# TOWN OF NORFOLK
## SELECT BOARD

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS

Blythe C. Robinson
Town Administrator

(508) 440-2855
(508) 541-3366 FAX

**In accordance with the provisions of M.G.L. Chapter 30A, Section 20, notice is hereby given that the Select Board will meet on Tuesday, February 4, 2020, at 6:00 p.m., in Meeting Room 124, One Liberty Lane, Norfolk, MA**

**Be advised this meeting will be audio and video taped.**
**Pledge of Allegiance**

1. **6:00 p.m. Call Meeting to Order**

**Executive Session**

A. **Executive Session under M.G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation regarding 144 Seekonk Street , insofar as an open meeting may have a detrimental effect on the litigation position of the public body.**
B. **Executive Session under M.G.L. c.30A, §21(a)(1) to discuss a bullying complaint against the Select Board**

**7:00 p.m. Return to Open Session**

2. **Public Comment**

**Action Items**

3. **Please consider ratifying the appointment of the Public Works Director as recommended by the Town Administrator**
4. **Please consider appointing a Tax Possession Custodian for the purpose of auctioning off Town-owned properties acquired through foreclosure**

**Discussion Items**

5. **Please discuss amendments to the Board's Public Comment Policy**

**Report of Warrants**

6. **The following warrants have been signed:**

   - **1/28/2020 31V20 $610,956.28 (CVT)**

7. **Public Comment**

**Any other unanticipated business that may come before the Board**

**ADJOURNMENT**

**Blythe C. Robinson, Town Administrator**

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Blythe C. Robinson
Town Administrator

(508) 440-2855
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January 30, 2020

MEMO TO: Select Board

From: Blythe C. Robinson, Town Administrator BCR

RE: **Agenda Background – February 4, 2020**

Below please find background material on each of the items on the agenda as well as draft motions that you can consider where action is required.

1. 6:00 pm. Call Meeting to Order

   Executive Session:
   A. Executive Session under M.G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation regarding 144 Seekonk Street , insofar as an open meeting may have a detrimental effect on the litigation position of the public body

   B. Executive Session under M.G.L. c.30A, §21(a)(1) to discuss a bullying complaint against the Select Board

   7:00 pm. Return to Open Session

2. Public Comment

3. Please consider ratifying the appointment of the Public Works Director as recommended by the Town Administrator

   We are in the process of completing our search for the ideal candidate for this position. We had a small but very strong pool of candidates, from which we've conducted a thorough process of interviews followed by meetings with several of our department heads. We are finalizing our discussions with the preferred candidate, and will forward you that information as soon as it is available. Our plan is to have him at the meeting on Tuesday night to meet the Board, and give you a chance to ask him questions and get to know him better.

   **MOVE** that the Board ratify the appointment of _____ as Director of Public Works as recommended by the Town Administrator.

4. Please consider appointing a Tax Possession Custodian for the purpose of auctioning off Town-owned properties acquired through foreclosure

One of the functions of the Town Treasurer is to pursue the collection of taxes for all properties in the Town. Norfolk has a strong collection rate of 98%, however that indicates that 2% of owners may not be current on their taxes. State law governs the process by which properties that are delinquent are entered first into tax title, and then if that process does not satisfy the obligation, the Town may foreclose on properties for non-payment of taxes. This is a lengthy Land Court process during which the tax payer receives multiple notifications. When Land Court issues judgement in favor of the municipality the property becomes Town owned. These properties are referred to as tax possession properties and the Town can proceed to sell them at public auction. This process is governed by Massachusetts G.L. Ch 60 sec 77b.

In order to commence this process we are required to appoint a Tax Possession Custodian. This appointment is often the Town Treasurer because they are the most knowledgeable about the process, history of the parcels and the collection responsibilities. The custodian in turn selects a tax title attorney and an auctioneer.

