



TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210

RECEIVED
MAY 04 2009
NORTON TOWN CLERK

BOARD OF SELECTMEN MINUTES OF MEETING FOR APRIL 2, 2009

- I. CALL TO ORDER BY CHAIRMAN: The April 2, 2009 Board of Selectmen meeting was called to order at 7:00 p.m. By Chairman, Mrs. Steele.

A. Roll Call: Chairman, Mrs. Mary Steele; Messrs. Timothy Giblin, Stephen Gradie, Robert Kimball; and Robert Salvo were present. Mr. James Purcell, Town Manager, was also present.

B. Pledge of Allegiance

II WARRANTS AND MINUTES

A. Approve bills Warrant #59, dated April 2, 2009, in the amount of \$53,337.39

MOTION was made by Mr. Salvo to approve bills Warrant #59, dated April 2, 2009, in the amount of \$53,337.39. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. Approve Minutes –

There were no minutes reviewed/approved.

III. LICENSES AND PERMITS

1. 7:15 P.M. HEARING – Application for transfer of ownership of the Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 57 West Main Street, Norton, MA 02766, from 5980, Inc. d/b/a Sportsway Cafe, Manager Neil J. Feldman, to 33 Investing Corp. d/b/a Sportsway Cafe, Manager Jeremy Fontaine, same address

Mr. Fontaine would be acquiring actual business itself and keeping it the same. His background is that of a firefighter, paramedic and was educated in accounting and business. As a senior in college, he worked in restaurant business.

Mr. Giblin spoke of concern of minors being served alcohol, etc. He asked he be aware of Town's and this Board of Selectmen's policy of dispensing alcohol to minors and consequences thereof. Mr.

4/02/09 Bd. of Selectmen Minutes

Giblin was aware Mr. Fontaine signed such document.

Mr. Fontaine said he would not stand for any serving minors, etc.

Mr. Kimball said all alcohol should be inside building and not outside. There is a large college crowd that seems to frequent that establishment and a strong policy has been established.

Mr. Fontaine explained food would be obtained from House of Pizza still and no alcohol outside. He would like a fun atmosphere but intends on following rules. Food to be served from about 12 noon to 10 p.m.

Mr. Giblin asked about alcohol (TIPS) training/certification of bar/restaurant employees?

Mr. Fontaine said right now he was not certain of this as he is not owner yet. He and his uncle will definitely become certified.

Mr. Giblin said Quality Beverage will provide training for \$15.00 per person.

Mr. Fontaine said he was planning to have training at establishment.

Mr. Giblin said training even for Board of Selectmen would be a good idea to understand process.

MOTION was made by Mr. Kimball to close Public Hearing. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Kimball to approve Application for transfer of ownership of the Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 57 West Main Street, Norton, MA 02766, from 5980, Inc. d/b/a Sportsway Cafe, Manager Neil J. Feldman, to 33 Investing Corp. d/b/a Sportsway Cafe, Manager Jeremy Fontaine, same address. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Rabies clinic to be held on April 4, 2009 from 10-12 p.m. At Norton Fire Dept. and cost is \$13.00 per animal. The Town Clerk's office will also be open for Dog Licensing on Saturday, April 4, 2009. Run For Norton High School to take place Sunday, May 3, 2009 at Everett Leonard Park with an 11 am. start and 10:30 Kids Fun Run. Proceeds to support and enrich high school experiences.

V. BUSINESS

A. NEW BUSINESS

1. Duane Knapp, Water/Sewer Supt. And Keith Silver, Highway Supt. Re: Update on water main projects
Mr. Purcell stated Ch90 number was received today.

Mr. Silver said he wanted to cleanup Reservoir area and explained.\$240,000 cost to Town; Ch90 money used with \$390,000 left in his account and will eat up all Ch90 money. Discussion on roads/streets to be repaired.

Mr. Silver referenced drainage on Shelly Road area which needs to be done. A tight budget and need to cut/patch as needed. He phoned gas company and they will patch work up since they did work. In speaking with state, he heard they will skim coat whole road; but then he heard 4" down so he is not sure. Discussion ensued.

Mr. Salvo said he felt a letter to Mass Highway should be sent as this should not be tolerated all summer. Meeting with Mass Highway was discussed.

Mrs. Steele said it would be worthwhile for Mr. Silver to be present if Mass Highway was met with.

Mr. Giblin made reference to the handicap sidewalks as well.

Mr. Kimbal said no spec sheet seen; a budget of \$5-\$6M he believed. They told him they were running out of money.

Mr. Giblin stated bid documents are public. Discussion followed.

Mr. Kimball said they need to find out the exact plan. State reps need to be involved too and present when Mass Highway is here.

Mr. Silver said he felt Mass Highway went out to bid and now things are more expensive so now some things are changing.
.....

Mrs. Steele addressed Pine Street/123 intersection and observed some vehicles (especially out-of-state plates) crossing yellow line leading out to Route 123 form Pine Street. Possibly a brighter yellow line could be painted.
.....

Mr. Silver said Highway Dept. driveway has not been done since 1978 and needs some work; a chip seal on it. Discussion ensued.
.....

Mr. Knapp distributed a handout to the Board and said he was trying to get a schedule together and explained. Some information he had on road work:

- Route 123 to Oak Street past Maggi Lane to house #115;
- North Worcester to take two days at the most (about 200');
- Union Road to soon dig toward Route 123;
- So. Worcester and John Scott Blvd. work explained.

He said at 6:50 a.m. traffic is backed up to Clapp Street.

