

Norfolk Select Board's Open Session Meeting Minutes December 17, 2019

Members Present: Christopher Wider; Cici Van Tine. Members Not Present: Kevin Kalkut.
Also Present: Blythe Robinson, Town Administrator; Judith Lizardi, Executive Assistant.

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

Public Comment

Mr. Edward Haddad, 138 Red Maple Run, stated that this week he met with Ms. Robinson and Mr. Lindmark to review the budget process. He thanked them for their time as they provided a great deal of information; it was appreciated.

Mr. David Rosenberg, 123 North Street, encouraged the Select Board to work on enhancing citizen engagement in Town government.

Ms. Robinson reviewed the agenda.

Action Items

Please consider adopting the Attorney General's Regulations, 940 CMR 29.10 to permit remote participation in public meetings

Ms. Robinson referenced that at a previous Select Board meeting, resident David Rosenberg asked the Select Board to consider adopting the Attorney General's regulation allowing remote participation at public meetings. She stated that subsequently an email was received from Town Government Study Committee member Kristen Balash requesting that the Select Board consider adoption of these regulations. Ms. Robinson noted that included in the Select Board's meeting packet is the relevant section of the State's Open Meeting Law Guide as well as the AG's Office Code of Massachusetts Regulations (CMR) 940 CMR 29.10. She stated that these regulations must be adopted by the Chief Executive Officer which in the Town of Norfolk's case is the Select Board, and these regulations would be applicable to all Town Boards and Committees until such time that the Select Board chose by vote to end the practice. She explained that the regulations allow someone to participate remotely if physical attendance would be unreasonably difficult; participation can be arranged through telephone, internet or satellite enabled audio or video conferencing, or any other method that makes the person who is remote and the other members clearly audible to each other, and all votes must be taken by roll call. The regulations outline the minimum requirements. She reviewed that the IT Director has stated that telephones are available in Room G-7, Room 124, and Room 204 which can be used for this purpose. However, video conferencing is not available, but what would be required and the cost to do so could be looked into.

Ms. Van Tine asked if there are any additional expenses, assuming this is adopted. She asked if video conferencing had to be used. Ms. Robinson stated that phone can be used. If

video conferencing is requested, the cost would need to be determined. Ms. Van Tine asked what some of the downsides for remote participation are. Mr. Rosenberg said that during the time this has been under discussion, the only objection is that it may encourage people to be lazy and not come to meetings when they should. He pointed out the Attorney General's rules suggest that members should attend meetings, if possible, and the only reason for missing a meeting would be if attendance was unreasonably difficult. He noted there has been difficulty in filling various committees. He stated that participating remotely may be useful if a committee member had a physical injury, was feeling ill, had a childcare situation, or was on business travel. Remote participation is a way to make it easier for people to participate in Town government and remove participation obstacles. Mr. Wider said he looks at this from a different perspective. He has difficulty hearing and conference calls do not work well for him. The Town does not have a good TTY system. His hearing would be impaired by this method. He discussed that when participating in Town government, a person has to make a commitment and that commitment should include attending meetings. If there was a critical vote and a member could not attend the meeting, it could be postponed. He thinks remote participation would make it easier for people to step away if there was a difficult vote; voting from home may be easier as a person is not face-to-face with the audience. He stated if a commitment is made, it should be in a physical form. Remote participation will weaken the system; the system works as it is. Wanting to get people involved in Town government by allowing remote participation is not really going to encourage participation. He stated that as Mr. Kalkut is not in attendance tonight, he would like to delay the vote on this item until there is a full Select Board present in order to allow Mr. Kalkut a chance to discuss the topic. Mr. Rosenberg questioned whether it is better for a committee member to participate remotely or not at all. He noted that committee members should only use remote participation if it is unreasonably difficult to physically attend. Mr. Paul Denver, 16 Winterberry Way, asked if there was information or research available from other Massachusetts's jurisdictions or from other states regarding participation rates if people are allowed to engage remotely. Ms. Robinson stated other towns could be emailed as to whether they have adopted the provision; a Google search may provide some information. Mr. Paul Terrio, 57 Rockwood Road, asked to what degree is each committee held responsible for making their votes known. Ms. Robinson pointed out that if a remote participation phone call is dropped, the meeting would be stopped until the committee member is re-engaged on the phone. She noted that with remote participation, all votes must be taken by roll call, and all votes will be recorded in the meeting minutes. Mr. Rosenberg said he has not attended other towns' meetings, but he has attended some statewide meetings that have used remote participation and it has been helpful. He suggested technical difficulties would be rare. Mr. Haddad stated that when a person is not physically attending a meeting, it is not known if they are fully participating; he is concerned with voting. Mr. Howard Rand, 101 Red Maple Run, stated that just because a community has remote participation, it does not mean they are happy with it; he would like information on that aspect.

