

Norfolk Select Board's Open Session Meeting Minutes December 10, 2019

Members Present: Kevin Kalkut; Christopher Wider; Cici Van Tine. Members Not Present: None.
Also Present: Blythe Robinson, Town Administrator; Judith Lizardi, Executive Assistant.

The meeting was held in Meeting Room G-07, 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.

Ms. Robinson reviewed the agenda.

Public Comment

Mr. Paul Denver, 16 Winterberry Way, stated that he understands the Town is working to organize a Building Committee with respect to ongoing projects in Town. He urged the Select Board to move expeditiously in organizing the committee and in getting a balanced selection of members. He stated that in moving forward, the townspeople must have confidence in the Building Committee considering the Police Station fiasco. He urged the Select Board to organize the committee before Town Meeting. He stated he has sent the Select Board communications regarding an HVAC contractor who informed him that his company would no longer do any work in the Town of Norfolk. He stated many HVAC companies have decided the same because of the great difficulty of doing work in this town allegedly because of fairly arbitrary behavior in the Building Department. He wants to make sure contractors feel they have fair treatment in Norfolk. He does not think the townspeople should be in a position that a number of contractors do not want to work in Norfolk. He hopes these problems will be addressed.

Mr. David Rosenberg, 123 North Street, stated he had planned to request the Select Board consider adopting the provisions of the Open Meeting Law that permit remote participation; however, he spoke with Ms. Robinson prior to this meeting and she said this item would likely be on a future agenda. He noted he has spoken in the past about increasing citizen participation in Town government; he requested this be an active project for the future. He discussed the Bloomberg Harvard City Leadership initiative. He stated it is a project being conducted jointly with the Harvard Kennedy School, Harvard Business School, and Bloomberg Philanthropies to inspire and strengthen city leadership. He stated that he thinks formally joining the project is more commitment than Norfolk can make; however, there is information on the website that could be potentially useful.

Action Items

Please consider appointing Barry Lariviere as Interim Director of Public Works

Ms. Robinson stated it has been decided to re-advertise for the DPW Director position as the hiring process was not able to be completed with the initial candidate pool. Mr. Bob McGhee, Director of Public Works, has submitted his retirement papers and will be stepping down next Friday, so it is important that an interim Director is named. Mr. Barry Lariviere, Assistant Director, has agreed to step into the role, and his compensation for the period that he will be in this role has been negotiated. The increase is about \$15,000 on an annual basis. The recruitment process has been started and we will move forward expeditiously in order to recommend someone to fill the role on a permanent basis.

A motion was made by Mr. Kalkut to ratify the Town Administrator's recommendation to appoint Barry Lariviere as Interim Director of Public Works. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of the following licenses expiring at the end of the year: Liquor; Common Victualler; Entertainment; Class I, II and III Auto Dealers; and Taxi

Ms. Robinson stated these various licenses renew annually on January 1, and an important function of the Town Administrator's office is to complete that process which is governed by the State. This work is managed by Ms. Nancy Langlois. Ms. Robinson stated that based on the advice of Town Counsel, each business was listed on the agenda. She stated that spreadsheets for all the different license types, which depict the requirements for each and where we are in the process of gathering that information or documents, are included in the Select Board's meeting packet. She noted that the Fire Department has completed all the required inspections. She stated the Select Board's role in this process is to approve and execute the licenses. After which, the businesses will be notified and the licenses provided to them when they make payment. She explained that there are a few situations where every required document has not yet been obtained, so the scripted motions enable the Select Board to approve and execute the licenses; however, the licenses will not be distributed to businesses who have not fully complied with the process. Ms. Robinson stated that only if all conditions have been met can the business pick up the license. A business would have to reapply if it did not meet the conditions by the first of the year. Mr. Wider stated that he would recuse himself from the Class I, II and III Auto Dealers license renewals as he is an applicant.

A motion was made by Ms. Van Tine to approve and execute all Liquor License renewals for 2020 subject to the receipt of all required documentation, inspections and payment of fees. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Ms. Van Tine to approve and execute all Common Victualler License renewals for 2020 subject to the receipt of all required documentation, inspections and payment of fees. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Ms. Van Tine to approve and execute all Entertainment License renewals for 2020 subject to the receipt of all required documentation, inspections and payment of fees. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Ms. Van Tine to waive the Class III hearing for Norfolk Auto Repair. It was seconded by Mr. Wider, and so voted. All were in favor.

A motion was made by Ms. Van Tine to approve and execute all Class I, II and III Auto Dealer License renewals for 2020 subject to the receipt of all required documentation, inspections and payment of fees. It was seconded by Mr. Kalkut, and so voted. Ms. Van Tine and Mr. Kalkut were in favor; Mr. Wider abstained.

