinking yellow is effective. Residents discussed the benefits of blinking stop lights.

Mr. Kalkut confirmed that what is being done at Boardman Street and Rockwood Road to collect the data will take six months to evaluate.

Ms. Robinson summarized that tonight was really to have a conversation and not to make a decision. She recommended more enforcement in the area, obtaining the data from the Boardman Street and Rockwood Road light, and considering this for the next budget. She noted that traffic studies are expensive.

Mr. Kalkut said he would like to see the cost for solar speed readers in the interim. He thanked everyone for their attendance and discussion.

Please consider approval of the following warrants:

A motion was made by Mr. Kalkut to approve the following warrants:

- 08/30/2019 04P20 and 04PS20 \$749,660.07
- 09/03/2019 10V20 \$804,026.49
- 09/10/2019 11VSA20 \$4,100.00
- 09/10/2019 11V20 \$203,619.72
- 09/10/2019 11VS20 \$127,245.51

It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of regular session minutes

No meeting minutes were presented for approval.

### **Executive Session**

Mr. Kalkut stated that an open meeting may have a detrimental effect on the litigation position of the public body. He read the executive session motion:

Move that the Board vote to enter into executive session under Massachusetts G.L. c.30A, §21(a)(3) to obtain advice of counsel and discuss strategy with respect to potential litigation regarding the construction of the Police Station insofar as an open meeting may have a detrimental effect on the litigation position of the public body, and further to invite Town Counsel Peter Mello, Town Administrator Blythe Robinson, and Executive Assistant Judith Lizardi. The Board will only reconvene into open session for the purpose of adjourning the meeting.

At 8:57 p.m., a motion was made by Mr. Kalkut to enter into the Executive Session and return to the open session to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider - aye; Ms. Van Tine - aye; Mr. Kalkut - aye. All were in favor.

At 9:55 p.m., a motion was made by Mr. Wider to close the Executive Session and enter into open session to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut - aye; Mr. Wider - aye; Ms. Van Tine - aye. All were in favor.

Prior to adjourning, Ms. Robinson stated the Board members need to meet to sign the Fire Chief's contract. After discussion, Board members agreed to meet on Tuesday, September 24, 2019, at 4:30 p.m. Ms. Robinson mentioned that she is scheduled to meet with the Run & Gun neighbors on Monday, September 23, 2019, at 5:00 p.m. She will explain to the neighbors that the town is finished with its involvement in this issue.

At 10:00 p.m., a motion was made by Mr. Wider to adjourn the meeting. It was seconded by Mr. Kalkut, and so voted. All were in favor.

The next meeting will be held in Room 124, Town Hall, on Tuesday, September 24, 2019, at 4:30 p.m.

This is a true and accurate report of the Board of Selectmen's Meeting of September 17, 2019.

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CiCi Van Tine, Clerk