Mrs. Steele asked Mr. Knapp to pursue the night work question.

Mr. Knapp said he will request/pursue it.

Mr. Salvo asked Mr. Purcell to contact Mass Highway about possible night work.

Mr. Purcell agreed to do this.

Mr. Giblin said letter needed also.

Mrs. Steele asked Mr. Knapp to advise Mr. Purcell of outcome of this call.

Mr. Knapp said he was told they would be out of Taunton Ave. within two weeks.

Mr. Knapp said on the other side of night work, there is jackhammering, etc. in a residential area that will happen.

Mr. Knapp said Revoli has been good to work with.

2. Review May 11, 2009 Annual Town Meeting Warrant Articles

Mr. Purcell discussed Warrant Articles. Some information to note:

1, Planning Board withdrew detached accessory apartments, so now 20 warrant articles currently exist.

2. Ch90 = \$420,000

Finance Committee made recommendations on all but four articles.

Mr. Purcell spoke of delay of Town Meeting vote on uncertainty in state's local aid package (1/3 of town's income discussed). Meals tax/rooms tax discussed and if those don't materialize it will be a real problem. It is not fair to pass a budget with so many uncertainties.

Mr. Purcell suggested the consideration of splitting the Town Meeting with the start date (convene) May 11 and reconvene on June 8 for budget.

Mr. Kimball said there is a need to move something to June, and initially agreed to split would be a good idea. Consider open Town Meeting on May 11 and make motion to extend to a different date/time. Not splitting it due to need to be fiscally responsible (necessary to pay registrars/school personnel/ cable access,

etc., which is very costly). He suggested to not have it on May 11 and extend to

4/02/09 Bd. of Selectmen Minutes
Page 5

June 8, 2009.

Mr. Purcell said it is easy to do and if it is the Board's wish it can be looked into. He was not sure of if there were any time sensitive issues on special town meeting. If there are no time sensitive issues then Mr. Kimball is right.

Mr. Purcell said on split concept, if there was time, they could have collective bargaining contracts, and adjustments can be made. Mr. Kimball's suggestion is possible and it is only a four week difference. Discussion ensued.

Mr. Purcell referenced the article authorizing the landfill. Board is demonstrating to the developer their intent to move forward.

Mrs. Steele stated landfill issue is huge and Board should ensure it poses no problem.

Mrs. Steele said it was important to ensure there were no time issues with any of these articles.

3. Authorize RFP for use of town-owned property

Mr. Purcell referenced Hill Street Landfill and evident that with solar energy production project and town meeting approval needed. Town Counsel is involved with this issue.

Article on special town meeting warrant; could issue an RFP but within it whole process: 1) contingent upon Town Meeting and 2) issue request for proposals to be put on warrant.

Developer has proposed to undertake a solar energy production project (to look like a farm) and this was the former sanitary landfill. Slattery property was looked at first and then Hill Street. \$10,000-\$15,000 per acre per year to town; looking at 34 acres with probably 24-25 acres being usable.

MOTION was made by Mr. Kimball to authorize an RFP for use of town-owned property. Second by Mr. Salvo.

Discussion: Mr. Kimball said issues were raised at FinCom regarding if property is properly deeded, etc. Research on deed rights were conducted by Mr. Purcell. Lease Agreement review by town counsel, etc. Fifteen years and 3,000 or \$400,000 per year possibly and will also help environment.

Mr. Purcell stated after FinCom meeting deeds were pulled, etc. He said

conservation parcel is located on other side of river. Site assignment issue also.
Conservation piece to be taken out. Open drainage ditch (Lorusso property).

4/2/09 Bd. of Selectmen Minutes

Page 6

Town put in an inlet and drains through it (an open ditch).

Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

C. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Kimball referenced a letter from Commonwealth of Mass. Board of Library Commission re: Rights to Appeal. He said not sure if Norton will meet all requirements. Hours of Service discussed as full requirements and budget and hours of services. Probably not able to meet requirements due to budget.
.....

Mr. Kimball referenced 40B/HCD re: assistance with 10% factor.

Mr. Kimball said last year Town barely met its 10% goal and now going backward due to economy, etc. Excluded: Strawberry Fields, Turtle Crossing; and Bay Road Heights.

Mr. Kimball said Town has even asked for some extensions.

Mr. Kimball said 40B statute needs to be reviewed and to ask Mass Housing for a change to be made.

Letter should be sent to State Senators, reps, and send this letter to other communities.

He asked Board of Selectmen to sign letter to Tina Brooks, UnderSecretary of Dept. of Housing and Community Development and send to others as discussed above.

MOTION was made by Mr. Kimball to send letter to Tina Brooks, UnderSecretary of Dept. of Housing and Community Development and send to others as discussed above. Second by Mr. Gradie. Vote: Unanimous. MOTION CARRIES.

Mr. Kimball said it would be beneficial to send to others member boards of Bristol County.

VII. TOWN MANAGER'S REPORT

A hearing in town re: 495/140 slip ramp on evening of 5/12/09 in Board of Selectmen's Meeting Room from 6-9 p.m.

It was noted they will ask for this meeting to be posted.

Mansfield should be attending this meeting as well.

VIII. NEXT MEETING'S AGENDA

4/02/09 Bd. of Selectmen Minutes
Page 7

IX. EXECUTIVE SESSION

X. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 8:54 p.m. Second by Mr. Salvo. Vote:
UNANIMOUS. MOTION CARRIES.

XI. SIGNING OF DOCUMENTS

Respectfully Submitted by:

Janet Sweeney
Board of Selectmen – Recording Secretary