



TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210

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2009 SEP 17 A 11:59

BOARD OF SELECTMEN MINUTES OF MEETING FOR SEPTEMBER 24, 2009

- I. **CALL TO ORDER BY CHAIRMAN**: The September 24, 2009 Board of Selectmen meeting was called to order at 7:00 p.m. by Chairman, Mr. Giblin.

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

B. **Pledge of Allegiance**

II. **WARRANTS AND MINUTES**

A. **Approve bi-weekly payroll for the period ended September 19, 2009, Warrant #17, dated September 24, 2009, in the amount of \$1,17,853.43**

MOTION was made by Mr. Kimball to approve bi-weekly payroll for the period ended September 19, 2009, Warrant #17, dated September 24, 2009, in the amount of \$1,17,853.43. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

B. **Approve bills Warrant #18, dated September 24, 2009, in the amount of \$158,108.69**
MOTION was made by Mr. Kimball to approve bills Warrant #18, dated September 24, 2009, in the amount of \$158,108.69. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

C. **Approve Minutes – May 7, 2009**
MOTION was made by Mr. Bramwell to approve the Board of Selectmen Minutes of Meeting, dated May 7, 2009, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

June 4, 2009

MOTION was made by Mr. Bramwell to approve the Board of Selectmen Minutes of Meeting, dated June 4, 2009, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

June 18, 2009

MOTION was made by Mr. Bramwell to approve the Board of Selectmen Minutes of Meeting, dated June 18, 2009, as written. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

IV. ANNOUNCEMENTS

A letter received from town clerk stating no public hearings can be held on election dates and dates were stated in said letter.

V. BUSINESS

A. NEW BUSINESS

1. 7:05 P.M. - Peter Hunt Re: Interview for appointment to the Norton Historical Commission

It was noted there was an interest letter sent to Board of Selectmen and Mr. Christopher Cox of Norton Historical Commission sent letter of support for Mr. Hunt.

Mr. Hunt stated he lived most of his life in Norton and graduated from Norton High School. He spoke about his house being built in 1715 and it was the Leonard's house in the 1700-1800's and is 80% original with six fireplaces. He would like to restore it back to 1760-1780 and to will it back to Historical Society would be his plan hopefully. He will research history of house and Town history as it revolves around house.

It was discussed possibly Eagle Scouts could help with restoration.

MOTION was made by Mr. Kimball to appoint Mr. Peter Hunt to the Norton Historical Commission. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

2. 7:10 P.M. - Sheri Cohen Re: Interview for appointment to the Norton Parks and Recreation Commission

Ms. Cohen said she has resided in Town for seven years and her major in college was physical therapy/physiology. She is now at home with two young boys and has a strong connection with recreation with two small children who currently play soccer. Ms. Cohen said she has time to help and would like to support the children of Norton.

Mrs. Steele thanked Ms. Cohen for coming forward. A lot of work needs to be done but Board of Selectmen is also there to help.

Mr. Kimball suggested a quarterly meeting between the two boards.

MOTION was made by Mr. Kimball to appoint Sheri Cohen to the Norton Parks and Recreation Commission. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

3. Vote to Award Joint Salt Bid as recommended by Highway Superintendent Keith Silver

This bid is through SERSG and last year Town paid \$70.20/ton. This company was recommended by

Mr. Silver (Eastern Minerals). Eastern Minerals bid was \$64.00 per ton and alternate being American Rock & Salt Co. at \$69.20.

MOTION was made by Mr. Kimball to award Joint Salt Bid as recommended by Highway Superintendent to Eastern Minerals at \$64.00 per ton and alternate bid to American Rock & Salt Company LLC at \$69.20 as recommended also by Mr. Silver. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

1. Review October 5, 2009 Fall Annual Town Meeting Warrant

. Vote to lay out Rubin Drive and Beverly Lane;

. Conservation Commission proposed By-Law

Mr. Purcell said he would like to thank Planning Board publicly; they held a meeting Tuesday evening and they voted to recommend both ways as public ways. For Rubin Drive: some landscaping that needs to be done, so work is going well.