A motion was made by Ms. Van Tine to approve and execute all Taxi License renewals for 2020 subject to the receipt of all required documentation, inspections and payment of fees. It was seconded by Mr. Wider, and so voted. All were in favor.

Please consider allowing liquor license restaurants to extend the hours on New Years' Eve until 2:00 a.m.

Ms. Robinson stated that New Year's Eve falls on a Tuesday night. In order for several Town restaurants to be able to serve alcohol past the 1:00 AM deadline in their licenses, the Select Board must authorize them to remain open for sales until 2:00 AM. The Town has typically approved this request for the Eagle Brook Saloon, Horse N' Carriage, and Novados. She stated that we are not aware of any past issues that would cause us not to recommend this extension.

Mr. Kalkut asked if this time extension was requested by the restaurants or offered to these establishments. Ms. Robinson said she would check on that with Ms. Langlois.

A motion was made by Mr. Kalkut to approve an extension of hours until 2:00 AM on January 1, 2020 for the service of alcohol for the Eagle Brook Saloon, Horse N' Carriage and Novados Restaurants. It was seconded by Mr. Wider, and so voted. All were in favor.

Please consider a determination under G.L. c. 268A, §19 of Mr. Kulesza's disclosure as a member of the Zoning Board of Appeal

Ms. Robinson stated that in December 2018, Mr. Kulesza filed this form with the Town Clerk's Office to disclose that he believed he had a conflict of interest in serving as a ZBA member regarding a 40B application before the ZBA regarding the Lakeland Farms project. Evidently, Mr. Kulesza's spouse would be representing the developer as the listing real estate agent. The form requires that in all cases the appointing authority for the person making the disclosure must take this up and determine whether or not there is a conflict; this is the step that for some reason did not happen. She stated that she understands that Mr. Kulesza did recuse himself from the permitting process, the permit was issued and the development is under construction. She stated that while the matter is behind us, she recommended that the Select Board determine there was no conflict of interest given his recusal from participation in the matter. Mr. Wider stated the project is not complete. He noted that at the time the Comprehensive Permit was issued, there was no assigned realtor; Mr. Kulesza took the initiative to put this forward after his wife became the realtor. Ms. Van Tine noted that it is not known what happened on the ZBA with regard to this project prior to December 2018; therefore, she requested the motion be modified to include the date on the disclosure.

A motion was made by Mr. Kalkut to vote to determine that there was no conflict of interest from December 24, 2018, and thereafter, with regard to Mr. Kulesza's involvement in the Lakeland Farms 40B project given his disclosure that he recused himself from the process, and will continue to do so through the end of the project. It was seconded by Mr. Wider, and so voted. All were in favor.

Discussion Items

Please discuss the plans for the Norfolk 150th Anniversary Time Travelers dinner on May 9, 2020

Ms. Betsy Pyne stated that she requested to be on the Select Board's agenda to discuss the plans for the Norfolk 150th Anniversary dinner to be held at the KP Middle School on Saturday, May 9, 2020, starting at 5:00 PM. She stated she put together an event committee of 10 people. At this time, she does not have details on ticket costs, although she is going to limit ticket sales to 250 people. She expects to have a website for the event in the next week or two; she will also have a bank account for the event. She stated that in March, tickets will be

available on the website by using PayPal or by sending checks to the Historical Commission. She wanted to confirm the Select Board agrees with what she is doing; she noted she will discuss big decisions with her committee and votes will be taken. She stated she has a list of all former Select Board members; they will be sent invitations to the event. She stated the time travelers are distinguished citizens from Norfolk history who have made the journey to wish Norfolk a Happy Birthday. She has about 12 time travelers scheduled; Mr. Wider will be a time traveler. The event will include dinner, cake, art and music; there will not be alcohol at the event as it is not allowed at the school. She stated that VIPs will have a chance to buy tickets first. She noted the Town included \$2,250 in the Historical Commission budget this year to support this event. Ticket sales should cover the cost of the food only. Mr. Kalkut stated it sounds like it will be a fantastic event and thanked Ms. Pyne for her work. Mr. Wider expressed concern about the cost of tickets for seniors who may be on a fixed budget; he asked if a provision should be made for seniors. Ms. Pyne said she had been thinking about that concern, but it is difficult to know where to draw the line. Select Board members discussed the possibility of providing ticket compensation on an as-needed basis.

Please discuss funding for Norfolk's 150th Anniversary Parade

Ms. Robinson stated this discussion item will be presented at the December 17, 2019 Select Board meeting.