A motion was made by Mr. Wider to delay the vote to adopt the Attorney General's Regulations, 940 CMR 29.10, to permit remote participation in public meetings until the

January 7, 2020, Select Board meeting. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Discussion Items

Please discuss parameters for the FY21 Town Operating Budget

Ms. Robinson stated that included in the Select Board's meeting packet is a spreadsheet prepared by Finance Director Todd Lindmark that shows the budget history over the past four years and the assumptions being made at this point in the budget process about revenue and expenditure growth for FY21. At this time, the forecast is that the Town and Schools, to achieve a balanced budget, could afford a budget increase of just over 3.07 percent. She noted that it is not known what the state aid or local receipts will be. She stated that last year health insurance was able to be reduced; however, this year, to be conservative, it was projected at an increase of five percent. She noted that there are union contracts with increases of three to four percent. She stated that it is important to note that this forecast does not include any funds for capital projects or any new initiatives that the Select Board might wish to pursue. With this information, the goal is to begin a discussion with the Select Board about the budget for next year and understand whether they will want to set parameters or have any specific items or priorities included in the budget. She stated that it would be important to engage both KP and Norfolk Schools regarding this information so they can understand the fiscal situation and not have false expectations as they begin the preparation of their budgets. She stated that she and Mr. Lindmark are giving thought to what additional information they might want to prepare to disseminate to residents during the budget season to help residents better understand the requests, services provided, and impacts on the Town's overall financial picture. Mr. Lindmark said after they get the Select Board's feedback on this preliminary plan, he will contact all department heads to get their budget requests as to what they are looking for. The budget will be built and meetings with the Select Board and Advisory Committee will commence; it is a four to five-month process.

Ms. Van Tine confirmed the spreadsheet was sent to department heads. Ms. Robinson stated department heads were given the information last week at the department meeting; however, they have not been asked to bring their budgets forward, yet. She noted that only Superintendent Ingrid Allardi of Norfolk Schools attended to the department head meeting; Superintendent Paul Zinni of KP could not attend; however, she reached out and provided Mr. Zinni the information. She is going to challenge departments to think about ways to perform duties differently and think about if there is a more cost-effective way to do the work that is needed. She confirmed that a 2.5 percent tax increase is allowed by state law. Ms. Van Tine and Mr. Wider discussed a potential 3.07 percent increase, as well as what would happen if the taxpayers' message is to reduce that increase. They suggested that conversations about an increase of somewhere between 0 percent and 2.5 percent are needed. Ms. Robinson said with a zero-based budget, it would be necessary to talk about the level of services that can be provided. Since the majority of budgets are payroll related, it would be necessary to talk about the number of employees providing the services and the impact of reductions, for example, school staff, police, library personnel, Town staff, and

even snowplows on the road. Ms. Van Tine said she does not want people driven out of the Town from high taxes, but she does not want people laid off either. Ms. Robinson said noted that some items cannot be changed and union contracts must be considered. Mr. Lindmark said all requests will be taken from all departments; a master budget will be prepared, conversations with all departments will occur regarding their needs, and eventually a balanced budget will be achieved. Ms. Robinson said the budget process involves asking hard questions about what is really needed so the increases are not more than they need to be. Ms. Robinson said she would like to get to the point of not spending any free cash for the operating budget. Ms. Van Tine asked about using free cash to fund OPEB. Mr. Lindmark said there was a plan to start to fund the OPEB deficiency; the Town put \$25,000 towards it last year. Ms. Robinson said that she and Mr. Lindmark had talked about a plan to put some money toward OPEB each year.

