



**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, December 17, 2019, at 7:00 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. 7:00 p.m. Call Meeting to Order**
- 2. Public Comment**

Action Items

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

Discussion Items

- 4. Please discuss parameters for the FY21 Town Operating Budget**
- 5. Please discuss funding for Norfolk's 150th Anniversary Parade**

Report of Warrants

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

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

Approve Minutes

- 7. Please consider approval of the minutes**
- 8. 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.**

Any other unanticipated business that may come before the Board

ADJOURNMENT

Blythe C. Robinson, Town Administrator



TOWN OF NORFOLK

SELECT BOARD

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS

Blythe C. Robinson
Town Administrator

(508) 440-2855
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December 12, 2019

MEMO TO: Select Board

From: Blythe C. Robinson, Town Administrator *BCR*

RE: **Agenda Background – December 17, 2019**

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. 7:00 pm. Call Meeting to Order
2. Public Comment
3. Please consider adopting the Attorney General's Regulations, 940 CMR 29.10 to permit remote participation in public meetings

As you know, at a recent meeting resident David Rosenberg asked the Board to consider adopting the Attorney General's regulation allowing remote participation at public meetings. We subsequently received an email from Town Government Study Committee member Kristen Balash requesting that the Board consider adoption of these regulations. Included in your 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 also on this topic for your review. These regulations must be adopted by the Chief Executive Officer which in our case is the Select Board, and would be applicable to all Town Boards and Committees until such time that the Select Board chose to vote to end the practice.

The regulations allow someone to participate in this fashion if physical attendance would be unreasonably difficult, and 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. The regulations also outline the minimum requirements.

I have spoken with our IT Director who notes that we have telephones in Rooms G-7, Room 124 and 204 which can be used for this purpose. We don't have video conferencing available but can look into what would be required and the cost to do so.

MOVE that the Board adopt the Attorney General's Regulations, 940 CMR 29.10 to permit remote participation in public meetings.

4. Please discuss parameters for the FY21 Town Operating Budget

Although we've just closed the books on the fall special town meeting, it isn't too soon to start discussing the FY21 budget process. Included in your packet is a spreadsheet prepared by Finance Director Todd Lindmark that shows the budget over the past five years, and the assumptions we are making at this point in the process about revenue and expenditure growth for FY21. At this point in the year, our forecast is that the Town could "afford" a budget increase of just over 3.0%. It is important to note that this forecast does not include any funds for capital projects, or any new initiatives that the Board might wish to pursue.

Our goal with this information is to begin a discussion with you about the budget for next year, and understand whether you will want to set parameters or have any specific items you'd like included in the budget. I would also suggest that once we've had this initial conversation, it would be important to share this information with both school departments so they can understand our fiscal situation as they begin the preparation of their budgets.

Mr. Lindmark and I are also giving a lot of thought to what additional information we might want to prepare to disseminate to residents during the budget season to help them better understand the requests, services provided, and impacts on the Town's overall financial picture. Any suggestions you have about this would be welcomed by us.

5. Please discuss funding for Norfolk's 150th Anniversary Parade

Mr. Paul Terrio will be at the meeting to continue discussions with the Board about a parade in celebration of the Town's anniversary. Mr. Terrio would like to better understand what type of event the Board would like to have so he can draft a plan and put some thought into a budget to achieve that result. Included in your packet is an email from him which outlines various items he would like to address.

6. Please consider approval of the following warrants:

MOVE that the Board approve the following warrants:

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

7. Please consider approval and release of regular and executive session minutes

In your packet are the regular meeting minutes of the meetings held on April 30, 2018 and November 21, 2019 which have been submitted to the clerk for review. Also included are a number of sets of executive session minutes that have previously been approved in executive session and are ready to be officially released.

MOVE that the Board approve the minutes of the April 30, 2018 and November 21, 2019 regular meetings.

MOVE that the Board approve and release the minutes of the September 18, 2018 set 2 of 2; October 2, 2018; March 19, 2019, executive session meetings.

MOVE that the Board 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; April 16, 2019.

8. 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.

There are a number of sets of minutes from executive sessions that require approval, as well as eventual release when the matters contained are "closed". We realize that a majority of the current board was not seated when these matters came up, however they still need approval, so we would appreciate your action on these items. Please also note that we are taking these up in executive session so that the minutes of the meetings will remain protected until the board determines that the matters are closed. When we take up executive session minutes in the future that are ready for release, the board would go back into open session to do so.

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.

BOARD – the Chair polls the board individually and they vote "aye" that they agree to go into executive session.

MOVE that the Board approve the followings sets of Executive Session Minutes:

- March 5, 2019
- April 2, 2019
- September 17, 2019
- November 5, 2019

At the conclusion of this executive session:

MOVE that the Board vote to conclude the executive session and enter into open session for the purpose of adjourning the meeting.

- in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
- in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164; or
- in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
- when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Remote Participation

May a member of a public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

Note that the Attorney General's regulations enable members of public bodies to participate remotely if the practice has been properly adopted, but do not require that a public body permit members of the public to participate remotely. If a public body chooses to allow individuals who are not members of the public body to participate remotely in a meeting, it may do so without following the Open Meeting Law's remote participation procedures.

How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization applies to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation and may decide to fund the practice only

for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

Note about Local Commissions on Disability: Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. G.L. c. 30A, § 20(e). Adoption by the municipal adopting authority is not required.

What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely only if physical attendance would be unreasonably difficult.

What are the acceptable means of remote participation?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Note that accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

1. A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
2. Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
3. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely; such information must also be recorded in the meeting minutes. The chair's statement does not need to contain any detail about the reason for the member's remote participation.

Members of public bodies who participate remotely may vote and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions but must state at the start of any such session that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair (or, in the chair's absence, person chairing the meeting) may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

Public Participation

What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual may not disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If, after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting. If the person does not leave, the chair may authorize a constable or other officer to remove the person. Although public participation is entirely within the chair's discretion, the Attorney General encourages public bodies to allow as much public participation as time permits.

Any member of the public may make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting. If someone arrives after the meeting has begun and wishes to record a meeting, that person should attempt to notify the chair prior to beginning recording, ideally in a manner that does not significantly disrupt the meeting in progress (such as passing a note for the chair to the board administrator or secretary). The chair should endeavor to acknowledge such attempts at notification and announce the fact of any recording to those in attendance.

29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, §§ 18 through 25 pursuant to M.G.L. c. 30A, § 23(f).

29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating 940 CMR 29.10, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of M.G.L. c. 30A, §§ 18 through 25, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, § 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(g) Local Commissions on Disability. In accordance with M.G.L. c. 30A, § 20(e), a local commission on disability may, by majority vote of the commissioners at a regular meeting, authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other as required by M.G.L. c. 30A, § 20(d);

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location as required by M.G.L. c. 30A, § 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

29.10: continued

- (5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting in accordance with the procedures described in 940 CMR 29.10(7) only if physical attendance would be unreasonably difficult.
- (6) Technology.
- (a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.
 - 1. telephone, internet, or satellite enabled audio or video conferencing;
 - 2. any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
 - (b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
 - (c) The public body shall determine which of the acceptable methods may be used by its members.
 - (d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged wherever possible to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.
 - (e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).
- (7) Procedures for Remote Participation.
- (a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
 - (b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.
 - (c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
 - (d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.
 - (e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.
- (8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.
- (9) Remedy for Violation. If the Attorney General determines after investigation that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

29.11: Meeting Minutes

(1) A public body shall create and maintain accurate minutes of all meetings including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes in accordance with M.G.L. c. 30A, § 22(a).

(2) Minutes of all open and executive sessions shall be created and approved in a timely manner. A “timely manner” will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages public bodies to approve minutes at the next meeting whenever possible.

REGULATORY AUTHORITY

940 CMR 29.00: M.G.L. c. 30A, § 25(a) and (b).



Town of Norfolk

Blythe Robinson <brobenson@norfolk.ma.us>

Re: Remote Participation under the Open Meeting Law

1 message

Kristen (Vining) Balash <vines1510@yahoo.com>

Wed, Nov 6, 2019 at 4:52 PM

Reply-To: "Kristen (Vining) Balash" <vines1510@yahoo.com>

To: Kevin Kalkut <kkalkut@norfolk.ma.us>, CiCi Van Tine <cvantine@norfolk.ma.us>, Chris Wider <cwider@norfolk.ma.us>, Blythe Robinson <brobenson@norfolk.ma.us>, David M Rosenberg <Rosenberg@acm.org>

Cc: Nancy Langlois <nlanglois@norfolk.ma.us>, Judith Lizardi <jlizardi@norfolk.ma.us>,"kmbalash@gmail.com" <kmbalash@gmail.com>

Thanks all for considering this at some point in the future when things are not so hectic.

