Norfolk Select Board's Open Session Meeting Minutes
August 18, 2020

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

Members Present: Kevin Kalkut; CiCi Van Tine; Anita Mecklenburg. Members Not Present: None. Also Present: Blythe Robinson, Town Administrator; Judith Lizardi, Executive Assistant.

Mr. Kalkut called the Remote Access Zoom Virtual Meeting to order at 6:20 p.m.

Executive Session

A. Executive session under M.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

At 6:20 p.m. a motion was made by Mr. Kalkut to move that the Board enter into executive session under M.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 invite Town Counsel Peter Mello, Blythe Robinson and Judith Lizardi to participate. The motion was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

At 7:05 p.m., a motion was made by Mr. Kalkut that the Board vote to conclude the executive session for the purpose of entering into a second executive session. The motion was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

B. Executive Session under M.G.L. c.30A, §21(a)(7) to review and approve Executive Session Minutes

At 7:05 p.m. a motion was made by Mr. Kalkut to 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 motion was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

At 7:10 p.m. a motion was made by Mr. Kalkut to conclude the executive session and enter into open session for the purpose of conducting the open session portion of the meeting. The motion was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

At 7:16 p.m. the open session meeting commenced.

Chair Kalkut noted 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 August 18, 2020, 6:15 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.

COVID-19 Updates
Ms. Robinson stated Norfolk has had a total of 38 cases of COVID-19; there are no active cases. She stated the school districts have made plans for the opening of schools in the fall. Norfolk schools will open on September 16th with a hybrid approach; KP schools will begin with a remote approach and possibly reopen in-person learning later in the year. The schools are reviewing their reopening expenses to manage both FEMA and CARES funding requests.

Public Comment
Ms. Jen Wynn, 3 Hemlock Lane, stated support for the upcoming agenda discussion item regarding website posting of Select Board correspondence. She stated the Town should be fully transparent and all email correspondence received by the Select Board should be posted for citizens to view. She noted that this form of transparency already exists in the form of the Freedom of Information Act (FOIA). It is her understanding that many hours are spent by Town employees working to provide these emails under FOIA requests; it would be less costly to have the information posted.

Action Items
Please consider making appointments to various Town Boards & Committees
Ms. Robinson stated that there are several appointments recommended that the Board take up including: Community Preservation Committee (CPC), Tree Warden, and Municipal Hearing Officer. The CPC had not had a chance to meet when the Board took up appointments earlier this summer. Current chair Cyndi Andrade and member Peter Diamond would both like to be reappointed. With regard to Tree Warden, she recommended that DPW Director Blair Crane be appointed to this role. It was held by Mr. McGhee during his tenure, but had not been identified on a recent list as his last appointment was made in 2016, and it was not delineated in the DPW Director job description. Mr. Crane held this role in his position as DPW Director in Cheshire, and has the requisite training required. Included in the Select Board's meeting packet is an email from Mr. Crane about his training and experience. The Municipal Hearing Officer is a position mandated by the Massachusetts Fire Safety Act of 2004. Specifically, the Legislature enacted M.G.L. c. 148A which allowed for the issuance of citations for certain violations of the State Building and Fire Code by state and local code enforcement officers. In order to participate in the citation process, cities/towns must appoint a certified hearings officer. Citations written by local code enforcement officers, which are appealed, are heard before a municipal hearings officer. This hearings officer is appointed by their municipality to conduct such hearings. The role has been filled in recent years by Town Clerk Carol Greene; however, she does not wish to be reappointed. She noted that in the years Ms. Greene held this role, no hearings were required. Mr. Scott Bragdon recently completed the State training for the position and is willing to be appointed. She noted there is no compensation for these positions.

A motion was made by Mr. Kalkut that the Board vote to make the following appointments:

- Peter Diamond as the Select Board's at large appointment to the Community Preservation Committee for a three-year term ending June 30, 2023
- Cynthia Andrade as the Select Board's Precinct 3 appointment to the Community Preservation Committee for a three-year term ending June 30, 2023
- Blair Crane to the position of Tree Warden for a one-year term ending June 30, 2021
- Scott Bragdon to the position of Municipal Hearing Officer for a one-year term ending on June 30, 2021.

It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Please consider approval of the Board's goals and objectives for FY21

Ms. Robinson stated that at the July 14, 2020, meeting the Select Board discussed its goals and objectives for FY21. Included in the Select Board's meeting packet is an updated set of goals drafted by Chair Kalkut for the Board to consider, along with the spreadsheet that is used to identify progress on these and other projects throughout the year. She noted that it would be helpful for the Board to decide who would take point on these so that staff can work with each member to support moving these initiatives forward.