The Town of Norfolk has held two auctions in recent history. One was a multi-property auction in 2002 that generated in excess of $500.000. The second was held in 2012 and was a single property auction that brought $190,000 into the Town's general fund. Town officials worked collaboratively on both of these auctions with the municipal tax law firm of Coppola and Coppola and a municipal auction company The Zekos Group. The Town has utilized Coppola and Coppola as our tax title counsel for 40+ years and they are very well versed in this area of law. We have conducted research on auctioneers and plan to retain The Zekos Group. They have conducted auctions for many towns and come highly recommended by municipal officials. They also work well with our tax title counsel on such auctions, so we feel confident of their ability to service our needs.

he cost of the legal fees and auction services work will be borne by the successful bidders of the parcels sold so that the high bid price from each property comes directly to the Town. The auctioneer will conduct research on the properties and prepare a comprehensive marketing plan to maximize exposure and generate competition.

Various departments have previously reviewed the current properties and are in agreement in their recommendation that we proceed to prepare for a spring auction offering some of the current tax possession parcels. All the parcels are land with the exception of 4 Pine Rd. which is a single family house in disrepair.

The purpose of the auction is to:

1. Generated as much one time revenue as possible
2. Make certain the auction process is transparent
3. Restore properties to tax rolls
4. Remove liability from the Town
5. Eliminate neighborhood blight

**MOVE** that the Board vote as provided under MGL Chapter 60, Section 77B, to appoint Anne Marie Duggan Town Treasurer, as Tax Possession Custodian who shall have the care, custody, management and control of all property acquired by foreclosure, deed in-lieu of foreclosure or by treasurer's deed for unpaid taxes.

5. Please discuss amendments to the Board's Public Comment Policy

   At this week's meeting the board had a discussion about how to amend the public comment policy to facilitate public input and questions in a structure that improved the flow of the meeting. Attached are two separate tracked versions of the policy provided by Mr. Kalkut for the Board's review and continued discussion. Both have been sent to Town Counsel for their review as to any legal points that should be considered.

6. Please consider approval of the following warrants:

   **MOVE** that the Board approve the following warrant:

   - 1/28/2020 31V20 $610,956.28 (CVT)

7. Public Comment

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 60** COLLECTION OF LOCAL TAXES

**Section 77B** MANAGEMENT, SALE, OR LEASE BY MUNICIPALITIES; LAND ACQUIRED THROUGH FORECLOSURE OR UNDER SEC. 80; NOTICE

Section 77B. The mayor of any city or the selectmen of any town which holds property acquired by foreclosure of tax titles or acquired under section eighty may appoint a custodian who shall have the care, custody, management and control of all property heretofore or hereafter so acquired by said city or town. The custodian shall serve during the pleasure of the mayor or selectmen and shall receive as his compensation, if any, a sum fixed by the mayor or by the selectmen.

The custodian, acting on behalf of the city or town, may, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, sell at public auction any such property, first sending a notice thereof as herein provided to the owner of record immediately prior to the acquisition by the city or town of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale, and shall be sent by registered mail to the address of such owner as appearing upon the records of the assessors of the city or town, at least fourteen days before such sale. The custodian shall also, not

less than fourteen days before such appointed date, post a similar notice in two or more convenient and public places in the city or town. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder. The custodian may reject any and all bids at such sale or any adjournment thereof if in his opinion no bid is made which approximates the fair value of the property, and he may adjourn the sale from time to time for such periods as he deems expedient, giving notice thereof at the time and place appointed for the sale or for any adjournment thereof. After any such sale and upon payment by the purchaser to the city or town of the amount of a bid accepted by the custodian, the treasurer of said city or town shall, on its behalf, execute and deliver any instrument necessary to transfer the title of the city or town to any such property sold under this section. This section shall not be construed to prevent a city or town from disposing of such property under section three of chapter forty, or in any other manner authorized by law.

Any officer or board which executes a deed to convey property acquired by a city or town by foreclosure of a tax title or under section eighty, shall not execute such deed to any person unless such person has submitted to said board or officer a statement signed under the pains and penalties of perjury that neither he nor any person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; or is delinquent in the payment of real estate taxes to the city or town in which the property is being sold, or if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than

one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the board or officer granting the deed has received such statement.