David and I ran into each other on the commuter rail recently and I was recounting how I had to miss a committee meeting when my partner was traveling for work. My kids would be asleep for most of the meeting but I obviously had to stay at my house. That led us to the conversation about what the current rules were and the many scenarios in which it could be beneficial to allow remote participation.

I certainly think there are some safeguards in place to avoid any potential abuse, including requiring a quorum still to be in person. I think this also opens participation up to people who may otherwise be worried they can't - people who work far from Norfolk or who have jobs with travel, people with chronic illnesses, etc. I'm also certain there could be other requirements put in place where the board or committee chair could have some discretion or set "norms" for those participating remotely.

For boards that are small (such as the Select Board), this also may allow work to be continue even if only two of you can be in person (which meets the quorum requirement) and the third member can join via phone or videoconference.

Respectfully yours,
Kristen Balash (resident)

On Tuesday, November 5, 2019, 05:52:32 PM EST, David M Rosenberg <rosenberg@acm.org> wrote:

I hope that at some future meeting (after Town Meeting is over) the Select Board will consider adopting Remote Participation under the Open Meeting Law. To advance such a discussion, I'm providing the notes I used when I brought this up at the 29-Oct-2019 Select Board meeting and some excerpts from the relevant regulations in 940 CMR 29.10.

/David Rosenberg

1. Mid-day or early evening meetings when a member who works out of town couldn't get back to Norfolk for the meeting, but could participate from their work site.

2. Having young children and no one else to care for them (no other parent or babysitter available). Having the member participate remotely would be preferable to

- a. bringing the children to the meeting
- b. leaving the children home alone
- c. the member missing the meeting

Remote participation from home with sleeping children would be relatively easy.

3. Being sick and

- a. Not wanting to risk the possibility of infecting other members
- b. Not being well enough to leave home

4. A physical injury (e.g., a broken leg) that precludes driving or walking
5. Being out of state (on business or vacation) but still wanting to participate in the meeting

Relevant regulations

940 CMR 29.xx are the Attorney General's regulations for Open Meetings. They are at <https://www.mass.gov/files/documents/2017/09/25/New%20OML%20Regulations%20%28Clean%20version%29.pdf>

All of 940 CMR 29.10 deals with Remote Participation under the Open Meeting Law.

The preamble includes the statement "By promulgating 940 CMR 29.10, the Attorney General hopes to promote greater participation in government."

The following section deals with Adoption of Remote Participation for Local Public Bodies.

29.10(2)(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

Here are a few other points of interest

29.10(4) Minimum Requirements for Remote Participation.

29.10(4)(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

29.10(4)(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);

29.10(4)(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

29.10(5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

TOWN OF NORFOLK

General Revenue						
<u>SOURCES</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY21</u>
Real Estate Taxes (Non Excluded)	\$25,425,434	\$26,771,996	\$28,081,425	\$29,249,788	\$30,715,818	\$32,041,006
New Growth	\$690,537	\$572,686	\$510,729	\$672,509	\$582,661	\$600,000
State Aid	\$3,998,676	\$4,060,597	\$4,146,374	\$4,260,792	\$4,279,080	\$4,364,662
Local Receipts	\$3,383,941	\$3,469,941	\$3,659,500	\$3,772,000	\$4,041,000	\$4,111,718
Non Recurring Revenues - Free Cash	\$481,884	\$475,505	\$325,000	\$405,000	\$233,197	\$233,197
Total Available (Non Excluded)	\$33,980,472	\$35,350,725	\$36,723,028	\$38,360,089	\$39,851,756	\$41,350,582
<u>USES - Fixed Costs</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>
Debt Service (Non Excluded)	\$545,402	\$695,082	\$694,374	\$640,429	\$512,935	\$650,000
Health Insurance	\$2,115,235	\$2,225,342	\$2,321,000	\$2,402,235	\$2,354,190	\$2,471,900
Norfolk County Retirement	\$1,645,469	\$1,810,010	\$1,941,855	\$2,063,494	\$2,210,845	\$2,376,658
Medicare	\$188,000	\$210,000	\$215,000	\$225,000	\$230,000	\$247,250
Other Employee Benefits - Unemp	\$146,000	\$149,000	\$155,000	\$157,000	\$158,000	\$165,900
Building Liability	\$325,000	\$350,000	\$350,000	\$360,000	\$375,000	\$393,750
Tri-County	\$633,187	\$530,374	\$466,841	\$454,072	\$360,053	\$371,107
Norfolk Agricultural School	\$20,548	\$21,571	\$19,610	\$20,394	\$21,500	\$22,160
Transfer Station Expenses	\$389,941	\$395,333	\$387,946	\$403,229	\$419,618	\$428,010
Reserve Fund	\$50,000	\$50,000	\$75,000	\$50,000	\$50,000	\$50,000
Shared Services (Fuel, St. Lights, Landfill, Snow)	\$406,073	\$434,423	\$440,522	\$442,957	\$440,957	\$449,776
Total	\$6,464,856	\$6,871,136	\$7,067,149	\$7,218,811	\$7,133,099	\$7,626,511
<u>USES - Discretionary Costs</u>	<u>FY16</u>	<u>FY17</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>
Norfolk Elementary	\$10,876,598	\$11,310,977	\$11,831,222	\$12,263,361	\$12,753,837	\$13,145,380
General Government	\$1,942,298	\$2,110,419	\$2,083,668	\$2,261,261	\$2,279,408	\$2,349,386
{Facilities Maintenance}	\$578,759	\$563,306	\$595,822	\$863,426	\$1,058,663	\$1,091,164
Public Safety	\$4,575,813	\$4,795,561	\$4,943,336	\$5,233,809	\$5,542,854	\$5,713,020
Public Works - Operations	\$1,197,878	\$1,268,950	\$1,268,203	\$1,273,684	\$1,395,266	\$1,438,101
King Philip Operating Budget & Turf	\$7,709,800	\$7,843,581	\$8,263,166	\$8,624,390	\$8,917,860	\$9,191,638
Culture and Recreation	\$664,285	\$671,741	\$699,568	\$730,070	\$770,769	\$794,432
Total	\$27,545,431	\$28,564,535	\$29,684,985	\$31,250,002	\$32,718,657	\$33,723,119

Assumptions

Revenue (Sources) - Real Estate

FY 20 Levy Limit	31,381,469
New Growth	600,000
Prop 2.5	2.50%

Abatements	125,000
------------	---------

State Aid Increase	2.00%
Local Aid Increase	1.75%
Non Recurring	0.00%

Expenses (Uses)

5.00%		
7.50%		
7.50%	School Increase	3.07%
5.00%	Town Increase	3.07%
5.00%		

Total Non-Excluded Expense Budget
Surplus / (Shortage)

\$0

\$951



Town of Norfolk

Todd Lindmark <tlindmark@norfolk.ma.us>

Re: Select Board

1 message

Paul Terrio <phterio@gmail.com>

Thu, Dec 5, 2019 at 9:08 AM

To: Todd Lindmark <tlindmark@norfolk.ma.us>

Cc: Judith Lizardi <jlizardi@norfolk.ma.us>

Hi Todd

Lets go with this agenda that I sent to Blythe.

1. Lets do the same and make us an official committee
2. Route is still up in the Air. Chief Stone wants it to go down Boardman from HOD school to FK. I dont want to argue it out with him but I do not like that route. A parade should go down main street. Maybe we leave HOD hit main all the way to Town Hall its only a half a mile. But I think it needs to be discussed and agreed upon for a successful event.
3. Lets set up a link on the homepage if possible to accept outside donations.
4. Lets figure out how to announce it to the town and finalize the date.
5. Please ask them what they want. The Selectboard is steering the boat and they need to kind of sketch it out. This is not my celebration, its the towns. There should be a lot of internal input and support.

I have started reaching out to some groups and people that can contribute assets. I can report some of the details.

You can put me on with Betsy Pine. Its a good segway

On Wed, Dec 4, 2019 at 1:30 PM Todd Lindmark <tlindmark@norfolk.ma.us> wrote:

Paul,

I wanted to reach out to you to see if you had some additional information you would like to include with the Select board regarding the parade and what you would like to discuss or have them review. Thanks in advance.