Mr. Kalkut confirmed Select Board members would let Ms. Robinson know who will be leading each initiative.

A motion was made by Mr. Kalkut that the Board adopt its goals and objectives for fiscal year 2021 as outlined in the packet. It was seconded by Ms. Mecklenburg. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Please consider approval of the Deputy Police Chief's Contract

Ms. Robinson stated that included in the Select Board's meeting packet is a renewal contract for Deputy Police Chief Jon Carroll. Mr. Carroll has been with the Town for about 35 years, and since 2013 has served as Deputy Chief during which he has had a contract with the Town. His contract was up for renewal in June; however, it was not brought before the Board as a myriad of other issues were being dealt with. This contract is proposed to be for just over two years which will coincide with Mr. Carroll's retirement when he turns 65 and cannot by law serve after that point. This contract is very similar to the ones the Town has had with him since becoming Deputy Chief. The total value of the contract in FY21 is $185,675 when the various benefits that are typical in police departments are calculated in. As the Town is in the midst of the compensation plan update for all Town employees, the consultant was asked for comparable salaries for this position. The assessment is that the base compensation is high at $143,000; however, when the Deputy Chief's long tenure is factored in that explains the difference. It is expected that when the position is recruited for in two years the base pay will be lower. She pointed out two changes from prior years. First, Mr. Carroll has agreed to the step increase of 2.5 percent that other non-union employees received this year instead of the contractual increase for the police union of 4 percent, and in the second year of the contract to receive no more than other non-union employees. Also, there is a new section G (General Provisions) that has not been in past contracts that is believed appropriate for an agreement such as this which has been added. Mr. Carroll has executed the contract already. She recommended approval of this contract.

Mr. Kalkut stated that he had the opportunity to meet with Police Chief Stone and Deputy Police Chief Carroll regarding a transition plan for the police department due to their future retirements. Ms.

Mecklenburg stated that although the salary numbers seem high, she does not want to disregard the history that Mr. Carroll has had with the Town. Ms. Van Tine confirmed the total value of the contract for FY21 which included the base pay and the various benefits that are typical in police departments calculated in. She confirmed there were no other benefits that were not mentioned. Ms. Robinson confirmed Mr. Carroll is not eligible for overtime or extra details. Ms. Van Tine confirmed the time-off schedule as listed in the proposed contract. She said the Town can decide to move from union to non-union when filling this position in the future. Ms. Robinson stated that when moving forward with new hires after the retirements, the Town will see a difference in the salary range for this job.

A motion was made by Mr. Kalkut that the Board ratify a contract with Jon Carroll as Deputy Police Chief effective July 1, 2020. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Please consider opening a warrant for a Special Town Meeting on November 17, 2020
Ms. Robinson stated that although it seems like the annual meeting was just concluded, it is not too soon to start planning the fall special town meeting. Included in the Select Board's meeting packet is a calendar of dates that would result in a meeting on Tuesday, November 17, 2020, which is the same week that the meeting was held last fall. For now, both the Middle School and KP High School have been reserved for the meeting. When the State passed changes in the law relative to municipal governance in June, they allowed for meetings to be held outside the geographic limits of the Town, so as the time gets closer the location can be determined.

Mr. Kalkut stated he does not see a downside to opening the fall special town meeting warrant.

A motion was made by Mr. Kalkut that the Board vote to open a warrant for a special town meeting to be held on November 17, 2020, and close the warrant for this meeting on September 17, 2020. It was seconded by Ms. Mecklenburg. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Please consider authorizing the Chair to amend a contract for SERSG Water & Sewer Chemicals to Borden & Remington Co., Fall River, for Fiscal Year 2021
Ms. Robinson stated that when the contract with this company for water and sewer chemicals was approved in May for FY21, it included a price for the purchase of potassium hydroxide which is being switched to for PH adjustment and corrosion control for water; however, the Town's conversion to it has not been completed. Until that point, the Town needs to continue to buy sodium hydroxide, which is why the contract with Borden & Remington needs to be amended to add this chemical. Borden & Remington was the low bidder for this item when it was bid out in the spring.

Ms. Van Tine asked if the chemical would be needed for the remainder of the year. Ms. Robinson stated it would be needed until the conversion is complete.