Mr. Wider said he would like to see a zero-based budget, have all departments indicate what they are spending their money on, see all non-employee payroll items identified, and see FY20 actuals to date as well as the variables through the end of the year. He stated that he does not want a 2.5 percent increase. He stated he wants the departments to show the Select Board what they have now and why they need more. He stated that citizens want their roads fixed; the taxpayers are entitled to it. We have to pull the reins in for some of the budgets. He stated that the school will be looking for money for their addition this spring. Ms. Robinson said the schools are considering submitting a statement of interest to the MSBA to get into its program for some of the funding to help pay the expansion. The Town would not hear back from MSBA until the summer, thus the schools would not be requesting the funds until next fall. Mr. Wider said there is a \$50 million capital wish list. Ms. Robinson said if there is not a 2.5 percent budget increase across the whole organization, there will need to be fewer people in positions providing fewer services. Mr. Wider said if Town government is reduced, the schools need to be reduced, as well. He noted the schools are two-thirds of the budget. He wants to get to a flat budget and then have each department including schools tell the Select Board what they need. Mr. Wider stated they need to get to a balanced budget. Ms. Robinson noted that KP is a regional school and Norfolk is one of three towns. Whatever two of the three towns agree, the third town is obligated to pay.

Mr. Wider noted there are only eight Select Board meetings before Town Meeting. He asked Mr. Lindmark what works best for the budget meetings with the Select Board and Advisory Committee. Mr. Lindmark suggested it is usually better for the Select Board to go to the Advisory Committee meetings because they have more members. Mr. Wider asked if there is a possibility of joint meetings between the Select Board and Advisory Committee. Mr. Lindmark said both meetings could be held on the same night in the same room as long as they are posted. Ms. Robinson stated that she would talk to the Advisory Committee Chair about a meeting schedule. Ms. Van Tine said there is value in having the Select Board members go to other committee meetings to get the information, and the Select Board should be involved earlier and in more depth with this process. She stated she is not looking for a zero-growth budget; when taking out the 2.5 percent increase, it still leaves 0.57

percent growth. Mr. Wider requested a zero-growth budget to start. Mr. Wider noted the more detail the departments provide up front, the easier it will be.

Mr. Haddad asked if there is a budget calendar and timeline for the departments. Mr. Lindmark said one is not posted, but one can be provided. Mr. Haddad stated that the public voting at Town Meeting on the budget needs to be clear on who is approving the budget. Ms. Robinson stated it is the role of the Select Board to propose a budget to Town Meeting. The role of the Advisory Committee is to make a recommendation on the budget and any other article. Ideally, both boards will agree on the budget that comes before Town Meeting, but that does not have to be the case. Ms. Van Tine discussed the roles of the Select Board and Advisory Committee. The ultimate goal is for the Select Board to approve and present a budget to the Town which they vote on; the Advisory Committee will either say the budget is great or they do not like it, and they will provide their comments.

Mr. Martin McNulty, 125 Winterberry Way, asked if the departments have been provided with their actuals compared to their budgets for each of the past years. Maybe the departments do not know how they have done year-to-year as to whether they were under or over their budget. Mr. Lindmark stated that as part of past budget processes, the departments have been given the past year's budget amounts and the actuals. Mr. Denver stated the Advisory Committee in some towns is called the Finance Committee. He explained, based on his experience, how the Select Board and Advisory Committee should proceed with the budget process. Ms. Van Tine discussed the functions of the Select Board and the Advisory Committee. She explained the Advisory Committee members are appointed by the Town Moderator. She reviewed that residents could attend the Advisory Committee meetings as well as other committee/board meetings or watch them on television as a great resource for information prior to attending Town Meeting. Select Board members and Ms. Robinson continued discussion regarding the roles of the Advisory Committee and the Select Board and their involvement and responsibilities in the budget process. Ms. Robinson explained that the Select Board will receive the budget first as they must set the budget. Mr. Wider reiterated he wants to see a zero-based/no-increase budget. Ms. Robinson reviewed the process of how the departments will prepare their zero-based budget including their detailed requests for increases. The budget will be submitted to the Select Board; it will have the level of detail needed for the Select Board to know what a zero-based budget means for the level of services. She stated that a zero-based budget, for both Town and Schools, means fewer people providing services. She noted that the Advisory Committee could say they do not agree with a zero-based budget; the Advisory Committee could then recommend a higher budget. Mr. Haddad said he is very pleased to hear this conversation that there is not an unlimited flow of funds; there has to be controls, limits, and accountability. A resident requested information on the backgrounds of the Advisory Committee members. Ms. Van Tine reiterated that the Advisory Committee members are appointed by the Town Moderator. She noted it is difficult to find people who want to commit to being on a committee. She stated there is no mandate as to the required background of committee members; the Select Board has no control over the Advisory Committee. Mr. Wider requested Ms. Robinson provide a calendar of meetings for the Select Board.