Best Regards,

Todd Lindmark

Finance Director
Town of Norfolk, MA
One Liberty Lane
Norfolk, MA 02056

ph: 508-528-5686

fx: 508-528-3071

Fire Holiday		012201 511000		
Fire Monthly		012201 511000	1,173.75	57,738.06
Fire/Details		7421 511000	0.00	
Fire-SAFE Grant		2451 511000		
Fire-Uniform Cln		012202 578110		
Fire-EMT Training		012201 511000		
Fire Preven Gift		2260 511000		
Fire Assistance		2459 578000		
FIRE FEMA		2460 578000		
FIRE-NIMS Grant		2465 578000		
Building		012411 511000	12,140.60	
Chapt 43D Grant		2435 578000		
Facilities Salary		011921 511000	4,759.20	4,759.20
Police Construction		3117 511000		
Fire Station Remodel		3117 511300	0.00	
Animal Con		012921 511000	2,653.28	
Animal Inspector		012961 511000		
Dispatch		012251 511000		
Dispatch OT		012251 511000		
Dispatch Training		012251 511000		
Dispatch FLSA		012251 511000		
Dis Clean Allow		012252 578110	0.00	
Dis 911 Grant		2466 511000		
DPW/Highway		014201 511000	10,905.84	
DPW/ TS		014331 511000	9,268.86	
DPW/Grounds		014221 511000	8,863.80	
DPW/Cemetary		014911 511000	368.82	
DPW Snow & Ice		014232 511000	0.00	
Water		60002 511000	10,870.22	
DPW Admin		014101 511000	8,215.16	
DPW/Vehicle Maint		014251 511000	4,401.92	
Waste Water Treatment		50002 511000	296.66	53,191.28
Cust Vet Grav		014921 511000		
COA		015411 511000	6,199.38	
COA Part Time(MW)		015411 511500		6,199.38
COA/Elder		015412 578002	0.00	
Sr. Tax--Overlay Acct		0100 123016	7,661.00	
COA/Edler Grant		2422 511000		
Vet Agent		015431 511000		
Library		016101 511000	16,855.61	
Lib Grant ECRC		2411 511000		
Lib. Mother Goose		2405 511000		
Rec		016301 511000	4,656.80	
REC/Rev		2151 511000	1,789.94	6,446.74
Rec-Field Maint		2102 511000		
Wetland Protec		2074 5781000		
CPA		2150 511000		
Affordable Housing		7120 511000	2,800.00	
CPA Enc		21506 578000		
Town Total				325,293.98
Café Longevity		82203400 515000		
School Payroll		91210100 511340	458,731.35	
94-142				
Early Childhood				
SACC Longevity		82603520 511495		
Use of Facilities				
Other Dept. Longevity		019122 515003		
Adj levy 12/6/19		19412.576	22.20	
		Total	784,047.53	
Town Medicare - Town		019122-515006	4,111.80	
Town Medicare - School		019122-515006	6,078.35	
		Grand Total	794,237.68	

Payroll Warrant

TO THE TREASURER:

4.00 12/6/2019

PAY TO EACH OF THE PERSONS NAMES IN THE ABOVE WARRANT, ACCOMPANYING

11PS20

\$ 794,237.68

AND CHARGE THE SAME TO THE APPROPRIATIONS OR ACCOUNT INDICATED.

APPROVED

12/10/2019 13:56
9730rrov

Town of Norfolk - LIVE
PRELIMINARY ACCOUNTS PAYABLE WARRANT REPORT

P 1
apwarnt

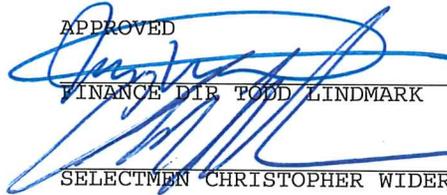
\$	4,332.13
\$	6,976.86
\$	121,720.20
\$	18,777.22
\$	1,855.49
\$	44,079.03
\$	876.89
\$	1,294.10
\$	371.76
\$	630.00
\$	1,707.13
\$	505.73
\$	22,807.19
\$	2,890.13
\$	2,439.76
\$	7,690.30
\$	6,468.21
\$	7,549.97
\$	252,972.10

DATE: 12/10/2019 WARRANT: 24V20 AMOUNT: \$ 252,972.10

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

12/10/2019 12:17
9730rrov

|Town of Norfolk - LIVE
|PRELIMINARY ACCOUNTS PAYABLE WARRANT REPORT

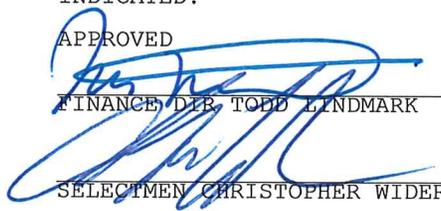
|P 1
|apwarrnt

DATE: 12/10/2019 WARRANT: 24VSA20 AMOUNT: \$ 2,367.50

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

REGULAR SESSION MEETING MINUTES FOR APPROVAL

Norfolk Select Board's Open Session Meeting Minutes
April 30, 2018

DRAFT

Present: Jim Lehan; Jack Hathaway

The meeting was held at the Norfolk Public Library

Question and Answer session for residents on the Upcoming Town Warrant

The meeting was opened by Town Moderator, Jay Talerman, and Town Administrator, Jack Hathaway, at 7:00 PM. The Town Administrator presented the Warrant and opened the floor to residents for questions. There were no deliberations, no discussion among the members, and no votes taken.

The meeting adjourned at 9:00 PM.

This is a true and accurate report of the Select Board's Meeting of April 30, 2018.

Kevin Kalkut

DRAFT

**Norfolk Select Board's Open Session Meeting Minutes
November 21, 2019**

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

The meeting was held in Room 124, Town Hall. Mr. Kalkut called the meeting to order at 4:00 p.m. Mr. Kalkut announced this meeting is being both video and audio taped. All present recited the Pledge of Allegiance.

Ms. Robinson reviewed the agenda.

Public Comment
None.

PUBLIC HEARING

Please consider and vote the Use Classification of all properties in the Town for purposes in fiscal year 2020.

Ms. Robinson stated that a step in the process of setting the Town's tax rate is to have a public hearing at which the Select Board's role is to determine whether to have a single tax rate for all classifications of property or to split the rate among classifications. She stated that Chief Assessor Don Clarke will provide a presentation on this topic. A draft copy of the tax recapitulation (recap) sheet has been provided to the Select Board members. The purpose of this document is to identify the revenues and expenditures that lead to the tax rate which is proposed to be \$18.64 for FY20. This is an increase of 35 cents from FY19, mostly due to borrowing. Finance Director Todd Lindmark is present at the meeting to answer any questions. Once the Board decides on the tax classifications, the recap sheet is submitted to the State so they can approve the tax rate.

Mr. Clarke introduced Assistant Assessor Kris Minshall. He narrated a slideshow presentation. He stated the focus of today's hearing is to decide whether to continue with a single tax rate or go to a split tax rate, and whether or not to consider offering any exemptions. The Town of Norfolk currently has 93.05 percent residential, 4.86 percent commercial/industrial, and 2.09 percent personal property. Historically, any town over 90 percent residential will elect to stay with a single tax rate. Splitting the tax rate will put a heavier burden on the commercial property in town with minimal relief to residential properties due to these percentages. He noted the majority of the personal property taxes that are paid within the town are paid by the commercial and industrial properties. Therefore, a shift would have an even bigger impact on local businesses, which in turn could influence some commercial/industrial businesses to leave Norfolk. He stated there are over 4,000 properties in town with hundreds of distinct components that make up the assessed value. In order to keep this data as fresh and accurate as possible, the Assessor's Office has reviewed 170 arm's length sales from 2018 and has compiled and

evaluated income and expense information along with the Form of List for commercial properties. He stated Massachusetts statutes requires assessors to assess all property at its full and fair cash value as of January 1st each year. Full property revaluation, also known as certification, is completed every five years. The next full property revaluation for Norfolk is FY21. Interim year adjustments are yearly adjustments from the market sales analysis during non-certification years. He stated the tax rate comes from total taxable real estate and personal property, Town Meeting appropriations, State aid, Town revenues, expenditures, new growth, debt exclusion and overrides. He discussed that new growth is assessed by tracking all new construction, additions, and subdivisions throughout the town. This past year there were over 250 permits requiring a visit from the Assessor's Office to evaluate the work that had been done and determine if this was assessable growth by the Department of Revenue's regulations.

Mr. Clarke stated people like to look ahead to the future and base their analysis on the past. However, to estimate what the tax rate or the amount of growth would be based on prior years' growth is really a guess. He noted the process has many variables, and he believes using \$550,000 for FY21 is a good place to start. He stated he bases this estimated amount on the construction, strong values, and low interest rates, but noted the market seems to be slowing and there is not as much construction going forward as in past years. However, this number can be used to estimate spending for next year; the spending would have to be adjusted accordingly after growth was approved by the Department of Revenue. He discussed the FY20 Tax Levy that the Town will have to raise in property taxes. This number comes from total Town budget minus the total estimated receipts. He reviewed FY20 valuations by class and stated that residential has 93 percent of the total value of the Town making it nearly impossible to go to a split rate. The ideal situation would be 15 to 20 percent commercial/industrial before considering a split tax rate. He discussed the impact of splitting the tax rate and noted there is a very small benefit to residential properties because of the lack of commercial/industrial in town.