If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties. Such assistants shall receive as compensation such amounts as may be approved by the mayor or by the selectmen.

| OBJ ID | TT/FC Acct # | ParcelId | Previous Owner | ouse | Street | FDate | Review |
|---|---|---|---|---|---|---|---|
| 9 | 150 | 19-62-43 | TOWN OF NORFOLK | 32 | BIRCH RD | 12/6/2005 | possible abutter interest |
| 10 | 19 | 22-78-1 | KERRIGAN ESTATES INC | 33 | CAMPBELL ST | 1/5/1999 | possible abutter interest |
| 11 | 94 | 23-76-51 | GBT REALTY TRUST | 11 | DAISY DR | 8/11/2000 | land locked -abutter interest - town line |
| 13 | 75 | 7-6-46 | LONGOBARDI JUDITH A | 1 | HANOVER ST | 10/29/1999 | possible to comine with 5 Hanover? |
| 14 | 76 | 7-6-45 | LONGOBARDI JUDITH A | 5 | HANOVER ST | 10/29/1999 | possible to comine with 1 Hanover? |
| 16 | 31 | 3-9-9 | SCHLUSEMEYER WILLIAM E | 28 | KINGSBURY RD | 1/11/1999 | possibly buildable |
| 18 | 142 | 4-11-19 | KALIL,JOSEPH G. | 65 | LELAND RD | 5/29/2003 | |
| 19 | 328 | 4-11-16 | ROBINSON PAUL N | 71 | LELAND RD | 1/29/2018 | possible abutter |
| 21 | 213 | 4-11-2 | GEDIGIAN GEORGE B | 101 | LELAND RD | 2/14/2007 | |
| 24 | 92 | 3-9-35 | TOWN OF NORFOLK | | MILLER ST | 3/6/2003 | possibly buildable |
| 29 | 229 | 12-62-103 | DEUTSHE BANK NATIONAL TRUST CO. | 4 | PINE RD | 12/30/2013 | house - Rich to check if front piece combined |
| 31 | 155 | 13-46-238 | ONALLAM REALTY TRUST | 37 | RIDGE RD | 11/18/2003 | possibly buildable |
| 32 | 17 | 4-27-2 | GIACOBBI,CHARLES J ET UX | | RIVER RD | 4/17/2002 | possibly buildable |
| 33 | 77 | 4-27-4 | CURRERI,JEROME A | | RIVER RD | 10/31/2000 | possibly buildable |
| 42 | 149 | 4-16-2 | COTA,MURIEL | | WOODWARD AVE | 3/6/2002 | helpful to finish road |
| | | | | | | | |
| 1 | 353 | 12-62-146 | VITELLO D CYNTHIA | 1 | BEAVERBROOK RD | 11/2/2016 | need more research |
| 2 | 358 | 12-62-147 | VITELLO JOSEPH J & | 3 | BEAVERBROOK RD | 3/21/2016 | need more research |
| 3 | 356 | 12-62-165 | VITELLO JOSEPH J & | 4 | BEAVERBROOK RD | 3/21/2016 | inland restricted wetlands |
| 4 | 354 | 12-62-148 | VITELLO D CYNTHIA | 5 | BEAVERBROOK RD | 11/2/2016 | need more research |