Beverly Lane: This was laid out in 1987 and part of a subdivision, and for reasons that no one can recall, street was never accepted. It meets bound description and is one of these old streets that should be accepted. This is the first step in reconciling some of these problems (this is the "leader").

Procedural step: last meeting intent to lay out way; Planning Board acted and two more steps necessary. Board of Selectmen vote to lay out way and then Town Meeting acceptance.

MOTION was made by Mr. Kimball to approve lay out of Beverly Lane and Rubin Drive, as per recommendation of Planning Board. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.
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Mr. Purcell said last night Finance Committee (FinCom) chose not to recommend any money articles. Perhaps tomorrow or Monday at the latest number Town submitted-north of \$800,000; it does not always come back way it was sent in (fell a bit short of F09 estimates).

Mr. Purcell spoke of awareness of spending limitations and a good outcome. Until money certified, FinCom did not want to vote.

Mr. Purcell reviewed articles with Board.

Article 1:

Motion was made by Mr. Kimball to support Article 1 in the amount of \$7761.71. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Article 2:

FinCom voted to recommend this article last night in amount of \$10,000.

MOTION was made by Mr. Kimball to support Article 2. Second by Mrs. Steele. Vote:

Unanimous. MOTION CARRIES.

Article 11:

Ms. Carlino, Conservation Commission Agent, said town counsel (Kopelman & Paige) has made some changes to bylaw and she created a summary page to explain in more detail why changes were made. It was approved by Conservation Commission first on Monday evening.

Ms. Carlino referenced a letter from Mr. Fred Bottomley's attorney, Attorney Matthew Wattsky that the Board of Selectmen also received. Questions to Board of Selectmen and Attorney also attended FinCom meeting and comments received Monday and prepared a written statement. That will also go on ConCom website.

Some issues (but not all) were: 1) effective date of bylaw; 2) grandfathering, and Ms. Carlino explained and said the vast majority of people are filing already.

Puddles discussion-Ms. Carlino said it is right in definition re: "puddles". Document was distributed by Ms. Carlino explaining it further.

Other items for discussion: buildable lot status; 1409 permits reviewed less than 1% have ever been appealed and ConCom has used filing fees for any attorney costs. Filing fees put into a separate fund and ConCom uses discretion and "picks their battles".

-For last 20 projects; six of them would have an extended review/more jurisdiction and all six met current policies. One project would have needed a variance (existing area would have received that variance).

Mr. Kimball asked what kind of impact a river or reservoir would have in this circumstance?

Ms. Carlino responded every project reviewed now on a case-by-case basis. Process still the same in bylaw. Waiver provision is there for that purpose for small lots.

Mr. Giblin said regulations need to be part of bylaw he believed in his own opinion. Discussion ensued.

Ms. Carlino said Board of Selectmen appoints ConCom commissioners. She discussed regulations, and it takes a lot of time to write regulations.

Mr. Kimball spoke of his personal property being on Rumford River (about 200' away).

Ms. Carlino said within 200' of perennial river/areas; not actually a buffer and some activities are grandfathered. It is a case-by-case basis (a shed is exempt).

Ms. Carlino discussed vernal pools (through bylaw) and to put it in one section and determine if actually a vernal pool and put in one spot, etc. Those areas already have to be put on plans.

Ms. Carlino said this is not a zoning bylaw and has been on every agenda of ConCom and before Board of Selectmen, Planning Board, Finance Committee, Water & Sewer Dept., on two cable access shows, in newspapers, library, town clerk's office and not happening behind closed doors. ConCom is asking for peoples' comments so regulations are done correctly. Point is to correct water resources; not to affect homeowners. Desire less treatment to water and to supplement what Water Dept. is doing (to maintain what Town already has).

Mr. Kimball said ConCom has been more than straightforward, therefore, he did not know where accusations were coming from. Allegations behind closed doors are false and no support to indicate this.

Ms. Carlino agreed with Mr. Kimball and said they also ensured people had info long enough, etc.