Mr. Clarke discussed there are three possible exemptions for the Select Board to consider. The first possible exemption is Open-Space. Only 1 out of 351 towns have elected this exemption. This is a shift up to 25 percent that can be adopted by a vote from the Select Board for all property that is classified as Open Space. This exemption would only apply to seven properties in town which did not apply for Chapter 61 programs. They either did not meet the acreage minimum or did not elect to enter as they did not want to abide by the Chapter 61 guidelines. There are currently 36 properties accepted in the Chapter 61 programs which all receive a tax break on any of the land they have put in the program. Therefore, if this exemption was adopted, only a very small number of properties would benefit. The second possible exemption is a Small Commercial Exemption. Only 15 of 351 towns have elected this exemption as it is very difficult to track and follow as the benefit goes to the property owner, not the tenant. The third possible exemption is a Residential Exemption. Only 16 of 351 towns have elected this exemption as it is mainly for towns that have a large number of second homes, rental properties, or vacation homes. The Residential Exemption can only apply to properties that are owner occupied and considered the primary residence. Therefore, that shifts the exempted tax burden to the

residential properties that are not primary owner-occupied residences. He reviewed the historic tax rates for Norfolk and stated the tax rate is the Town's tax levy divided by the Town's total assessed value; fluctuations in the tax rate are due to either the values increasing or decreasing or the Town's budget increasing or decreasing.

Mr. Clarke stated the Board of Assessors recommendation to the Select Board is: 1. Vote to adopt a Single Tax Rate; 2. Vote not to adopt the Open Space Discount; 3. Vote not to adopt the Residential Exemption; and 4. Vote not to adopt the Small Commercial Exemption.

Mr. Clarke stated that contrary to one school of thought, neither the Select Board nor the Assessor's Office can raise or lower the tax rate. Spending is determined by the voting public through Town Meeting. It is the participation of the townspeople at Town Meeting that determines the level of services desired, directly affecting the tax rate. The actual Levy divided by the Total Assessed Value of the Town multiplied by 1,000 is what determines the Tax Rate.

Mr. Wider asked if the assessment of all residential properties is up to date. He noted that 1900 seems to be a common date listed on the assessment record of some homes. Mr. Clarke stated the Town reviews and inspects properties. Regarding the data, he requested that if any errors are found, they be brought to the attention of the Assessor's Office. Ms. Deborah Robbins, Chair, Board of Assessors, stated when the Town first put assessment data into the computer, if the exact date of construction was not known, but the construction was known to be old, they used 1900 as the date.

Mr. Wider asked if there is an exemption for seniors on property taxes. Ms. Minshall stated there is currently a 41C-Elderly exemption based on income and assets and a 17D-Person over 70 exemption based on assets. She noted there are also exemptions for the blind and for disabled veterans. She stated numerous residents apply for these exemptions; she keeps a spreadsheet listing residents who have had such exemptions in the past and mails reminders to them. Exemption information is available on the Assessor's Department webpage. Ms. Robbins noted that the State has income and asset requirements for exemptions. Ms. Minshall reviewed that the income requirements increase slightly every year. Currently, the income requirements are approximately \$24,000 for a single person and \$37,000 for a married couple. This amount is determined by a HUD formula that changes every year. She reviewed the asset requirements and stated they can be adjusted at Town Meeting. She noted that the Town can vote to add cost of living (COLA). She explained the program is an income and asset based exemption and is not available just because a person is a senior.

Mr. Wider stated that in 2020, the Town should see three 40B affordable housing developments ramp up. He asked if those projects were included in the new growth. Mr. Clarke said he used \$550,000 as a safe benchmark. He does not want to overstate the amount of new growth and then have to retract the number. He stated it would depend on how construction proceeds and how many of the 40Bs get finished. If they all get

completed, the Town could get a lot of growth. Ms. Robinson stated this is a conversation that has been started internally; they do not want to overstate the amount of new growth and then pass a budget which will have to be reduced in the fall. Mr. Wider asked if the rental income the Town receives from the Metacomet Emergency Communications Center is shown. Ms. Robinson said \$86,000 is shown for the MECC. Mr. Lindmark stated they had budgeted \$0 for 2019 because the leases for the MECC were not in place; the leases came through mid-year. They are now budgeting \$86,000 for this year for budget revenues.

A motion was made by Mr. Kalkut to adopt a single tax rate for Fiscal Year 2020, and further not to adopt an open space discount, residential exemption or small commercial exemption. It was seconded by Ms. Van Tine, and so voted. All were in favor.

ACTION ITEMS

Please consider approval of the Annual Santa Parade on December 8, 2019.

Ms. Robinson stated this is a request for permission to hold the annual Santa Parade on December 8, 2019. The parade route has not changed from previous years, and Police, Fire, and Public Works departments have brought forth no concerns. She recommended approval. She noted the organizers would like to know the involvement the Select Board members would like to have in the event.

A motion was made by Mr. Kalkut to approve the use of Town streets to hold the annual Santa Parade on Sunday, December 8, 2019. It was seconded by Ms. Van Tine, and so voted. All were in favor.

Please consider approval of the following warrants:

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

- 11/05/2019 19V20 \$114,904.17
- 11/05/2019 19VSA20 \$1,370.00

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

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

- 11/08/2019 09P20 & 09PS20 \$815,352.35
- 11/12/2019 20V20 \$231,331.29

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

Please consider approval of the minutes

A motion was made by Ms. Van Tine to approve the October 15, 2019 and the October 28, 2019 open session meeting minutes. It was seconded by Mr. Kalkut.

Discussion: Mr. Wider requested three wording revisions be made to the October 15, 2019 meeting minutes. Ms. Robinson stated the changes would be made. Mr. Kalkut stated his second is with the adjustments as noted, and so voted. All were in favor.

Mr. Kalkut thanked everyone who had a part in the Fall Special Town Meeting. He thanked those from the community who attended and noted there were over 180 participants.

Mr. Wider stated that there are no lights on the Police Station sign on Rt. 1A at Sharon Avenue making it difficult after dusk to know where to go to find the Police Station. Ms. Robinson stated she appreciates the input.

At 4:34 p.m. a motion was made by Mr. Kalkut to adjourn the meeting. It was seconded by Ms. Van Tine, and so voted. All were in favor.

The next meeting of the Select Board will be held in Room G-07, Town Hall, on Tuesday, December 10, 2019 at 7:00 p.m.

This is a true and accurate report of the Select Board's Meeting of November 21, 2019.

CiCi Van Tine, Clerk

EXECUTIVE SESSION MEETING MINUTES FOR APPROVAL AND RELEASE

DRAFT

Norfolk Select Board's Executive Session Meeting Minutes

September 18, 2018 (second Executive Session scheduled for this meeting date)

Present was: Jim Lehan, Jack Hathaway, Town Administrator, Jeff Palumbo, Kevin Kalkut, Susan Jacobson, Executive Assistant, and David DeLuca, Town Counsel.

The meeting was held at the Norfolk Town Hall, Room 124.

Town Administrator Contract

Although it was indicated as an executive session agenda item, there were no deliberations, no discussion among the members, and no votes taken during an Executive Session regarding this item. This item was discussed during Open Session at both the October 2, 2018 and October 17, 2018 Select Board meetings.

The meeting adjourned at 8:30 PM.

This is a true and accurate report of the Select Board's Meeting of September 18, 2018.

Kevin Kalkut

DRAFT

Board of Selectmen Executive Session Minutes:

October 2, 2018

A motion was made by Jim Lehan at 7:00 p.m. to go into Executive Session under MGL Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining or litigation –Preparation for potential lawsuit with regard to Lake Street resident/Mr. McCormack discussion. Kevin Kalkut: aye; Jim Lehan: aye; Jeff Palumbo: aye.

Seth Barnett, Esquire: Attorney Barnett represented us through MIAA this suit was triggered by one of the two suits filed by Ed McCormick. The first suit handled by prior Town Counsel for reasons he did not want to get into here allowed Mr. McCormick to go to court and obtain an injunction and prevented the town from paving Lake Street. Mr. McCormick claimed was that he owned the property prior to the construction of a road on his property. Attorney Barnett said 70 years ago the residents requested it be a private way and that request was denied. This leaves the town with an unpaved road. Attorney Barnett said the residents of Lake Street are pretty fed up with this. Mr. McCormick has been ill and professional courtesies have been extended by both Attorney Barnett and the Courts. The road will be paved as it exists. Mr. McCormick is acknowledging that it is a Public Road. He is withdrawing his claim and he is not making a claim that we owe him a monetary exchange what we have agreed to. The Town will extend the roadway in the direction of his house. Bob McGhee did offer to build a new wall and he is unwilling to accept anything as it pertains to that wall. What they did carve out in the agreement is that if they have to move the road into the wetland area it is in there will be a carved out area.

