

Norfolk Select Board's Open Session Meeting Minutes May 5, 2020

This meeting was held as a Remote Access Zoom Virtual Meeting.

Members Present: Kevin Kalkut; Christopher Wider; CiCi Van Tine. Members Not Present: None. Also Present: Blythe Robinson, Town Administrator; Todd Lindmark, Finance Director; Judith Lizardi, Executive Assistant.

Mr. Kalkut called the Remote Access Zoom Virtual Meeting to order at 7:00 p.m. He announced this meeting is being both video and audio recorded. He read a statement regarding the Massachusetts State of Emergency and the associated state legislation allowing towns to hold remote access virtual meetings during the COVID-19 pandemic crisis. He reviewed that in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the May 5, 2020, 7:00 p.m. public meeting of the Norfolk Select Board shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting shall be done via Zoom online video conferencing. This application will allow users to view the meeting and provide comments during allocated windows as outlined in the Board's Public Comment Policy. He noted the Zoom Meeting link and the Zoom Meeting call-in number are provided on the agenda. He stated that all supporting materials have been published to the website.

Ms. Robinson reviewed the agenda.

Public Meeting on the laying out of Nichols Way for acceptance at the Annual Town Meeting

Ms. Robinson stated that a step in the process of accepting a town road as a public way includes a public meeting prior to Town Meeting called by the Select Board to take public input. At this meeting, the Select Board needs to vote to lay out Nichols Way substantially in the location of the named private way. This vote is scheduled for later in tonight's agenda under Action Items.

Mr. Rich McCarthy, Town Planner, confirmed all conditions have been met for this road acceptance. He stated the Planning Board held their meeting on April 14, 2020 and voted to recommend the street be accepted. Mr. Tom DiPlacido, applicant and developer of Nichols Way, confirmed all required signatures have been obtained confirming the work completed on Nichols Way. He stated there were no required improvements to be made on Holbrook Street. Mr. McCarthy confirmed a waiver was granted for only one sidewalk.

A motion was made by Mr. Wider to close the public hearing on the laying out of Nichols Way for acceptance at the Annual Town 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.

COVID-19 Updates

Ms. Robinson referenced her May 4, 2020 COVID-19 Update posted on the Town's website. She noted that there is one new case of COVID-19 in Norfolk since April 30, 2020. She stated that effective May 6, 2020, Governor Baker issued an order requiring face masks or cloth face coverings in public places where social distancing is not possible; this applies to both indoor and outdoor spaces. She stated that staff will start planning for reopening so when the public can reenter Town buildings, safety protocols are in place for both staff and the public. The Board of Health has a scheduled public meeting on May 7, 2020; they will also take up the issue of face masks.

Public Comment

Ms. Donna Jones, 64 North Street, commented on the cover of the 2019 Town Annual Report which is an item on tonight's agenda. She said she voted for the photograph of the Police Station/MECC provided in the meeting packet. She suggested touch up be done on any photographs to be used.

Action Items

Please consider adjustments to the FY21 proposed budget

Ms. Robinson stated that at the last meeting, a majority of the Select Board indicated its continued concern that the COVID-19 pandemic would have a detrimental effect on the finances of the Town for FY21. No specific guidance has been received from the State about adjustments to those revenue categories since that last meeting. In conjunction with the Norfolk Public Schools, they put together a measured and reasoned option to reduce the budget in absence of this information. They have also put together information on what other towns are doing in their budget approach. As a result, a tiered proposal has been developed for the Select Board to consider at this meeting. Three tiers are as follows: 1.) keep the budget at the 2.4 percent increase which is already lower than what has been put forth in past years; 2.) apply the anticipated State grant of approximately \$380,000 from adding Mendon and Millville to the regional dispatch center and reduce the budget increase to 1.54 percent; 3.) assume a decrease of approximately 10 percent for both State aid and local receipts and reduce the budget by approximately \$983,000. A memo along with a PowerPoint presentation which outlines the highlights of the plan is included in the Select Board's meeting packet. She stated that the collective recommendation is that at this time it is not appropriate to go deeper than this because there is no information to suggest otherwise. The budget can be looked at again further into the year, and additional adjustments can be made, if needed. She stated that she does not recommend using any of the Town's general fund or stabilization funds at this time. She stated that where the reductions would be made have not been identified. The Select Board makes the decision at one level tonight about reductions; however, the Advisory Committee needs to take a position on the motion and then Town Meeting needs to decide on what they are going to do. If the decision is to reduce the budget by approximately \$1 million, that is the trigger for all departments to determine how to achieve this. Then the budget is implemented and they wait to see what other information comes; if State revenue is not received, they will review it and if cuts were not that deep then they could restore things that were cut. She stated there has also been talk about a possible federal stimulus package, but still too early for any information on this. Pandemic expenses are still being tracked as 75 percent of those expenses can be received back.