Mr. Giblin said info has gotten out there and there is a lot of info; maybe that is the issue.

Mr. Ron O'Reilly of Conservation Commission said this was on ConCom agenda every two weeks since February 2009. There appears to be "hired guns" and paid to show up at town hall meetings. More than half of communities have a bylaw (including but not limited to North Attleboro, Wrentham, etc.). Mr. Yarworth, engineer for Mr. Bottomley, is against this but as chairman of a 50' no-build zone in his town, bylaw is good enough for his own town of Wrentham but not good enough for town he is practicing in. This was done in an open meeting and no one showed up at these meetings.

Mrs. Steele agreed and said some of these people attending meetings at town hall are not living in Norton and want Norton to be lenient and probably not in best interest of Norton (not in developers' best interest, but in Norton's best interest).

Mr. O'Reilly spoke of drinking water protection and about people being paid to speak to them last week. He suggested for people to drive to end of Fairlee Lane and you will see magnitude of 100 acre project and you will see what this is all about. This is an impact on "pocketbooks" of developers, etc. Majority of homeowners will not be affected by it. It was noted many answers can be found on ConCom's website.

Mr. Kimball said he has faith in ConCom and everyone should understand that ConCom is not taking away anyone's rights or privileges. It is more protection for Town.

Mr. Kimball said residents can call Ms. Carlino at 285-0275 or Conservation@NortonMA.com

Ms. Carlino said she has gone out to sites and reviewed plans already regarding this.

Article 3:

Mr. Purcell said there was no recommendation to make.

Article 4:

No Action taken.

Article 5 & 6:
No Action taken.

Article 7:
This is a federally mandated government accounting standard. Mr. Purcell said he told FinCom amount was \$10,000, however, town accountant told him to add \$1,000.

MOTION was made by Mr. Kimball to support Article 7 (amount of \$11,000). Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Article 8:
MOTION was made by Mrs. Steele to support Article 8. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

Article 9 & 10:
MOTION was made by Mr. Kimball to support Article 9. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Kimball to support Article 10. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Article 11: discussed below.

Article 12:
MOTION was made by Mrs. Steele to support Article 12. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

Article 13:
MOTION was made by Mrs. Steele to support Article 13. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

Article 11:
Mr. Kimball said he fully supported bylaw change by ConCom, however, it is more encompassing than he would recommend. After listening to both sides and intensity of it, he has utmost confidence in Conservation Commission Agent and ConCom and vote in favor to recommend to Town Meeting. Between now and then could reconsider it if need be.

Mr. Giblin commended ConCom for being proactive and not reactive. There are some policies and regs tied in with those bylaws. Ms. Carlino came before Board this evening and cleared up a lot of questions he personally had. However, he is still leary of supporting this before he knows what rules/regs are.

Mrs. Steele said she was concerned after hearing issues of gentleman that came in to town hall meetings, but ConCom answered questions and cleared it up. Policies would become regs she thought

ConCom had said. A five person vote is probably important and could meet before next Thursday if needed to discuss this. Trying to keep it in Town of Norton's best interest.

Mr. Bramwell said being a longtime Norton resident it seems ConCom is spoken about in a derogatory nature many times. He was impressed with work ConCom has done, etc., and hired professionals scared them at last meetings. Need to look at best interest of Town.

Mrs. Steele said before Town gets tagged as "not development friendly"; she is pro-development and all need to work with Town rules/regs, etc.

No Action taken on Article 11.

Article 14:

Excise tax/putting back restaurant tax to have Town decide.

MOTION was made by Mr. Kimball to support Article 14. Second by Mrs. Steele.

Discussion: Mr. Purcell spoke of a procedural aspect; Town Meeting Warrant won't show Board of Selectmen in favor or not in favor on Town Meeting Warrant. No lawful obligation for Board of Selectmen to do that. Board is engaged and trying to do a good thing but not legally obligated.

Mr. Kimball said he believed Board of Selectmen should take a more active role. Something they should take a look at.