Bob McGhee will speak to how the pull outs work the width of the road and the plan for the drainage. This will be discussed with the residents. Attorney Barnett said the only other thing Mr. McCormick requested was indemnification that if there is a car accident he cannot be sued. Attorney Barnett said that it is a public way so he cannot be sued. MIAA was ok authorizing that because they did not believe he could be sued.

Attorney Barnett said if we did not sign this agreement he would file an injunction to have the road deemed a public way. The decision could have taken 6-8 months. Jim asked if anyone had any questions Kevin, Jeff and Jim said as long as the residents are fine with these results they are ready to move forward. Jeff asked if we had to go to a wider road we would have to go towards the wetlands. Attorney Barnett said it has already been before the planning board and approval has been obtained to remove the trees. Attorney Barnett said that he would not get into the particular terms of the agreement. Jim said that it is a public document. He would like to vote to allow Jack Hathaway to execute the documents with Mr. McCormick and outline the plan to the residents as well.

Jeff asked if the plan with the Planning Board except for the area in front of Mr. McCormick's property is it the same plan. Bob McGhee said no the original width of the road was 22 feet and this will be a 16 foot width road but in front of his house will be 14 feet. There will be pullover areas. It has been that way for many years. Bob is suggesting we continue with this pullover plan.

Scott Bragdon said Bob will be meeting with Con Com to discuss the tree removal.

Jack said more trees are marked that what is coming down. Jack said they will see less come down than what is marked.

Jeff said he would like to not drive the agenda because half of the street wants paving and the other does not. Jim said they tried to come to a collective agreement and that did not happen. Jim said the town owns the road. There will certainly be some input but that's it we are not going to debate whether it should be paved or not.

Jack said we will work on the final drainage plan and discuss stabilizing the road for the winter. Bob said we are not going to open this up for design ideas

Kevin motion to go back into Open Session 2nd Jeff all said eye

Motion to adjourn Executive Session and return to Open Session was made by Kevin Kalkut. It was seconded, by Jeff Palumbo.

Executive Session Adjourned @ 7:23 p.m.

This is a true and accurate report of the Executive Session Selectmen's Meeting of October 2, 2018.

Kevin Kalkut, Clerk

DRAFT

Norfolk Select Board' Executive Session Meeting Minutes – March 19, 2019

At 9:35 p.m. A motion was made by Kevin Kalkut to enter into Executive Session under MGL Chapter 30A, Section 21 at 7:05 p.m. to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body, and the chair so declares. Subject is Police Contracts and a new Town Administrator contract. It was seconded by Jim Lehan and so voted. Jim Lehan then called for a roll call vote.

Roll call vote: Kevin Kalkut – aye; Jim Lehan – aye.

Jim said there are three items that they are still negotiating with the Police Union regarding the Contract;

1. Quinn Bill they are looking for incentive for individual education
2. Clothing allowance they would like \$100 each year for the upcoming 3 year contract
3. 2.5% percent increase the first year, followed by a 3% increase the second year and a 3% increase the third year.

Scott and Jim are working on including drug/alcohol testing, GPS tracking systems which all new vehicles will have.

Jim and Kevin discussed the incoming new Town Administrator's potential contract.

They agreed to a \$160,000 per year salary with 5% deferred compensation and a \$3600 car allowance. They discussed some language that would be included in the contract with regard to termination.

Jim said he spoke with Blythe and she wanted protection based on the email that was sent with regard to holding off on hiring a new Town Administrator. Some changes were made and the contract would be sent to Ms. Robinson for approval or re-negotiating.

Jim said once the contract is agreed to by Ms. Robinson he would like to set up a meeting on March 27, 2019 at 9:30 to have her come in and sign the contract.

Kevin asked if Ms. Robinson had specifically expressed concerns with regarding to a termination clause because of the email. Jim suggested he read her response.

Jim said that he signed the CDR Maguire Settlement.

A motion to adjourn the Executive Session and not return to open session was made by Kevin Kalkut. It was seconded by Jim Lehan and so voted. All were in favor. The meeting was adjourned at 9:55 PM.

Kevin Kalkut

**EXECUTIVE SESSION MEETING MINUTES
PREVIOUSLY APPROVED AND NOW READY FOR RELEASE**

EXECUTIVE SESSION

February 6, 2018

Present is: Jeff Palumbo, Scott Bugbee, James Lehan, Robert Bullock, Jack Hathaway, Town Administrator, David DeLuca, Town Counsel and Susan Jacobson.

Executive Session: Run & Gun Ruling

David DeLuca said from the beginning it was all about how to manage the Entertainment License. Dave said he still believes today that what Michael Brogan was trying to do was allowed because it could be considered commercial or agricultural. David DeLuca advised an Entertainment License because he was inviting people onto the property for a fee.

The neighbor challenged the fact that the Town licensed activity that she felt was commercial not within the agricultural guidelines and now we have a decision from the Norfolk Superior Court. The Court disagreed primarily with what was being conducted on the property. The Judge came to the conclusion that certain activities could be allowed under the agricultural use but activity is not.

The Judge determined that any and all barrel races and shooting events are null and void effective immediately. He could reapply for an Entertainment for the Board to take under consideration if the activity is permissible within a residential zone.

Dave said that when speaking with his attorney yesterday that some of the horses are being trained to hear gun shots. That is part of the agricultural piece that would work. Jim said he can hold shooting lessons and riding lessons but feels we need to take a hard stand.

Jeff said that we have other properties in town and they hold horse shows and the ramifications that of what we do here are going to go beyond this one property and could be applied to other properties.

Jack said that he knows of other barns and Bob would know where they are and they provide lessons and at the end of the lessons period they hold a show for the parents to come watch their children ride.

Bob said that a 4H Club brings all the farms together and they hold timed events they purchase ribbons. Bob said he is not advocating for Mike but that this has implications across town.

Jim said at most he remembers there were three. Jim sees it entirely different. Bob said on page three if gives the definition of agricultural. Jim said he feels that it is boarding of a horse.

Bob said there is one that is being built now within a neighborhood. Jeff said we have to enforce the ruling and if we apply it elsewhere we would have to apply the same rules to those agricultural properties.

Dave said that Mike Brogan has the right to appeal and the effect of that would be to stay the order until the appeal was resolved. Dave said if you don't wish to appeal his recommendation would be to

craft a Cease and Desist and it needs to be consistent with this decision and not overreach into areas that are purely agricultural.

Dave said we have to be very careful to order a Cease and Desist and we have to operate within the areas that are allowed. Dave said if you read it closely he is permitted to do those activities if they are incidental to those activities. His request to hold 22 became at least in the Courts view as incidental. Dave said rather than to say you are prohibited from holding any Run and Gun activity and therefor a modification of your request might be considered.

There is another case in Norfolk Superior Court (Comendul v. Brogan) that is pending. Arguments are scheduled for next week. This case will be heard by a different judge.

Dave said that if the Town decides to issue a Cease and Desist Mike has the right to appeal the Zoning Officer's decision. He can also appeal that decision to the Zoning Board of Appeals and they have a right to hear the case on the merits. If they agree with the Zoning Enforcement Officer then that is appealable. He could file something in Superior Court and ask the court to intervene and eliminate the ZBA and obtain a preliminary injunction.

Dave said he would use the language from this judge's decision. Jack said he has no license right now.

Jim said barrel races and shoots are not allowed these are commercial activities and not allowed.

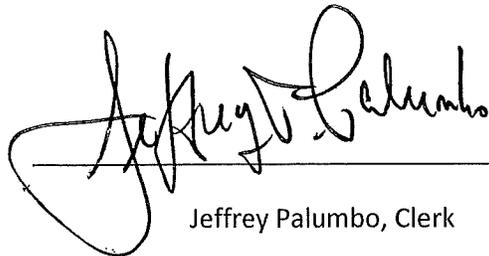
Jim wants to have Dave craft the letter and if the ZBA decides that it is an allowable use then the neighbor would have to appeal the ZBA Boards decision.

Jim Lehan moved to not appeal the Court's decision. It was seconded, by Jeff Palumbo and so **voted**.

Dave will draft a cease and desist. Dave said that this discussion and ruling remains in Executive Session until and if it is appealed. It will become public in this case it's the decision **not to appeal** and until the cease and desist in sent to Mike Brogan. Jim said that it is already public. Scott said at this point the Board of Selectmen should say we cannot talk about it.