| 5 | 352 | 12-62-164 | VITELLO D CYNTHIA | 6 | BEAVERBROOK RD | 11/2/2016 | inland restricted wetlands |
| 6 | 357 | 12-62-149 | VITELLO JOSEPH J & | 7 | BEAVERBROOK RD | 3/21/2016 | need more research |
| 7 | 355 | 12-62-163 | VITELLO JOSEPH J & | 8 | BEAVERBROOK RD | 3/21/2016 | inland restricted wetlands |
| 8 | 351 | 12-62-162 | VITELLO D CYNTHIA | 10 | BEAVERBROOK RD | 11/2/2016 | inland restricted wetlands |
| 12 | 20 | 16-0-0 | LANE THOMAS P&MARY&ANN LYONS | | FRUIT ST | 10/31/2000 | needs research - not able to locate parcel |
| 15 | 220 | 17-55-25 | J & B TRUST | 6 | HEMLOCK LN | 2/4/2014 | Hold - more research needed buildable? |
| 22 | 183 | 7-2-2 | TOWN OF NORFOLK | | MAIN ST | 10/27/2005 | LAND LOCKED - NO ACCESS |
| 23 | 4 | 17-34-94 | IVERSON CONSTRUCTION CO INC | 12 | MASSACHUSETTS | 2/12/1997 | wet - possible abutter? |
| 25 | 22 | 12-62-86 | M D TRUST | | MIRROR LAKE AVE | 8/25/1998 | flood plane - non buidable DPW use?? |
| 26 | 23 | 12-64-2 | M D TRUST | | MIRROR LAKE AVE | 2/4/2000 | out fall of lake, water area, non buildable |
| 27 | 66 | 12-64-16 | M D TRUST | | MIRROR LAKE AVE | 6/21/1999 | MIRROR LAKE...the actual lake |
| 28 | 44 | 9-37-6 | BURNS,WILLIAM E | | MYRTLE ST | 1/16/1998 | wet, flood zone |
| 30 | 13 | 12-62-202 | DENTON ERNEST F & MABEL E | 11 | PINE RD | 11/10/1997 | inland restricted wetlands - FEMA |
| 34 | 151 | 5-26-1 | TOWN OF NORFOLK-CON | | RIVER RD | 8/21/2006 | CONSERVATION |
| 35 | 98 | 5-26-11 | JAROSIEWICZ ANTONE H | 94 | RIVER RD | 10/31/2000 | CONSERVATION |
| 36 | | 15-32-18 | LAPOINTE BRADFORD | 81 | ROCKWOOD RD | 8/20/2004 | inland restricted wetlands |
| 37 | 73 | 15-32-19 | LAPOINTE BRADFORD | 83 | ROCKWOOD RD | 8/20/2004 | inland restricted wetlands |
| 38 | 74 | 15-32-20 | LAPOINTE BRADFORD | 85 | ROCKWOOD RD | 5/11/2001 | inland restricted wetlands |
| 39 | 102 | 24-55-130 | S.J.D. REALTY TRUST | | SEEKONK ST | 6/19/2002 | OPEN SPACE Medfield? - JANET research |
| 40 | 273 | 18-69-1-2 | FRANKLIN WARE HOUSING & | 3 | SHIRE DR | 5/15/2019 | part of Ind park - drainage system & septic |
| 41 | 32 | 4/13/2010 | SCHLUSEMEYER WILLIAM E | | WALKER RD | 1/5/1999 | detention pond |

