



TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

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BOARD OF SELECTMEN MINUTES OF MEETING FOR OCTOBER 1, 2009

- I. **CALL TO ORDER BY CHAIRMAN**: The October 1, 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; Robert Salvo; and Mrs. Mary Steele were present. Mr. James Purcell, Town Manager, was also present.

B. **Pledge of Allegiance**

II. **WARRANTS AND MINUTES**

A. **Approve bills Warrant #19, dated October 1, 2009, in the amount of \$2,869,222.25**

MOTION was made by Mr. Salvo to approve bills Warrant #19, dated October 1, 2009, in the amount of \$2,869,222.25. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. **Approve Minutes –**

III. **LICENSES AND PERMITS**

1. **7:05 P.M. - Application of Ryan Parker, Wheaton College, for one-day beer and wine license to be utilized at Wheaton College Campus – Keefe Field, Saturday, October 3, 2009, 12:00 – 4:00 P.M., for private party**

*one Norton Police Detail required per Chief Clark

IV. **ANNOUNCEMENTS**

Fall Annual Town Meeting Monday, October 5, 2009, 7:00 P.M., at the Henri A. Yelle Elementary School Gymnasium
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Dial-A-Lawyer (serving veterans) is being held Thursday, October 15 from 5:30-7:30 p.m. (call 617-338-0610). This is free legal advice for veterans and families of veterans who have legal questions involving access to benefits, family issues, employment concerns, landlord/tenant matters and other legal issues.
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Tax classification hearing (FY10) is being held on October 22 at 7:30 p.m. in the Municipal Center, Selectmen's meeting room.

Norton Kayak Company holding a benefit for Norton High School (three hour guided tours of Reservoir) and all equipment included/paddling, etc., is \$55.00 per person for ages 13 and above. Info@nortonkayak.com

Haunted Happenings to be held at Norton Outdoor Center/YMCA on 10/23 and 10/24. Still looking for help and volunteers. Call Danielle Sicard for more info at 222-7292.

Tri-centennial Committee still taking volunteers; contact Town Hall and Mr. Rich will get ahold of you and he is slowly making contact with people. Donations can be made by contacting Mr. Rich.

Mr. Giblin and Mr. Purcell met with Conservation and Energy this evening for a better way to buy electricity and it was an interesting meeting.

Mr. Kimball said now Town buys electricity from one source. This is first step and if pursued could save Town a chunk of money.

Mr. Giblin said it was an informative meeting. There are also a couple of other vendors they would like to meet with as well.

V. BUSINESS

A. NEW BUSINESS

1. 7:10 P.M. - Representatives Betty Poirier & Jay Barrows – Re: Tri-Town Drug and Alcohol Task Force Intervention Meeting October 8th

Representative Barrows gave update: about 11 months ago an organization started and mission statement was read. "Intervention" is name of program and next Thursday a meeting to occur on Oct 8 will take place. A "Risk Survey" to be conducted and this is due to the tragedies in communities during the last few years. Principal of Norton High School, Mr. Ray Dewar, Superintendent Dr. Ansay, and Mansfield staff will be involved. They are maxed out at Showcase Live at Patriots Place, however, Norton will be well represented. A Facebook page has also been put together. He was aware Board of Selectmen have their regular Board meetings on Thursday evenings but there is another meeting on Oct 29 at Mansfield high library of recap of what was learned. Showcase Cinema to simulcast event as it is already filled up. It will also be on A&E On Demand on 10/22/09, and then national to schools with On Demand feature.

Mr. Giblin said there is no Board of Selectmen meeting the following week since Town Meeting occurs next week.

Representative Poirier thanked all people involved in this program, and said the three communities are phenomenal, and will be a pilot program for future. This is a real problem and wants to reach out to

parents and others for awareness education and to choose a better path. RSVP to 508-858-5319.

Mr. Giblin said a program/event like this will help in long-run and lets people get involved in their community and involved with their children.

Mr. Kimball said it would be beneficial to receive a copy of actual program and can play it next year various times during the year.