Please discuss funding for Norfolk's 150th Anniversary Parade

Mr. Paul Terrio, 57 Rockwood Road, stated he spoke with the Select Board at a previous meeting about Norfolk's 150th Anniversary Parade. He mentioned a \$30,000 to \$40,000 budget. He asked the Select Board if they wanted to go forward with the parade. He noted Ms. Betsy Pyne is organizing a 150th Anniversary Dinner event. He suggested an official committee designation be approved for the parade event. Ms. Donna Jones, 64 North Street, asked if the Town could support the event and pay for police and fire if there were fireworks, if there must be an appointed committee for this event, and if money could be privately collected for fireworks or does a non-profit have to be formed. Mr. Wider said he thinks a parade is a great way to celebrate the Town's 150th anniversary and a way for younger people to appreciate the Town's history. He would like a route down Main Street. Ms. Van Tine said she likes parades, but she is mindful that they just discussed a zero-based budget. The \$30,000 to \$40,000 cost that Mr. Terrio suggested for the parade sounds like it could equate to an employee's annual salary. She asked if a committee were appointed, would the committee expect the Town to fund a parade. Mr. Terrio said he thought there were some resources in-house, such as in the IT Department, to build some sub-pages to the Town's website, such as a pledge page, to solicit contributions and support for a Town celebration. Ms. Robinson said that no one in IT or the Town organization is a web designer. She noted that a gift account could be set up. Mr. Wider suggested a Go Fund Me account. Mr. Terrio reiterated that an official committee designation would give validity to soliciting funds for a parade. He suggested a parade date of Sunday, September 13, 2020, after 12:00 PM. He noted parades are typically held rain or shine. Ms. Van Tine asked what happens if a Go Fund Me account is set up and only a small amount of money is raised. Mr. Terrio stated he has some other fundraising ideas but does not want to discuss them publically. Ms. Van Tine stated she is all for a parade that can be self-funded, but she is not for a parade that has to be funded by a Town going through a budget process. Mr. Terrio said if there was not a sense of an adequate amount raised by late spring, then they would not continue forward. Mr. Wider said the idea is to set up a committee, explore funding, and have the committee return to the Select Board to report how they are doing.

Mr. Terrio stated the expense of a parade includes street closures, police and fire support, and food and beverages for volunteers. He said he reached out to a few prominent marching bands and their budget for participation is generally \$2,000 to \$3,000. Ms. Jones asked if the parade committee would be appointed by the Select Board. Ms. Robinson suggested applicants for the parade committee submit their volunteer applications which are available on the Town website; the Select Board can review the applications and make appointment decisions at the next Select Board meeting. Mr. Wider confirmed they will vote on the creation of a parade committee at the January 7, 2020, Select Board meeting. It was discussed that the committee should not exceed seven members. Mr. Terrio reviewed possible parade routes. Mr. Wider noted when the committee is formed, they can confirm the parade route and review a parade budget. Mr. Rosenberg said that to make a permanent committee, a bylaw change is needed; however, the Select Board can create an ad hoc committee. He stated there is a lot of technical talent in Town; the Town would be wise to use that talent for possible web work. Ms. Robinson said volunteers to help maintain

the website would be great, but sometimes when people are not getting paid for something there is less motivation to be consistently available. Ms. Van Tine discussed that it would be interesting to see who in town has the expertise to manage a fairly simple website that could probably be done remotely. Ms. Robinson discussed that the current platform is not straightforward and may be complicated. However, she could put something on the website looking for volunteers. Mr. Rosenberg said it would be a mistake to rely on volunteers for things that are critical. However, he agrees with Ms. Van Tine that the website should not be that complicated.