# NORFOLK PUBLIC COMMENT POLICY

**Purpose:**

To establish a policy of the Select Board (Board) with regard to those persons wishing to speak at meetings of the Board.

**Policy:**

The Board welcomes information, concerns, and opinions from those attending Board meetings that are related to matters within the Board's jurisdiction. The Board hereby adopts this policy: to provide members of the public a fair opportunity to speak; to ensure compliance with the *Open Meeting Law* and other legal obligations; and to facilitate the orderly conduct of the Board's meetings.

**Applicability:**

This policy applies to all persons wishing to speak at a Board meeting. The Board, at the chair's discretion, may provide the following opportunities to speak during the meeting: (i) at a "Citizen Speak" period generally scheduled at the beginning of a meeting; and (ii) ~~at designated periods for comment on topics identified on the Board's agenda~~at a Citizen Speak period generally scheduled at the conclusion of a meeting. The public is encouraged to comment during these designated periods as there will not be said opportunity outside of the designated Citizen Speak windows. The Board welcomes comments expressing any viewpoint related to the topics of any particular comment period upon matters within the Select Board scope of responsibility.

**Procedures:**

a. The Board will typically schedule time for a "Citizen Speak" comment period at or near the beginning of its meetings. "Citizen Speak" is a limited forum to comment on topics not otherwise listed on the Board's agenda and within the Board's jurisdiction or scope of responsibility. To ensure compliance with the *Open Meeting Law,* privacy laws, and other legal obligations, Board members will rarely engage with a speaker or with each other during "Citizen Speak" periods.

b. The Board may also provide time for public comment on topics identified on the Board's agenda. Comments during such periods are limited to those related to the specific topic under deliberation.

c. Persons wishing to provide comments to the Board shall first sign the sign-in sheet provided by the Board and identify themselves by

name and address prior to commenting. All speakers are encouraged to present their remarks in a respectful manner. Speakers must begin their remarks by stating their name, town or city of residence and affiliation.

d. All comments shall be addressed to or through the chair or acting chair of the Board.

e. Each comment period shall not exceed 15 minutes and each speaker shall not exceed three minutes, unless otherwise determined by the chair. Written comments longer than three (3) minutes may be presented to the Board before or after the meeting for the Board members' review and consideration at an appropriate time

f. Speakers who require reasonable accommodations on the basis of a speech-related disability or who require language interpretation services may be allotted a total of five (5) minutes to present their material. Speakers must notify the Select Board by telephone or email at least 48 hours in advance of the meeting if they wish to request an extension of time for one of these reasons

g. Public comment may concern items that are not on the Select Board's agenda but must fall within the scope of the Select Board's authority. Therefore, any comments must concern the operational goals, policies or budget of the Town of Norfolk, or the performance of the Town Administrator.

h. Speakers may offer such objective criticisms of the town operations and policies as concern them, but in public session the Board will not hear personal complaints of town hall employees nor against any member of the residents who do not fall under their jurisdiction. Under most circumstances, administrative channels are the proper means for disposition of legitimate complaints involving employees

~~f.~~i. Disruptive comments and conduct are not allowed. Disruptive comments and conduct include, but are not limited to: the use of profanity; threats or incitement to lawless conduct or statements intended to be personally defaming or libelous; vulgarity; comments or conduct that violate the law; comments outside of the dedicated topics for comment or beyond the scope of the Select Board authority. The Chair reserves the right to terminate speech which he/she determines to be not constitutionally protected and to terminate other comments or conduct that interfere with the orderly conduct of Board meetings.

The chair shall provide at least one verbal warning to a speaker if he or she makes a disruptive comment or engages in disruptive

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conduct. If, after at least one verbal warning, the speaker persists in making disruptive comments or engaging in disruptive conduct, the chair may end that person's privilege of address for that meeting.

**Definition:**

None

**Regulatory Statutory References**

Massachusetts G.L. c.30A, §20

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**Definition:**

None

**Regulatory Statutory References**

Massachusetts G.L. c.30A, §20

| | |
|---|---|
| $ | 4,446.35 |
| $ | 3,755.00 |
| $ | 10,783.66 |
| $ | 836.70 |
| $ | 2,521.04 |
| $ | 12,106.26 |
| $ | 33,544.27 |
| $ | 310,417.54 |
| $ | 6,849.46 |
| $ | 2,758.83 |
| $ | 3,745.65 |
| $ | 19,625.79 |
| $ | 1,961.28 |
| $ | 188,942.26 |
| $ | 2,021.59 |
| $ | 1,792.94 |
| $ | 4,847.66 |
| $ | 610,956.28 |

DATE: 01/28/2020 WARRANT: 31V20 AMOUNT: $ 610,956.28

TO THE TREASURER:

PAY TO EACH OF THE PERSONS NAMED IN THE ABOVE WARRANT, ACCOMPANYING SCHEDULES OF BILLS PAYABLE THE SUMS SET AGAINST THEIR RESPECTIVE NAMES, AMOUNTING IN THE AGGREGATE SHOWN ABOVE, AND CHARGE THE SAME TO THE APPROPRIATIONS OR ACCOUNT INDICATED.

APPROVED

FINANCE DIR TODD LINDMARK

SELECTMEN KEVIN KALKUT

SELECTMEN CHRISTOPHER WIDER

SELECTMEN CAROLYN C. VAN TINE

**********

SCHOOL BILLS

SCHOOL COMMITTEE
THOMAS DOYLE

SCHOOL COMMITTEE
PAUL COCHRAN

SCHOOL COMMITTEE
JENNIFER WYNN

SCHOOL COMMITTEE
MEDORA CHAMPAGNE

SCHOOL COMMITTEE
JEFFREY CURRY