A motion was made by Mr. Kalkut that the Board vote to authorize the Chair to amend a contract for SERSG Water & Sewer Chemicals with Borden & Remington Co., Fall River, for Fiscal Year 2021 to include sodium hydroxide. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Please consider approval of a "Not a Through Street" Sign for Overlea Road

Ms. Robinson stated that included in the Select Board's meeting packet is an email from Overlea Road resident Ms. Gail Grivois requesting that several actions be taken regarding Overlea Road. Those include installation of a "no through street sign," installation of sign at the end of the street to identify Town Conservation Land, and improvements to the intersection of Overlea Road and Rockwood Road to improve sight distance at the intersection. Staff has reviewed these requests with DPW, the Police Department, and Conservation and recommends that the "no through street" sign be installed, and that some work be done to clear brush on the right side of Rockwood Road and Overlea Road to improve sight distances. The sign would cost about $150 which would come out of the DPW budget. Ms. Janet DeLonga, the Town's Conservation Agent, has reviewed the deed and plans for the conservation area at the end of the street. It is intended to be a turtle habitat; thus, the signs that were originally placed there were to tell people not to use it for recreation. She is working with DPW to have the missing sign replaced. With regard to the mirror that is requested, Ms. Robinson referenced why these are no longer installed in Town.

Mr. Kalkut noted that he lived on Overlea Road for five years before he moved; this action makes a lot of sense.

A motion was made by Mr. Kalkut that the Board vote to approve a "no through street" sign to be installed on Overlea Road. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Discussion Items

Please discuss website posting of board correspondence

Ms. Robinson stated that at a previous Select Board meeting, the Board discussed starting a process by which email correspondence received by the Select Board could be posted to the website. As the focus was put on reacting to the COVID pandemic, this item did not move forward. Following up with IT, a page on the Town's website can be created under the Select Board's page for correspondence. From that, subpages can be developed. It is suggested that they be by topic areas the Board determines such as "general," "land use," "finances," etc. A sample page has been created by IT which is included in the Select Board's meeting packet for the Board to discuss. If the Select Board likes this format, the topic areas and the mechanics of how the emails will be received and posted to the site will need to be determined.

Mr. Kalkut confirmed that the Select Board agreed at their March 25, 2020, meeting that this was the direction the Board wanted to move to allow the community to be aware of the types of questions and comments the Select Board receives. He stated that the hope is to open up a level of transparency and alleviate strain on the Records Access Officer. Since March 25th, some emails received by the Select Board have been reviewed with Town Counsel who discussed the implications about posting all emails regardless of subject; for example, some matters may be in litigation, and there are possible privacy issues in posting the name of the email sender. Ms. Wynn stated that it would be great if all emails could be posted, but she understands the concerns identified by Town Counsel. Mr. Kalkut stated that after review, five types of emails were identified. It was considered that if citizens knew their name was going to be posted with the email, it may deter some citizens from submitting a legitimate question or concern. Therefore, it was suggested that these first five emails would be posted with the sender's name redacted.

Ms. Mecklenburg stated that she likes transparency and indicated concern that if the emails are posted with anonymity for the sender, people may choose to send nasty or negative emails. As well, she

would like to protect people who have legitimate concerns and would not like their names identified. She does not want to make an initiative that would result in less, rather than more, citizen participation. She stated that overall, she supported Mr. Kalkut's position. Mr. Kalkut confirmed that Ms. Mecklenburg would like the email sender's first name posted with the email.

Ms. Van Tine stated that she agreed that some people can be emboldened by anonymity. However, on social media postings, some people put both their first and last names. She would like citizens to see the kinds of questions that people in the community have; this can be a place to read and gather information. She suggested identifying the sender's first name and last initial with each email posting, or ask the email sender if they would like their first name and last name identified with the email posting. She noted that if someone is relentlessly engaged in name calling, the Select Board should not be required to give them anonymity. As well, the type of person involved in name calling may be emboldened by their name being attached to the email. She stated that she does not like the idea of anonymity, but does not like the idea that people will feel outed for asking a question. She suggested beginning this initiative by including the email sender's first name and last initial with the posting, and in the future, ask the email sender if both their first and last names can be posted.

Mr. Kalkut summarized that the choice is between taking Town Counsel's advice and omit posting the email sender's name with the email, or post these five emails anonymously with a statement that in the future, for constructive comments, the email sender will be asked if they would like their name associated with the comment. If the nature of the correspondence is nasty and/or insulting, the email sender does not get the choice to have their name removed. He stated that when qualifying something as negative, it is based on the way or manner in which the information is communicated. This may reduce negative comments and reinforce positive messages. He confirmed that for the five emails noted tonight, those email senders will receive anonymity. He reiterated that the purpose of posting the emails to the Town website is so citizens can read what other people in the community have as questions, comments, and issues. Ms. Mecklenburg and Ms. Van Tine agreed.

