

## **Norfolk Board of Selectmen's Open Session Meeting Minutes July 9, 2019**

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

### **Discussion Items**

Please consider comments from the owner of 194 Main Street regarding Town process to enforce bylaws

Mr. Al Quaglieri was present to express his concerns regarding how the Town has gone about enforcing various rules and regulations because he owns several different properties in the Town. Specifically, he stated that he has a concern that municipal employees are conducting inspections in commercial buildings without the owner's knowledge. He presented Board members with a package containing information on building and fire codes and he proceeded to interpret the codes. He expressed concern regarding yearly inspections being done by the Town without a requirement to do so and that in the Town of Norfolk the Fire Department's practice has been to bring the Zoning Enforcement Officer on inspections where perhaps that official has no need to be. He feels this could lead to the Town using this information in a negative manner. He also referenced some video footage of town employees on private property where the owner was not aware of an inspection.

Ms. Van Tine explained the difference about breaking and entering or unlawful entry without breaking. She also discussed malfeasance. She stated that if information was not obtained lawfully, it could not be used against the property owner.

Ms. Robinson discussed the Common Victualler license inspection process and stated she is not sure of the notification procedure to the owner of the business. She agreed that the process should be looked at. Mr. Quaglieri stated that the Common Victualler license inspection is somewhat different in that the owner applies for a license and an inspection is required.

He then spoke about the Town's F-11 process. He stated that process in our Town is suspect." He feels the Building Commissioner does not handle applications in a consistent manner. One issue is that the applicant, which is the owner of record, has to request the application. The application does not have space for the owner of record information but instead has the tenant's information. The tenant may not have the knowledge necessary to complete the form. As a result, he feels that due process is violated. He then stated that the Building Department is not following the Town's by law by having the tenant fill out the F-11. Mr. Wider mentioned that there was discussion to put the F-11 process in the hands of the Planning Board as an article on the Town Meeting.

Mr. Quaglieri wants to be assured that no more unscheduled inspections take place on his property until a policy is established. Ms. Robinson stated that she will look into this.

Please consider holding a joint election with the Board of Assessors to fill a vacant position

Board Members Andy Bakinowski (Chair) and Deborah Robbins as well as Don Clarke, Town Assessor were present at the meeting. Ms. Robbins spoke about candidate Pat Salamone's qualifications. Ms. Salamone could not make it due to conflicting commitments.

A motion was made by Mr. Kalkut that nominations be opened for the vacant Board of Assessor position. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Ms. Robbins nominated Pat Salamone. It was seconded by Mr. Wider.

A motion was made by Ms. Van Tine to close the nominations. After no further candidates were established, it was seconded by Mr. Kalkut. Roll call vote: Ms. Robbins, **aye**; Mr. Bakinowski, **aye**; Mr. Clarke, **aye**; Mr. Kalkut, **aye**; Ms. Van Tine, **aye**; Mr. Wider, **aye**.

Please consider the entity responsible for approving change orders for the H. Olive Day Roof Project

Ms. Robinson explained to the Board that there are four pending change orders that are anticipated. Due to the quick turnaround time of the accelerated repair project, the MSBA does not require a designated building committee responsible for approving change orders. In order to address these, an entity needs to be established to do so. In this case, the Select Board can vote to assign this responsibility to the Town Administrator, Superintendent and Facilities Director. The Superintendent and Ms. Robinson are recommending that this responsibility be delegated to them, as well as the Facilities Director for expenditures or credits less than \$50,000.

Medora Champagne from the School Committee was present and gave more details on the change orders stating that there will be an overall savings of \$18,000 on the project and the contingency funds will not be touched and given back to the Town.

She stated that the School is urging that these employees be granted permission to make change order approvals' authorization so that there is no impact on the timeline and no interruptions of school start schedules (the teachers need access to the building prior to students start date).

The Board discussed the current timeframe and change order costs. Ms. Champagne explained that because all change orders are not ready to be signed now and the Select Board is not meeting until August 13<sup>th</sup>, there may be issues moving forward if authority to sign the change orders lies with the Select Board only.

A motion was made by Mr. Kalkut to grant authority to the School Superintendent, Town Administrator and Facilities Director to approve change orders on the H. Olive Day Roof Repair project up to \$50,000 for an individual change order and not to exceed the contingency amount of \$18,000. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider making appointments to various boards and committees and poll workers

Ms. Robinson explained that there are several actions for consideration at this meeting regarding appointments, as well as addressing the size of the Town's Energy Committee. At the last meeting the Board appointed two members to the Energy Committee. Unbeknownst to staff, the former Select Board voted to reduce the number from seven to five members last fall (see email from the Town Clerk) because the committee had not had a full board for many years. Thus when the Board appointed two members recently this action brought the size of the committee up to six members. At this point a decision needs to be made whether to increase the size of the committee to at least six members, or remove one of the new appointees. Ms. Robinson stated that the Committee Chair has been contacted asking for his input on this topic.

The Board agreed on five members with one associate and to leave the decision to the Energy Committee as to which of the two recently appointed members will be the alternate. This item was tabled until after the Energy Committee meets later in the month.

The Board then considered an appointment to the Municipal Affordable Housing Trust.