Mr. Purcell responded it is far better Board is engaged in process. Discussion ensued.

Mr. Giblin stated it was important people know the Board's position.

Mrs. Steele said she was not sure how she was voting individually.

It was decided to put this Article off until the next meeting.

MOTION was made by Mr. Kimball to rescind his above Motion (to support Article 14). Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

C. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Giblin referenced a recent Sun Chronicle article regarding Chief Judge Gregory Phillips who was chosen not to be reappointed in Attleboro. Police Chief Clark was here this evening regarding this.

Chief Clark said as a detective, he had worked with Judge Phillips and this is a great loss. Judge Phillips was involved with community outreach and community service, and his underage drinking programs were instrumental. He had a very fair but tough reputation and he took his role as justice

outside of the courthouse. A letter of support to him was request.

Mr. Giblin said a letter should be sent to Attleboro and Judge Gregory Phillips commending/congratulating him on his service, accomplishments, and community service.

Mr. Kimball said article he read seems to be more political in nature. Mr. Kimball said he did not care what Judge Phillips' political background is; and questioned why new person has not come on board. He agreed a letter should be sent in support of Judge Phillips and copy to the state reps and senator.

Mr. Giblin suggested in letter to ask if Judge Phillips could get reappointed to another five year term as well.

Mr. Bramwell agreed Judge Phillips went out of his way and beyond scope of his job as a judge and agrees it appears this is political. He agreed Board should voice their opinion whether or not it is a step beyond their authority. Judge Phillips deserves Town's support as he supported "our" communities.

MOTION was made by Mr. Kimball to allow Board of Selectmen to draft a letter to Attleboro regarding Judge Phillips (as stated above) stating Judge Phillips was a wonderful asset to community but also ask for him to be reappointed for another five year term. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.
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Mr. Kimball referenced a letter to be sent to Mr. Bernard McCourt of Mass Highway re: 120 W. Main Street (Woodland Meadows) re: road work/paving.

Mr. Kimball said a couple of years ago he asked to do something like this for a bus turnoff. He called Mr. Silver (Highway Superintendent) a couple of weeks ago regarding it.

Mr. Purcell said Mr. Silver spoke to the Project Superintendent and there were no more change orders Mr. Silver was told.

MOTION was made by Mr. Kimball to send letter to Mr. McCourt re: paved area (as discussed above) at 120 West Main Street. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

VII. TOWN MANAGER'S REPORT

VIII. NEXT MEETING'S AGENDA

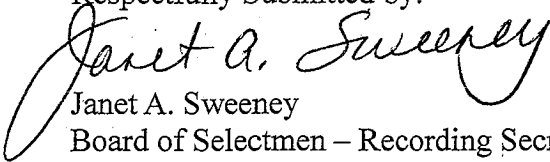
1. Representatives Betty Poirier & Jay Barrows – Re: Tri-Town Drug and alcohol Task Force Intervention Meeting October 8th
2. Representatives from MassRecycle (The Massachusetts Recycling Coalition) Re: Request to support updating of the Bottle Bill

IX. EXECUTIVE SESSION

X. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 9:23 p.m. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

A handwritten signature in cursive script that reads "Janet A. Sweeney". The signature is written in dark ink and is positioned above the printed name and title.


Janet A. Sweeney

Board of Selectmen – Recording Secretary

**BOARD OF SELECTMEN
MINUTES OF MEETING
SEPTEMBER 24, 2009**

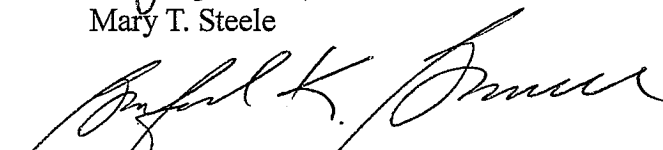
BOARD OF SELECTMEN:


Timothy R. Giblin, Chairman


Robert W. Kimball, Jr., Vice-Chair

Robert S. Salvo, Sr., Clerk


Mary T. Steele


Bradford K. Bramwell

Dated: 02/11/10