Mr. Lindmark reviewed the PowerPoint presentation titled FY2021- Budget Revenue Analysis provided in the Select Board's meeting packet. Mr. Wider stated that it is his perspective that they should plan for the worst. He stated they have to look at option #3 to reduce the budget by approximately \$983,000, and that is not even as conservative as he would be. It should be reduced by \$1.3 million. He does not want to see any layoffs. He would have liked more work done in the 2020 budget to make reductions. He stated there is no guarantee from the State that the Town is going to get the MECC grant. He wished the unions would have already started initiating the cuts they could offer to the Town. It would be better for employees to know this now. Ms. Robinson stated that there are some open positions that have not been filled and the schools have renegotiated bus contracts. She discussed that when a person is eliminated from staff, 39 weeks of unemployment must be paid; the Town self-funds unemployment. Superintendent of Schools Ingrid Allardi discussed Chapter 70 funding. She noted the State is anticipating about \$4.4 billion in revenue reductions. However, Chapter 70 is protected by statute so they will be reducing that less than other areas. Therefore, she is not expecting any reduction that would come close to 10 percent for those programs. Mr. Wider

said he does not want to see layoffs, but people need to be realistic and look at the budget increases from year to year. He wants Norfolk to be proactive and make serious concessions in salary increases. Ms. Robinson stated they have reached out to the unions; however, unions have contracts with the Town and they have no obligation to come to the table and bargain. Ms. Van Tine stated avoiding layoffs is important. She likes the conservative approach and thinks the cuts should be handled now. She thinks there is going to be reduction in State funding. She is more than happy with a reduction to the amount of \$983,00, and now is the time to do this. Mr. Kalkut said he has considered this greatly from all perspectives. He leans on a data-driven approach and noted the data from other communities. He likes the three-level tiered response to plan appropriately. He noted Norfolk already has a low commercial base and will not face impacts that other communities will. It is a very lean budget, and it does not have a lot of fluff to reduce. Reduction of people and reduction in service should wait until it is known what the impact will be. He stated that he does not feel comfortable with the reduction of \$983,000 until information is known. He would prefer to wait until the Fall Town Meeting to make any further cuts.

Mr. Peter Chipman, 5 Overlea Road, asked how real is the MECC funding and said the State has a \$4.4 billion shortfall projected. He asked if the potential for the MBTA assessment being raised was factored in the cherry sheet. Ms. Robinson reviewed the timeline of the MECC grant. Mr. Lindmark stated he did not expect the MBTA assessment to affect the cherry sheet. Ms. Jen Wynn, 3 Hemlock Lane, stated that waiting until August to pass a budget would be detrimental to the school children. She asked if it was possible to not have layoffs with a \$1.3 million reduction. Ms. Susan Klein, 11 Keeney Pond Road, asked if cuts were going to be applied evenly across the board, if the unions will not renegotiate will layoffs begin now or at a future date, if anything was built into the budget for possible requirements from the State for social distancing in the schools, and if the three new fire/police recruits would continue to go through the academy. She stated that a high teacher-to-student ratio will affect the Town's rating which affects property values. Ms. Robinson said she would be meeting with Superintendent Allardi, Todd Hasset, and Superintendent Zinni to make fair and appropriate cuts across all the organization. Dr. Allardi stated that they have already worked hard on the budget. The majority of the \$983,000 budget cuts would fall to the schools, requiring salary concessions and elimination of new positions. She stated they must notify staff of cuts by June 15th; the employee would be eligible for unemployment through the summer. Also, they could lose children to the charter school. She stated it is difficult to eliminate/change teacher positions and staffing once school has started. Superintendent Zinni pointed out they will do their best to reduce costs in every area possible, but it is unlikely it will not impact staff. He stated reductions have to be reviewed with Plainville and Wrentham. He said they do not know what it will look like to reopen schools in September. They are hearing information about precautions and requirements that will have to be taken to reopen schools. Dr. Allardi said there are no contingency funds in her budget for items such as clearing supplies, maintenance, etc., for this new situation.