Please consider approval of the following warrants:

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

- 12/06/2019 11PS20 \$794,237.68
- 12/10/2019 24V20 \$252,972.10
- 12/10/2019 24VSA20 \$2,367.50

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

Please consider approval of the minutes

Ms. Robinson stated there has been a significant effort made to make sure all meetings have minutes. She noted that the Select Board will be executing separate motions to approve regular meeting minutes and executive meeting minutes, as well as executive session minutes that have previously been approved in executive session and are ready to be officially released.

A motion was made by Mr. Wider to approve the minutes of the April 30, 2018 and November 21, 2019 regular meetings. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Wider to approve and release the minutes of the September 18, 2018 set 2 of 2; October 2, 2018; and March 19, 2019, executive session meetings. It was seconded by Ms. Van Tine, and so voted. All were in favor.

A motion was made by Mr. Wider to release the following sets of previously approved executive session minutes: February 6, 2018; May 24, 2018; June 26, 2018; July 24, 2018; August 14, 2018; September 18, 2018 set 1 of 2; December 17, 2018; February 4, 2019; and April 16, 2019. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Ms. Robinson provided the Select Board with a memo from the Building Department in response to resident Paul Denver's concerns presented at the last Select Board meeting regarding contractors that he is aware of who do not want to do HVAC work in Norfolk because of the stringency of what the Town requires. She stated that the memo basically indicates that the Town is aware of some contractors who chose not to do work in Norfolk as well as some contractors who do very good work in Town. She stated that the building

codes have become very difficult. Due to the stringency of the codes and the enforcement of those codes in Norfolk, some contractors go to communities where those building codes are not being met or enforced as stringently. She stated that Town staff is always willing to meet with contractors about how to be compliant and meet with residents about how to comply.

On a separate matter, she noted a concern from a resident about the color of the water at his home. She stated this issue was publicized on Facebook. The water testing has been done. The manganese levels were higher than the standard but not higher than what would be considered a violation by the DEP and not something the DEP would require the Town to do any additional work to address. There was also a high sodium level, but it is in line with previous results and is not something that the DEP requires anything to be done about. She advised citizens to look at information posted on the Town website regarding this issue. She noted that over time, manganese can build up in a water heater; when the hot water heater is cleaned, the build-up goes away. She noted that it would cost over \$10 million for the Town to install a filtration system. She stated that water quality testing is required and the results are posted on the Town's website. Mr. Wider stated that Mr. Denver was not referring to the Town upholding the State building codes, but rather the level of service contractors in Norfolk are getting or are not getting. Ms. Robinson said the requirements are difficult and some towns enforce the requirements more than other towns. It is not always easy for contractors to comply.

Mr. Wider stated that Chris Gleason, Senior Video Producer at NCTV, provides the video for the local committee and board meetings; she is retiring at the end of this year. On behalf of the Select Board, he stated her efforts have been much appreciated. He thanked her for all her help over the years and wished her the best in her retirement.

Mr. Rosenberg stated the posted results on the Town's website of the water quality testing meet the State's requirements for timeliness. However, it would be useful, but not legally required, if the Town could more promptly report test results. He stated that Town water with manganese and other chemicals in it is a problem when entering a house and not just when the water is heated.

Executive Session

Mr. Wider read the executive session motion:

MOVE 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 invite Blythe Robinson and Judith Lizardi to participate. The Board will only reconvene into open session for the purpose of adjourning the meeting.

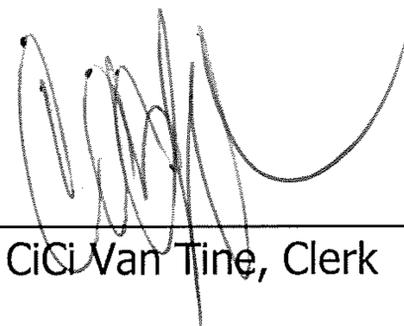
At 9:23 p.m., a motion was made by Mr. Wider to enter into the Executive Session and return to the open session to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider - aye; Ms. Van Tine - aye. All were in favor.

At 9:28 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. Wider - aye; Ms. Van Tine - aye. All were in favor.

At 9:28 p.m., a motion was made by Mr. Wider 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, January 7, 2020, at 7:00 p.m.

This is a true and accurate report of the Select Board's meeting of December 17, 2019.



Cici Van Tine, Clerk