At 7:15 p.m., being no further business, Jim Lehan moved to return to pen session. Jeff Palumbo seconded, and it was a roll call vote: Jim Lehan, **aye**; Jeff Palumbo, **aye**; and Scott Bugbee, **aye**.

This is a true and accurate report of the Executive Session of February 6, 2018.



Jeffrey Palumbo, Clerk

Norfolk Board of Selectmen's Executive Session Meeting Minutes
May 24, 2018

A motion was made by Jim Lehan at 8:52 a.m. to go into Executive Session under MGL Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining or litigation – Comendul Litigation. Jeff Palumbo: aye; Kevin Kalkut: aye; Jim Lehan: aye.

The meeting was held in Room 124, Town Hall.

Present: Jeff Palumbo, Jim Lehan, Kevin Kalkut, Jack Hathaway, Town Administrator, David DeLuca, Town Counsel and Susan Jacobson.

Dave DeLuca was here to provide the board with an update in regard to Run and Gun. This matter was before the Superior Court on the decision that was made in January, where the court found that the Board's action to license these events, because they were commercial in nature, exceed what is allowed on that property.

Bob Bullock drafted a Cease and Desist Order with Dave's help. According to MGL Chapter 40 Section 13, any property owner has the right of an appeal. Mr. Brogan exercised his right to appeal after two nights of a hearing, and taking instruction from the courts, made several findings of fact that certain events, if kept within a reasonable scope, would be within the guidelines of agricultural use. The events could be made to be incidental. The neighbors and the resident were unhappy and an appeal was filed under the ZBA findings in Superior Court. The troubling part is under Section 17, those types of appeals are heard all the time. But in addition, the Board and Jack Hathaway received a contempt charge as well which indicates that it was the intent to violate the court order. Dave understands that the BOS would never intentionally have done that and neither would Jack. Dave has drafted a motion to dismiss that complaint.

An additional complaint was brought by the Comendul party who has an interest in the case as a neighbor. Sometimes these get mitigated when a group would have to hire an attorney and Ms. Comendul is an attorney. Dave said it is enormously frustrating. It is scheduled for a hearing one week from today. The motion to dismiss could be denied. He believes it may be dismissed.

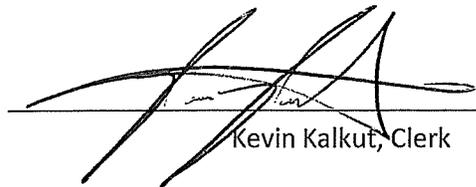
Jack asked how much would be heard at the hearing. The Judge will hear the testimony and determine if there was a violation of that order.

Jeff asked what would be allowed if they had events that were not horse related. Jack read what the ZBA decision would have permitted here. Dave said they have had this type of event in other times. If Mike Brogan on behalf of Run and Gun tried to bring another event (i.e., bicycle races) that would be considered outside of the agricultural use but another animal event would probably be allowed.

Jim brought Kevin up to date; explaining how they addressed this because the neighbors came to the Town. Jim said they tried to help solve problems and with Town Counsel's guidance, they determined to provide an Entertainment License.

Dave said his goal is to try and get the Town out of this. This is a neighborhood disagreement. Dave felt like they initially (the Town) could broker a reasonable solution and are now embedded even more. We followed the court's order to the best of the Town's ability. Jim said the violation is a zoning issue and any decision can be appealed.

This is a true and accurate report of the Executive Session of May 24, 2018.



Kevin Kalkut, Clerk

EXECUTIVE SESSION

June 26, 2018

Present is: Jeff Palumbo; Kevin Kalkut; James Lehan,; Jack Hathaway, Town Administrator; David DeLuca, Town Counsel; and Susan Jacobson.

Executive Session: Run & Gun Ruling

Dave DeLuca said that he and Jack spent time in Norfolk Superior Court. The review of this is that a decision was made by the Superior Court for these types of events in a residential zone. Dave said even though it seemed like a stretch, the agricultural laws are very broad and he still believes that is the case. The court determined that this went beyond horses and horse related activities and entered into a commercial venture and it would not be allowed under the agricultural laws. We followed this decision and entered a Cease and Desist but by statute, there is a right of appeal of a hearing before the ZBA. That is very typical if the zoning officer makes a determination but here a court made that decision. Dave said maybe the action should have been some form of application made by either the Town or the adverse party but one of his complaints is that the moving party has come after the Town and will not go directly to the court and issue the order against Brogan. Dave said they followed the legal process they felt was correct. The ZBA held a very thorough hearing and did their best to follow the decision. The ZBA narrowed by ½ the number of events allowed. Then there was a contempt complaint against Town officials but there was no action taken to issue any entertainment license.

Jim said that the neighbors came to the Town three years ago and they asked the BOS to stop or mitigate what was going on based on the fact that it was not a 61A property or was not within a commercial area.

Jim said we only got involved to try and mitigate the concerns and the BOS could have bowed out of this. Jack said that prior Town Counsel provided the same advice as Dave after he came on board.

Jim said that an email was sent along to many residents calling the Board, Town Counsel and the Town Administrator incompetent. Jim does not understand how the Judge found them in contempt. Dave said there was no intention to act in a way to defy a court order. Dave believes it is still unclear on what the court wants the Town to do. The Judge that heard the case has rotated out of Norfolk Superior Court and now located in another county. When a Judge decides a case, it has to go back to that Judge and the case is heard wherever he/she is. Dave expects a call from a clerk and to provide an argument on the motion he has filed.

Jim asked if the court could order the town to prevent any events by any means necessary to stop them. Mike Brogan would then have to file an appeal. Brogan has not been brought into any of these legal filings. Jim asked how to get Brogan involved.

Jeff asked if we could vacate the ZBA's decision. The court threw out the ZBA decision. Jeff asked if we were guilty by an act or an omission.

Comendul argued that we should not have issued the cease and desist and Jack felt that we needed to issue the cease and desist. We put the Building Commissioner in a position and Jack asked if he was just doing what the court requested he do.

Dave said he would have asked the court to issue an order to prevent Brogan but that is looking back now that we have been put in this position.

The second claim for contempt is frustrating because they asked for further classification and the court felt we were intentionally defying the court's action. But the second time they knew there was an event; the first time they did not know there was an event and they were just trying to make sure there was no events held.

Jack said we are fining him just like we have in the past. We have never contacted the police on anyone that have violated an order. They instituted the maximum fine amount which is \$300.00 per day

Dave said you cannot send the police unless there is an articulate threat to public safety. Jim asked what that would be. The use of firearms, traffic or parking that is unsafe and other behaviors that threaten neighbors or children. That would put this at an elevated level at a civil offense.

Dave said that he feel that sooner or later these two (neighbors/Brogan) need to be before a superior court judge to determine whether or not Brogan has the right to do this to potentially get an temporary or permanent restraining order.

This will be difficult if he is not party to a case. There is a Comendul v. Brogan case. Dave said the courts will do anything they can not to hear a nuisance case. Jeff is interested in putting everything on the table. Jeff asked at what point his employment for the Town becomes an issue. He is a contract employee. Jack said it does get mentioned. Dave does not feel that that has been a big piece of this.

Jeff has an issue that he works for the Town and the BOS have been held in contempt and he is not comfortable or happy about that. Jack said there was give and take about coming up with some reasonable attempts to work within the parameters. Jim said it has reached the point where there are two people who can't civilly sit down and figure this out.

Jim does not see how you can take action against him. Jeff said he had to put this on the table. Jim said that it troubles him as well but he does not feel that we can do anything because he has not done anything in the performance of his job for us to take action. Jim just believes you cannot do that. Dave said he would be concerned about violating civil rights. He is under contract and paid by inspector. He is not a union employee so you do not need just cause to release him. You can say that the relationship is not working. But he would say is that it is a pretext and that we are punishing him to exercise his rights to operate a farm that he has every right to do.

Jim said if the court had ordered him that would be different. Kevin said we can issue a cease and desist. Jeff asked how many times he can violate that before we say that we will not continue to employ you.

Dave used an example of landscapers. Jim asked if he had legal recourse Dave said that he could say we are punishing him and could be on the other end of it. Jim said that he has not ever heard a positive thing about him as an inspector.

Jim asked how it would impact the case if we were able to terminate.

The town asked him not to hold the event and he went ahead and held it. As an employee he did that intentionally, and that would help us. Jack said that his only concern is that terminating him because of the zoning violation he may win in an appeal process before the right Judge. Jim said that is irrelevant we have no idea what the Judge would say. Jim said he openly defied the cease and desist and as a Town employee he should not have done that.

Dave said we lost our ability to argue that because we did not appeal that.

The case brought forward by Comendul that does involve him. Dave believes it makes the appeal moot. He would refuse to pay the fine and then we could take him to court. Kevin felt that he would continue to pay the fines all summer. Jim agreed.