Ms. Susan Jacobson, 46 Needham Street, stated that while she is mindful of the anonymous piece of this, she has been a target of emails that are inappropriate and not constructive; she thinks it is important for Town employees who are targets of these emails that the email sender be identified. She stated that she does not believe the public knows about the types of emails that have been received by Town employees and Select Board members. She agrees that identifying the names of the email senders could give fuel to the fire. However, this initiative shows support for the Select Board, Town Administrator, and Town employees who have been the target of these types of emails. Ms. Wynn said that anyone can submit a FOIA request. Therefore, to be fair, whatever a person can have access to via a FOIA request should be posted on the Town website. She stated that Town employees have quit regarding having to look for and provide emails in response to FOIA requests; if someone sends an email, it should be posted.

Ms. Mecklenburg suggested that since this is the first time that emails sent to Select Board members will be posted to the Town's website, the senders of these first five emails should be contacted to let them know this is the new policy. Ms. Van Tine agreed. Mr. Robinson suggested adding information to the What's New section of the Town's homepage to alert citizens to this new area for posting emails. Mr. Kalkut agreed. He confirmed that he would reach out to the senders of the first five emails to ask their preference for posting their names.

Town Administrator Updates

Ms. Robinson stated that the DPW Facebook page is active with postings of the Town's paving plans. Paving will start on Main Street on August 21st and is scheduled to wrap up on August 27th; citizens can review the detour routes. The bids on the Holbrook Street Well will be opened on Thursday. The MECC grant to add two new communities was received earlier this month. The $95,000 budgeted for the MECC this year will not need to be spent; therefore, the budget can be reduced or those funds can be reallocated at fall Special Town Meeting. She noted that at the September 1st Select Board meeting, she will bring forward some updates to Select Board policies. She stated that she has been working on the capital budget plan regarding Town needs in next five years and how to finance those actions; she will provide more details in September.

Report of Warrants

The following warrants have been signed:

- 06/30/2020 55VS20 $38,738.06 (KK)
- 06/30/2020 55V20 $207,142.44 (KK)
- 07/14/2020 02VS21 $88,044.07 (KK)
- 07/14/2020 02V21 $299,152.37 (KK)
- 07/17/2020 01P21 & 01PS21 $442,022.92 (KK)
- 05/12/2020 46PS20 $-3,095.20 (KK)
- 07/21/2020 03V21 $252,194.65 (KK)
- 07/28/2020 04VS21 $29,173.34 (KK)
- 07/28/2020 04V21 $3,088,735.05 (KK)
- 07/28/2020 LUMP20A $41,429.40 (KK)
- 07/31/2020 02LNG21 $98,096.60 (KK)
- 07/31/2020 02P21 & 02PS21 $486,279.57 (KK)
- 08/04/2020 05V21 $321,040.70 (KK)
- 08/11/2020 06VS21 $33,742.58 (KK)
- 08/11/2020 06V21 $1,265,251.47 (KK)

Given the large number of warrants at this meeting, Ms. Robinson reviewed that she checked with Finance as to whether or not the Board needs to individually read each one. Going forward, the advice is that the Select Board read a motion such as the one scripted below, and the list of warrants will be included in the minutes of the meeting.

A motion was made by Mr. Kalkut that the Board approve fifteen warrants for the period May 12, 2020 – August 12, 2020 as printed on the agenda for this meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Approve Minutes

Please consider approval of the minutes

There are two sets of minutes of recent meetings ready for approval by the Board.

A motion was made by Ms. Mecklenburg that the Board approve the regular meeting minutes of July 14 and August 4, 2020. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

Discussion commenced as to whether the next Select Board meeting should be held on August 31, 2020, or September 1, 2020. It was agreed to leave the next meeting scheduled for September 1, 2020.

At 8:32 p.m., a motion was made by Mr. Kalkut to adjourn the meeting. It was seconded by Ms. Van Tine. A roll call vote was taken as follows: Mr. Kalkut – aye; Ms. Van Tine – aye; Ms. Mecklenburg – aye. All were in favor.

The next meeting of the Norfolk Select Board is scheduled to be held remotely on Tuesday, September 1, 2020, at 7:00 p.m.

This is a true and accurate report of the Select Board's remote meeting of August 18, 2020.

Anita Mecklenburg, Clerk