Mr. Wider clarified his position that he is comfortable with the approximately \$983,000 reduction at this time. Ms. Van Tine clarified that she is comfortable with the \$983,000 reduction at this time. Mr. Kalkut said he is not comfortable with the \$983,000 reduction.

A motion was made by Mr. Wider that the Board approve the FY21 budget decreased by \$983,063 and take only half of the MECC reduction at this time. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider – aye; Ms. Van Tine – aye; Mr. Kalkut – nay. Vote: Yes-2; No-1.

Please consider voting to lay out of Nichols Way for acceptance at the Annual Town Meeting

Ms. Robinson stated that she had nothing further to add from the discussion of this item at the beginning of the meeting.

A motion was made by Mr. Kalkut that the Board vote to lay out Nichols Way substantially in the location of the private way known as Nichols Way. It was seconded by Mr. Wider. A roll call vote was taken as follows: Mr. Wider – aye; Ms. Van Tine – aye; Mr. Kalkut – aye. All were in favor.

Please consider opening the warrant for the annual town meeting to add an article regarding an article sponsored by the CPC to establish a rental assistance fund

Ms. Robinson stated that the Community Preservation Committee has made a request to add an article to the warrant which would enable the Town to offer rental assistance to qualifying households that have experienced a loss of income due to the COVID-19 pandemic. The Affordable Housing Trust has been working on the details regarding this program as they would be responsible for administration of the funds, which are proposed to be \$50,000. A copy of the draft warrant article as reviewed by Town Counsel and some background about the program are included in the Select Board's meeting packet. She noted that a citizens' petition was received this morning and was forwarded to the Select Board. The signatures have been reviewed by the Town Clerk, and there are more than 10 signatures. Town Counsel and the Moderator were consulted. The recommendation is to amend the proposed motion to include this citizens' petition.

Ms. Susan Jacobson, Municipal Affordable Housing Trust Director, provided background on how this item was brought forth to the Trust. The CPC held a meeting and approved this item with one abstention vote, one no vote, and the remaining votes yes. Ms. Van Tine said she thinks this makes sense. She said that the warrant should be reopened to add this item and the citizens' petition.

A motion was made by Mr. Kalkut that the Board open the annual town meeting warrant to add an article regarding an article sponsored by the CPC to establish a rental assistance fund, as well as to add the citizens' petition submitted this morning. 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.

Please consider executing a contract with WasteZero for the provision of Transfer Station Trash Bags

Ms. Robinson stated that included in the Select Board's meeting packet is a proposed contract with WasteZero for the Town and its partner retailers to purchase trash bags to sell to residents starting July 1, 2020. This is part of the revamped system to operate the Transfer Station next fiscal year. The State bid out this service and this company is approved provider. She stated the contract is being reviewed by Town Counsel and he is negotiating changes. She recommended the contract be approved subject to Town Counsel's review. This will allow the contract to continue to move forward and have things in place for July 1, 2020.

Mr. Wider asked if the plastic bags used in this program have any relation to the State's talk about having a ban on plastic bags. Ms. Robinson stated that the State's proposed ban being worked on was for single-use plastic bags.

A motion was made by Mr. Kalkut that the Board approve a contract with WasteZero for the provision of Transfer Station Trash Bags pending review by Town Counsel. 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.