A motion was made by Mr. Wider to appoint Shana Kennedy to the Municipal Affordable Housing Trust. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Next, the Board considered appointing poll workers for the upcoming fiscal year as recommended by the Town Clerk

A motion was made by Mr. Wider to appoint the poll workers as detailed on the list provided by the Town Clerk (attached). It was seconded by Ms. Van Tine, and so voted. All were in favor.

Mr. Kalkut expressed appreciation to the poll workers.

Please consider awarding a contract for leachate removal services

Ms. Robinson explained that annually the Town requires outside services to remove leachate material from the closed and capped landfill at the DPW facility. Only one vendor submitted a proposal this year. She further explained that DPW director, Bob McGhee noted that the cost has gone up due to fewer sites where the material can be disposed of. She stated that it is her understanding that we have come under budget by at least \$5,000 in recent years and expect to be able to cover this increase this year without any need for budget adjustment.

A motion was made by Mr. Kalkut to authorize the chair to execute a contract with Waste Water Services for leachate removal services for FY2020. It was seconded by Mr. Wider, and so voted. All were in favor.

Please re-consider approving street name for Norfolk Village

Mr. Kalkut explained that the Board had voted on two street names submitted for Norfolk Village at a prior meeting and upon further review there were historical names that could have been used.

A motion was made by Mr. Kalkut that the Board amend the June 25, 2019 vote regarding the private ways within the development known as Norfolk Village and designate these ways to be named Dupee Street and Sumner Street. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of the warrants

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

- 06/21/19 26P19 26PS19 \$591,403.34
- 06/25/19 52VS19 \$88,117.58
- 06/25/19 52V19 \$576,973.48

It was seconded by Mr. Kalkut, and so voted. All were in favor.

A motion was made by Ms. Van Tine to approve the following warrants:

- 06/30/19 53VS19 \$157,433.72
- 06/30/19 53VSA19 \$1,302.00
- 07/02/19 01V20 \$2,421,791.34
- 07/02/19 53V19 \$241,670.83
- 07/05/19 27P19 27PS19 \$446,529.63

It was seconded by Mr. Kalkut, and so voted. All were in favor.

Minutes

A motion was made by Mr. Kalkut to approve the April 2, 2019 and May 2, 2019 regular meeting minutes. It was seconded by Ms. Van Tine, and so voted. All were in favor.

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Ms. Robinson stated the Board will be going into Executive Session and return to Open Session only to enter another Executive Session and to adjourn.

Ms. Van Tine expressed that she would like to have a discussion about the police substation at the fire station to be discussed at a future meeting.

Executive Session

At 8:30 p.m., a motion was made by Mr. Kalkut that the Board exit Open Session and enter into Executive Session under M.G.L. c.30A, §21(A)(3) to discuss strategy with respect to litigation regarding "Run and Gun" if an open meeting may have a detrimental effect on the bargaining position of the public body and invite Blythe Robinson and Nancy Langlois to participate. It was seconded by Ms. Van Tine. Mr. Kalkut, **aye**; Mr. Wider, **aye**; Ms. Van Tine, **aye**.

Mr. Kalkut then declared that an open meeting would have a detrimental effect on the bargaining position of the public body.

At 9:14 the Board returned to Open Session for the purpose of entering a second Executive Session.

A motion was made by Mr. Kalkut that the Board enter into Executive Session under M.G.L. c.30A, §21(A)(7) to comply with the general laws for the purpose of review and approval of Executive Session minutes and whether those minutes should be released in Open Session and to invite Blythe Robinson and Nancy Langlois to participate.

It was seconded by Mr. Wider. Mr. Kalkut, **aye**; Mr. Wider, **aye**; Ms. Van Tine, **aye**.

At 9:25 the Board returned to Open Session to adjourn. Roll call: Mr. Kalkut, **aye**; Ms. Van Tine, **aye**; Mr. Wider, **aye**.

The next meeting will be held in Room 124, Town Hall, on Tuesday, August 13, 2019 at 7:00 p.m.

This is a true and accurate report of the Board of Selectmen's Meeting of July 9, 2019.



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Cici Van Tine, Clerk

<u>Last Name</u>	<u>First Name</u>
Abramo	Lois
Ackley	Stephanie
Alpher	Dorothy
Armitage	Kim
Asci	Edmund
Bennotti	Beverly
Callahan	Margaret
Cleverdon	Chris
Cochran	Patricia
Connelly	Susan
Cronin	Heidi
Dubois	Linda
Fallon	Daniel
Fox	Kathleen
Gallup	Karen
Gay	Timothy
Healy	Janice
Holmes	Vida
Kevorkian-Birkner	Marguerite
Lindmark	Todd
Lupfer	Daniel
Maliakal	Tessy
McGonagle	Deborah
McGonagle	John
Mlinarcik	Mary
Moores	Julia
Perron	Richard
Pitt	Claire
Ross	Judith
Sera	Jean
Sesay	Ibrahim
Shriberg	Ann
Skinner	Susan
Sotir	Richard
Sullivan	Timothy
Tomaszewski	Maria
Touhey	Laurie
Tripp	Jessica
Turi	David
Twohig	Ann
Tyer	Peggy
Watterson	Linda
Wesalowski	Catherine
Wesalowski	Philip
Zimmer	Carol