The petitioner will push the Town to be the agent of enforcement instead of asking the court to take action against Mr. Brogan.

He would advise that we go to court as a serial violator and have a restraining order issued.

Dave said that unless the petitioner goes to court or the Town requests Counsel to go and get some form of a direct court order to prevent it.

Jim said if we ask him to go to court and get that order. Some will think the barrel races are ok but not the shooting events. Dave said if there is another violation and the BOS said the fines preventing it then he will go back to court with a motion to issue a direct restraining order to prevent the events.

Kevin asked what would be the clearer path to get the court to move forward. Dave believes that either is a choice- waiting for a response to his motion or requesting a restraining order. A judge will reconsider the contempt but the second part is the clarification.

Kevin feels we should cut ties with his employment, so does Jim and Jeff. They would like Jack to make that happen. Terminate his relationship with him as an inspector and if he violates the order again then Dave will continue to press to get clarification on the current or if the Town chooses based on a second violation, then he can go in and ask for a restraining order.

They will reconsider this at the next meeting. A decision cannot be made or voted in Executive decision.

It will be placed on an agenda for the next meeting on July 10, 2018.

At 7:40 p.m., being no further business, Jim Lehan moved to return to pen session. Jeff Palumbo seconded, and it was a roll call vote: Jim Lehan, **aye**; Jeff Palumbo, **aye**; and Kevin Kalkut, **aye**.

This is a true and accurate report of the Executive Session of June 26, 2018.

A handwritten signature in black ink, appearing to read "Kevin Kalkut", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Kevin Kalkut, Clerk

Executive Session Meeting Minutes

July 24, 2018

The Board entered into Executive Session under MGL Chapter 30A, Section 21 concerning litigation with Run and Gun.

Present was James Lehan, Kevin Kalkut, Jeff Palumbo, Jack Hathaway, Town Administrator, and Marian Harrington, Executive Assistant.

Jim Lehan reported that Dave DeLuca had gone to Superior Court. Jeff said that one of the abutters, Dr. Carpenter had written to him.

Jack said that he told the neighbors that Dave is going to court and file that Mike Brogan has not paid the fines and he is not in compliance.

Jack said it is a criminal complaint but he will not be criminally charged.

Jack said that he would like to ask the court to bring in all the parties but District Court will be more lenient.

Jack said he does not agree with the contempt of court finding. Jim asked if the Police are able to shut down events. Jack said they cannot do that at this time.

Jack said that he spoke with Jon Carrol and unless it is rising to a case of distributing the peace they cannot shut down the events. Shooting does not constitute disturbance of the peace.

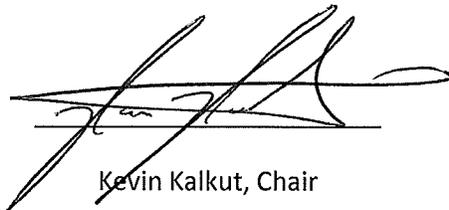
Jack said he will have a discussion with Dave on Monday with regard to the 2nd contempt charge.

Dave has filed on the contempt charge.

At 10:15 p.m., Jim Lehan moved to close Executive Session. Roll call vote: Jim Lehan, **aye**, Jeff Palumbo, **aye**, Kevin Kalkut, **aye**.

Meeting adjourned at 10:15 p.m.

This is a true and accurate report for the Board of Selectmen's Executive Session of July 24, 2018.

A handwritten signature in black ink, appearing to read 'Kevin Kalkut', written over a horizontal line. The signature is stylized and cursive.

Kevin Kalkut, Chair

Norfolk Board of Selectmen

EXECUTIVE SESSION MEETING MINUTES

One Liberty Lane

Room 124

August 14, 2018

At 9:35 p.m. The Board entered into Executive Session under MGL Chapter 30A, Section 21 concerning litigation with Comendul vs. Town of Norfolk. The Board will not return to Open Session

Present is: Jim Lehan; Kevin Kalkut; Jeff Palumbo; Jack Hathaway, Town Administrator; Susan Jacobson, Executive Assistant.

Run & Gun:

Kevin said that Mr. Brogan did not reach out to the Board to discuss this event.

Jeff said that there was a meeting 9 months ago that he would be hosting a Flea Market/Yard Sale.

Jim said that Dave is coming in for a meeting. Jim is going to discuss with Dave what we can and cannot do.

He has an event planned in August with a potential to have 100 participants.

Jack suggested a cease and desist order because Mr. Brogan is not in compliance with Zoning.

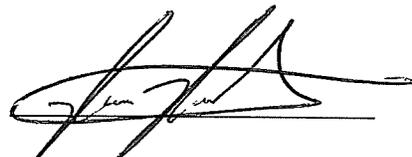
Lake Street:

Jack said that Bob McGhee has brought a grader down to Lake Street to level it off. They are receiving a lot of push back from Mr. McCormick. Mr. McCormick has argued that we are going beyond the Court's order.

Jack said we are just trying to clean up the road. Bob would like to put in 12 inch asphalt binder in the middle of the road to maintain safety. Jack said they will continue to work with the attorneys to try and resolve Mr. McCormick's issues.

At 9:51 p.m., Jim Lehan moved to close Executive Session and adjourn the meeting.
Roll Call vote: Jim Lehan, **aye**; Jeff Palumbo, **aye**; Kevin Kalkut, **aye**.

This is a true and accurate report of the Executive Session of August 14, 2018.



Kevin Kalkut, Clerk

Board of Selectmen

September 18, 2018

Room 124

Executive Session Meeting Minutes:

Present was: Jim Lehan, Jack Hathaway, Town Administrator, Jeff Palumbo, Kevin Kalkut, Susan Jacobson, Executive Assistant and David DeLuca, Town Counsel.

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

A motion was made by Jim Lehan at 7:00 p.m. to go into Executive Session under MGL Chapter 30A, Section 21 to discuss strategy with respect to collective bargaining or litigation – Comendul Litigation. Jeff Palumbo: aye; Kevin Kalkut: aye; Jim Lehan: aye.

Ongoing Litigation Run & Gun Ranch:

David DeLuca provided an update to the Board on the current court opinions and what part of the case still remains within the court awaiting a Decision.

Dave said that we have taken the approach that all of the events are consistent with Zoning. Mr. Brogan has made an attempt to try and characterize the events as private events. If it is a private event with just the individuals that the board or provides lessons to and they are more recital type events that would have more justification to be held rather than the events where fees are paid. If they are scaled back and are truly within the agricultural use that will change things.

Dave said we are getting push back from Mr. Brogan and his attorney. They are threatening to sue the town because he claims he was told he could develop this property for horses and horse shows.

The Plaintiff (Comendul) has moved and is no longer in the position to make the same nuisance complaints that she did before. She was the tool the neighbors were using. Jeff asked if she still had standing. Dave said she does not but can still represent the neighbors but her personal complaints as an abutter are no longer available.

Jack said we still have the open appeal of the first contempt and second contempt was filed but no hearing was ever held. Dave believes a nuisance case between Comendul and Brogan as neighbors. That was scheduled for trial within the last couple of weeks. Jack said she was suing for the loss of her home. Dave said he does not believe there was any real loss. Dave said time is often the best thing for situations like this and at this point he is not sure how much value we get from continuing to go to court.

Kevin discussed Mr. Brogan not paying the fines he has been issued and if he continues to ignore the cease and desist or criminal complaint his concern is that once this season ends Mr. Brogan will start all over again next year.

Dave said that we can pursue returning to court but he wants the board to understand that one of two things can occur. The court may say we are without our bounds in pursuing this in the first case or the Superior Court may tell us we are overreaching and then we would have to convey that to the neighbors who are using the board in this decision. Jeff and Jim both agreed with Kevin and they are not looking to steer this one way or the other.

Dave will return to court and ask for a clear order to restrain him from holding any of those events. Jack said he believes that a lot of approval was that he was going to have gun shoots and loud speakers it was different than what the town sees from other horse farms.

Dave reminded the BOS that the court has prohibited the town from licensing the events and controlling them in anyway.

Jack asked if there was a negative side to this. Dave said they could agree or they could come back and say we have been overly aggressive in our enforcement but either way it brings it to an end. Dave said there is an uneasy truce that fines and payments are happening back and forth. If this was a public safety issue I would be handled much differently. He will be standing in front of a superior court judge and he wants his facts straight. Police reports are helpful to have and any information harvested from the police stopping in during any events. Dave needs objective data.

Motion to adjourn Executive Session and return to Open Session was made by Jeff Palumbo. It was seconded, by Kevin Kalkut .

Executive Session Adjourned @ 8:30 p.m.

This is a true and accurate report of the Executive Session Selectmen's Meeting of September 18, 2018.