Please consider the submission of a letter to the MBTA regarding impacts to commuter rail service in Norfolk due to system changes

Mr. Kalkut stated that over the last eight weeks he has received feedback from Norfolk commuters about MBTA commuter rail delays and cancellations. He has experienced these delays himself. He researched these interruptions and noted the complaints are common. He reached out to State representatives who gave him information about the Foxboro Pilot commuter rail line. He stated that many of the delays and cancellations align with the beginning of this Pilot program. He noted Keolis has put together an action team regarding the delays and cancellations; however, the response from the action team is not getting to the apparent core of the issue. As a result, he drafted a letter to the MBTA that he would like the Select Board to approve. He discussed the letter and stated he welcomed the Select Board members' input. Mr. Wider suggested including a requested reply date; otherwise, he found the letter to be positive and correct. Ms. Van Tine stated that she commutes on the commuter rail. She discussed the Foxboro Pilot program and noted that due to the Foxboro Pilot, trains were removed from the Franklin Line schedule and will not be restored. She agreed that since the inception of the Foxboro Pilot, there have been numerous and continuous delays. She thinks that this letter is a great first step; she is hopeful that the MBTA may be receptive as thousands of commuters are affected. Mr. Kalkut noted a copy of the letter is in the Select Board's meeting packet. Mr. Rosenberg asked about support from the towns of Franklin and Walpole. Mr. Kalkut stated he would be removing the names of the towns of Franklin and Walpole from the letter. He stated he reached out to Walpole and they were not interested in being added to the letter; it seems they have already spent a great deal of effort fighting with the MBTA over the Foxboro Pilot program. He stated when he reached out to Franklin's Town Administrator, he was told that they have not heard many complaints from their residents. Ms. Robinson stated she would be seeing Franklin's Town Administrator at a meeting the next day and would ask him to rethink his support for the letter. Mr. Kalkut agreed to delay sending the letter until after Ms. Robinson speaks with Franklin's Town Administrator.

A motion was made by Mr. Kalkut to approve the submission of the letter to the MBTA. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of the following warrants:

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

- 11/19/2019 21V20 \$2,492,288.39
- 11/19/2019 21VSA20 \$1,000.00

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

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

- 11/19/2019 21VS20 \$146,873.27
- 11/22/2019 10P20 and 10PS20 \$810,992.52

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:

- 11/26/2019 22V20 \$721,930.43

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

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

- 12/03/2019 23V20 \$46,837.30
- 12/03/2019 23VS20 \$62,203.65

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

Please consider approval of regular session minutes

A motion was made by Ms. Van Tine to approve the minutes of April 30, 2018; May 15, 2018; September 4, 2018; December 6, 2018; April 30, 2019; September 10, 2019; and November 5, 2019 regular meetings. It was seconded by Mr. Wider. Discussion: Ms. Van Tine noted that she read the minutes and they look good. However, as she was not a Select Board member for some of the meeting dates listed, she cannot confirm that the information is correct. Ms. Robinson stated these meeting minutes were generally for meetings in which there were no deliberations and no votes taken. She stated that the Select Board voting to approve meeting minutes from these past meetings is an administrative clean-up phase. Ms. Donna Jones, 64 North Street, stated there is an error in the April 30, 2018 meeting minutes; Mr. Jay Talerma is listed as Town Counsel, but he was Town Moderator. Select Board members agreed to table the approval of the April 30, 2018 meeting minutes until the next Select Board meeting when the minutes will be corrected; therefore, the motion will be restated without the April 30, 2018 meeting minutes.

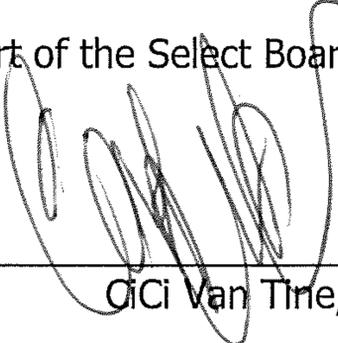
A motion was made by Ms. Van Tine to approve the minutes of May 15, 2018; September 4, 2018; December 6, 2018; April 30, 2019; September 10, 2019; and November 5, 2019 regular meetings. It was seconded by Mr. Wider, and so voted. All were in favor.

Mr. Kalkut stated he is scheduled for surgery later this week; therefore, he may not attend the next Select Board meeting on December 17, 2019. He thanked everyone for their efforts and noted it has been a fantastic year. He wished everyone happy holidays.

At 7:55 p.m., a motion was made by Mr. Kalkut to adjourn the meeting. 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, December 17, 2019, at 7:00 p.m.

This is a true and accurate report of the Select Board's Meeting of December 10, 2019.



Cici Van Tine, Clerk