Please consider an open meeting law complaint regarding the April 21st meeting

Ms. Robinson reviewed that after the April 21, 2020, Select Board meeting, resident Peter Chipman submitted the complaint included in the Select Board's meeting packet indicating he believes there was an intentional violation of State law in that he was not afforded an opportunity to comment regarding the contract for the DPW Director. He requests that the vote be reconsidered after further public input is provided. He is also requesting that the Select Board Chair no longer act as monitor during the meetings. The State requires that the Select Board take this up complaint before it is submitted to the State.

Mr. Chipman stated he wanted to speak about the contract for the DPW Director position at the last meeting. This contract is not fair to the Town. The funding is not tied to any type of Town meeting action. With the coronavirus situation, he stated he is shocked that the Select Board is even considering this and asked why do they need this contract. He said the previous person picked for this position is working in another town and does not have a contract. These contracts are an awful legacy from the last administration. Mr. Kalkut confirmed the point of Mr. Chipman's complaint was that he was unable to voice his concerns when the agenda item was open at the last meeting. He reviewed the procedures for the raised-hand function during remote meetings. He stated that he did not intentionally miss any raised hands. He does not believe the meeting was handled inappropriately during the public comment section. Moving forward, he would like to have an administrative assistant work on the administration of the remote meeting with him. He hopes this will alleviate Mr. Chipman's concern. Ms. Jen Wynn thanked Mr. Kalkut for multi-tasking during the remote meetings. She stated that she is not used to contracts for municipal employees being openly discussed at meetings. Ms. Susan Jacobson also noted there are challenges to monitoring a Zoom meeting.

Mr. Kalkut stated that he does not believe a vote is required on this item.

Please consider re-voting the DPW Director contract for procedural reasons

Ms. Robinson stated that at the April 21, 2020, Select Board meeting by a 2 to 1 vote, the appointment of the DPW Director and approval of the contract was made. However, the recording of the vote does not appear to include a second to the motion which is needed. Whether it was either not clearly captured or did not take place, it is recommended that the Board re-vote to appoint the DPW Director and approve the contract. The contract has already been signed by a majority of the Board and Mr. Crane.

Mr. Kalkut confirmed that this vote is simply a formality to audibility vote again on this item.

A motion was made by Mr. Kalkut that the Board ratify the recommendation of the Town Administrator to appoint Blair Crane to the position of DPW Director and authorize a contract for the position as proposed effective April 27, 2020. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Wider – nay; Ms. Van Tine – aye; Mr. Kalkut – aye. Vote: Yes-2; No-1.

Discussion Items

Please discuss holding the annual Memorial Day Parade

Ms. Robinson reviewed that the Governor has extended the stay at home advisory to May 18, 2020 which precludes any gatherings of more than 10 persons. It is impossible to know whether this advisory will be lifted prior to May 25th, which leads to this discussion about whether the parade and ceremonies should be cancelled or modified in some way. The master of ceremonies and others

involved in the event have been consulted, and their responses are included in the Select Board's meeting packet, and an additional email was sent this morning.

Mr. Kalkut said that even if the current restrictions are in place, he would like to execute some type of ceremony within the guidelines as this is a very important day. Mr. Wider agreed and said that celebrating Memorial Day is celebrating democracy and whatever can be done to celebrate this should be done. Ms. Van Tine agreed. Mr. Kalkut confirmed the Select Board is in consensus that they would like to execute a small gathering of up to 10 people and review any additional ideas to bring the celebration and remembrance to residents during this time of the stay-at-home order. Ms. Robinson suggested Mr. McCarty guide the Town about what would work. Select Board members agreed the information provided by Mr. McCarty in his letter was a good place to start.

Please discuss suggestions for the cover of the 2019 annual town report

Ms. Robinson stated that the Town's 2019 Annual Report is ready to be submitted to the printer; however, the cover artwork to use needs to be decided. Included in the Select Board's meeting packet are several options for review including the police station completed in that year, the renovated Tramp House, and a picture of the Town Hall clock being replaced with assistance from the fire department. She noted that the cover art of the Annual Report is important to recognize significant events that happened in the community during that year. She would like to make sure the larger community is happy with the outcome of the cover.