Kevin Kalkut, Clerk

Norfolk Board of Selectmen
EXECUTIVE SESSION Meeting Minutes
One Liberty Lane
Room 124
December 17, 2018

The Board entered into Executive Session under MGL Chapter 30A, Section 21 concerning litigation with Comendul vs. Town of Norfolk at 5:00 p.m.

Present is: James Lehan, Jeff Palumbo, Kevin Kalkut, Robert Bullock, David DeLuca, Town Counsel , Susan Jacobson, Nancy Langlois

Dave Deluca reviewed the Norfolk Superior Court Order issued on October 9, 2018 regarding the Run and Gun Ranch with the Board. He discussed that the language in the order mainly differentiates the Ranch as horse farm status compared to more of a commercial activity. Activities such as horse breeding, horseback riding lessons, clinics, or group activities open to members of the Run and Gun Ranch as well as to persons boarding horses would be permitted. Activities such as large periodic, public entertainment events involving numerous third party contestants and spectators would not be permitted.

Bob Bulluck informed the Board that he had performed inspections during events on November 24, 2018 (approximately 17 persons were present) and November 25, 2018 (approximately 7 or 8 persons present). He will continue to inspect future events to be sure they stay on track with what is permitted by the court order. Dave stated that he believes the scale or size of the event is a factor and that the ranch now is within a reasonable scale based on the order.

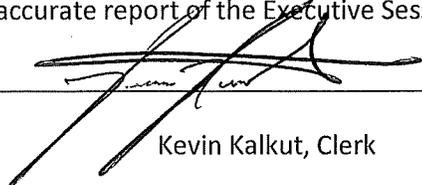
Kevin, Jim and Jeff all expressed that they would like a more descriptive definition of what is and what is not permitted to prevent any potential abuse of the order (such as issuing more memberships prior to events). Jim also expressed concern of the Board's ability to follow the order without further delineation. Dave offered the possibility of the legal counsels of both the Town and the Run and Gun Ranch to discuss what activities the Ranch is planning for the upcoming year. Jeff asked if something could be put in writing to define events. Dave stated most likely not in writing; however, a discussion between counsels would be helpful.

Dave summarized by stating that he believes there is no reasonable action to move forward with a court case against Run and Gun Ranch and that he believes a counsel to counsel meeting would be beneficial.

Kevin asked if Dave could request a current list of membership during counsels' meeting. Dave agreed.

At 5:30 p.m., Jim Lehan moved to close Executive Session and return to Open Session. Jeff Palumbo seconded. Roll call vote: Jim Lehan, **aye**; Jeff Palumbo, **aye**; and Kevin Kalkut, **aye**.

This is a true and accurate report of the Executive Session of December 17, 2018.



Kevin Kalkut, Clerk

**Norfolk Board of Selectmen
EXECUTIVE SESSION Meeting Minutes
One Liberty Lane
Room 124
February 4, 2019**

The Board entered into Executive Session under MGL Chapter 30A, Section 21 at 8:13 p.m. to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body, and the chair so declares. Subject is CDR Maguire.

Present : James Lehan; Jeff Palumbo; Kevin Kalkut; Nancy Langlois, Senior Office Assistant

Jim Lehan shared communication from Counsel with the Board.

He informed them that he met in Boston regarding CDR Maguire on 3 issues:

- Regional dispatch
- Named parties in contract termination (Jack and Matt)
- Unpaid fees on what they claim the Town owes them

Dave DeLuca is formalizing a deal which was made. It encompassed all three suits. There will be a formal release.

The agreement reached regarding Jack and Matt is covered by MIIA (Nuisance Suit). They will not go to court.

Regional already settled for \$7,500. We ended up with \$40,000 with the release of Jack and Matt.

Regional also has to be released.

At 8:30 p.m., being no further business, Kevin Kalkut motioned to adjourn and exit Executive Session. Jeff Palumbo seconded, and it was so voted. Roll call vote: Jeff Palumbo, **aye**; Kevin Kalkut, **aye**; Jim Lehan, **aye**.

This is a true and accurate report of the Executive Session of February 4, 2019.


Kevin Kalkut, Clerk

Norfolk Board of Selectmen
EXECUTIVE SESSION Meeting Minutes
One Liberty Lane
Room 204
April 16, 2019

The Board entered into Executive Session under MGL Chapter 30A, Section 21 at 7:05 p.m. to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body, and the chair so declares. Subject is Run & Gun, Police and Fire Union Contracts.

Present was: Kevin Kalkut; Scott Bragdon; Jim Lehan; Blythe Robinson, Town Administrator; David DeLuca, Town Counsel and Susan Jacobson.

Run & Gun:

There was discussion about the number of events listed on the Run & Gun Website. Kevin said they also have links on their website for other events. There are events scheduled for the 11th and 19th of May. The National Championship has been posted for August. They are also holding a clinic for “club members” in April.

Dave DeLuca said he spoke with Mr. Brogan’s lawyer in and informed him that the events in July and August are outside the scope of the current order. The April event involves just this current club members. David suggest that Mr. Brogan return to court to see which side the court come returns a decision for.

There were photographs taken of the April event and the Building Department did have an employee on site. Dave suggested that the Board continue to have photographs and employee presence at the events. The Police should also take note of what’s taking place. Dave said that based on the narrative of the report and the photographs the event would not be prohibited based on the current court order. Kevin asked if we had received a “Club /Members List” he said we had asked for that previously and he wanted to make sure we had received that from Mr. Brogan. Dave said he believes that he did get a list and he would provide that to the BOS.

At this point Dave does not believe that this is the time to return to court on this matter but he would urge the town to remain vigilant. Dave said that Mr. Brogan’s attorney indicated that he has advised Mr. Brogan not to move forward with the events that fall outside of the court order. Kevin asked when Dave had spoken to Mr. Brogan’s attorney. Dave believed it was sometime around March 20th and that there were email exchanges as well.

Dave said that until we can provide evidence of violations we should not move forward with legal action. Once we have the necessary evidence he would advise the town to take action.

Dave said that if Mr. Brogan did not allow the town on the property during an event then we can go to court. He is always better to arrive in court with evidence of something happening rather than speculation. Kevin wanted to know what the chances are of getting a definitive answer with regard to this matter. Dave said we have tried to do what the court has ordered us to do. Dave reviewed the steps of how we ended up where we are today.

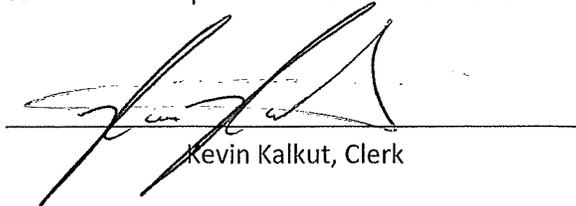
Dave said he has spoken with the neighbors at each court proceeding, he has told them that they can bring their own action forward if they would like but he has told them how the town is going to proceed.

Union Contracts:

Kevin said that he wanted to wait for the new Board to be elected before they moved forward with voting on either the Police or Fire contract. Jim said he strongly disagreed he felt that Kevin would be asking a new board with minimal experience to vote on these contracts. He said that they have not been involved in negotiating the contracts for several months. Jim said that this falls under the Board of Selectmen and that they have been negotiating in good faith with both groups, thus it would not be received well. Kevin said he does not think it is a secret that prior to the hiring of the new Town Administrator the candidates asked that the current board not move forward with that hire. Kevin said that he felt that waiting on the contracts until a new board is seated would be something he would like to see. It would allow the new board the opportunity to review the contracts and have input. Jim said that the contracts have always been negotiated during the months of April, May or June. Dave said that if there has been an expressed agreement that potentially an unfair labor practice may come into play if a new board comes in and says we do not want this contract. Kevin agreed to move forward with the signing of the police contract after Dave cited the potential for an unfair labor practice legal action. Kevin said that the risk outweighed the benefit. Scott said that they have negotiated in good faith and he believes the Unions would be upset and concerned. Scott believes it important to move forward with the contracts. Jim re-iterated that they have negotiated these contracts in good faith. Jim said they are complicated and it's a lengthy process. Jim said there is a lot of unrest within the union there is a great deal of change and they are concerned. Jim said to push back now after several months of negotiation it is not the right thing to do. Jim said the numbers in the contract are within the budget. Kevin said he is comfortable moving forward with voting the Police Contract. He said that he had concerns over the impact of the Quinn Bill but that Chief Stone did a great job providing that information for him.

At 7:45 p.m., being no further business, Kevin Kalkut motioned to adjourn and exit Executive Session and return Open Session. Jim Lehan seconded, and it was so voted. Roll call vote: Kevin Kalkut, aye; Jim Lehan, aye.

This is a true and accurate report of the Executive Session of April 16, 2019.



Kevin Kalkut, Clerk

04-16-19