Ms. Van Tine agreed with Ms. Jones and Ms. Robinson regarding honoring the new police station although there is some controversy surrounding it. However, she noted that the police station picture is not as pretty as the other pictures. Therefore, her selection is the Tramp House. Mr. Wider said he likes the picture of the Tramp House as it is historical and it represents a welcoming to Norfolk; it is simple and involves the community. He noted the Tramp House was recently renovated. Mr. Kalkut agreed he liked the closer picture of the Tramp House.

Report of Warrants

The following warrants have been signed:

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

- 4/21/2020 43V20 \$41,313.46
- 4/24/2020 21P20 and 21PS20 \$798,361.66
- 4/28/2020 44V20 \$702,461.10
- 4/28/2020 44VS20 \$44,914.69

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.

Approve Minutes

A motion was made by Ms. Van Tine that the Board approve the minutes of the March 17, 2020 regular meeting. It was seconded by Mr. Wider. A roll call vote was taken as follows: Mr. Wider – aye; Ms. Van Tine – aye; Mr. Kalkut – aye. All were in favor.

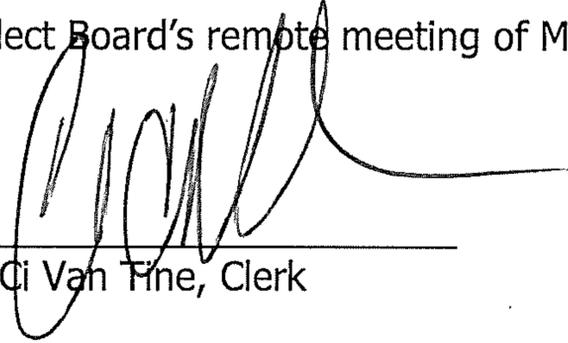
Public Comment

Ms. Medora Champagne, 2 Seneca Street, School Committee member, asked if it was the intention of the Select Board that if the budget shortfalls are not realized, the Select Board will reallocate those funds back to the schools or Town departments. Ms. Van Tine said she is mindful that the reduction in the budget is due to the pandemic; so, her opinion is yes. If the budget is reduced \$983,000 to hit where they are thinking the State will end up and it is approved at Town Meeting, and as a result the budget is reduce and then proven wrong as the State funds more than what was thought, then we should go back to the 1.54 percent increase. That is what seems fair and equitable. She stated that she is only supporting a reduction because of the anticipated reduction is State funds. If the Town gets those funds, the funds should be reinstated to where the money was before. Mr. Wider stated that he echoed what Ms. Van Tine said; it is only fair and equitable to restore what they can if the State can fund the budget again. Mr. Kalkut stated he agreed. Ms. Susan Klein thanked Ms. Van Tine for her comments. She asked if there is a way to revisit the health insurance retiree benefits to raise it up to 50 percent versus 35 percent as the item was discussed before knowing the current budget cuts. This would be \$120,000 more to the budget. If we are asking schools, police, and fire to make cuts, this may be a place to revisit. Mr. Kalkut said this will be taken under advisement and maybe put on the next agenda. Mr. David Rosenberg, 123 North Street, stated concern about Mr. Chipman's open meeting law complaint and read the procedure regarding how a complaint must be handled. Mr. Kalkut confirmed that the Select Board would prepare a written response.

At 9:56 p.m., a motion was made by Mr. Kalkut to adjourn the meeting. It was seconded by Mr. Wider. A roll call vote was taken as follows: Mr. Wider – aye; Ms. Van Tine – aye; Mr. Kalkut – aye. All were in favor.

The next meeting of the Norfolk Select Board is scheduled to be held remotely on Tuesday, May 19, 2020, at 7:00 p.m.

This is a true and accurate report of the Select Board's remote meeting of May 5, 2020.



Cici Van Tine, Clerk