2. **7:30 P.M. - Representatives from MassRecycle** (The Massachusetts Recycling Coalition) Re: Request to support updating of the Bottle Bill

Mr. Phillip Sego, Mass Sierra Club, was present.

Mr. Sego said it was an honor to be present this evening and said this started 27 years ago and intent is to capture all beverages (Gatorade; waterbottles, etc.). 80% of covered beverages are being redeemed (i.e., coke/pepsi, etc.); containers not covered are 22%. Over 30 billion containers are saved from landfill and would like to update bottle bill to include all others. This would also decrease litter, disposal costs, etc. Forfeited nickels used to go to Clean Environmental Fund. \$20M statewide these nickels would add up to.

Mr. Kimball thanked Mr. Sego for coming in on such a short notice. He said every spring he brings up topic of these plastic bottles and possible redemption. This would also create jobs at redemption centers. He would himself support this legislation. Various states are involved with the bottle bill, including New York , Maine, Connecticut.

Mr. Sego was asking from Board today a Resolution that they support bottle bill and to then send it to legislators. 89 cities/towns have signed this (or close to signing it).

MOTION was made by Mr. Bramwell to allow Chairman of Norton Board of Selectmen to sign letter on behalf of Board of Selectmen regarding signing legislation in support of bottle bill. Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

B. OLD BUSINESS

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

Mr. Purcell discussed the Warrant. Some items discussed included, but not limited to, the following:

Free cash was certified at \$1,021,824. Mr. Purcell explained estimated operating revenues and expenditures sheet.

The change is dramatic; downgrading estimates of local receipts. Downgraded \$354,000 to \$285,000. Tax rate needs to be set but challenging with DOR. The other change in revenue is increased portion of free cash. Discussion ensued.

Mr. Purcell stated there was a \$115,000 increase in charter school assessments.

Most significant revenue issues: \$1,237,449 loss in local aid; decrease \$414,448 in local receipts.

Free cash was generated by returning of F09 appropriations.

Mr. Purcell said this is a strain and Town is hurting like other communities.

Mr. Purcell said there were some items on warrant to review/discuss:

Article 3:

MOTION was made by Mr. Kimball to support Article 3. Second by Mrs. Steele. Vote: All In Favor, except for Mr. Salvo voting "present" (4:1 vote). MOTION CARRIES.

Article 4:

COA salary discussed.

Mr. Purcell said it is at \$1,000 currently and need to add \$500 for employee for processing and paying light bills.

MOTION was made by Mr. Kimball to support Article 4. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Mr. Purcell stated on Articles 11, 14, and 15, Board has not yet taken action..

Article 11:

Mr. Purcell spoke of the Wetlands Protection Bylaw

Mr. Giblin said there were numerous discussions on this Article, and they desired a full-member Board of Selectmen in attendance before voting on Article.

Mr. Giblin said personally he had some reservations with Article because he would like to see rules/regs with bylaws. Ms. Carlino said rules would remain, but he would like to see it in writing.

Mr. Bramwell said his concern was not having rules ahead of time and not knowing what rules are ahead of time. If covering developments, he would be more positive about it. He had concern with the "little guy" going to superior court and taking away their low/no cost appeal process. If bylaw in excess of "XX" he could understand.

Mr. Kimball said even as he walked into Town Hall this evening, he was still not sure about this Article. It has an impact and both influences coming into play. He does have some reservations about it. He said there were no policies and procedures in place either. He felt if it was done in small increments (phases) so public can understand it better it would be beneficial. Being so vast in verbiage he did not know what impact it could make. He personally is within a 200' setback and has no plans for an addition being planned, but still it is a concern. He will need to vote against it. If it fails at Town Meeting then possibly Article could be made more scaled down.

Mrs. Steele stated she said a lot about this Article last week so did not have that much to say this week. What stuck out to her were rules and regs not being in place and not having voters see what they would have beforehand. Two parties had a different spin on it. There is one more week to think about it, but rules and regs issue still sticks out. Intent is good but no one knows answers (i.e., puddle, vernal pool, etc.).

She supports ConCom though, but believes more work needed on this Article. She will vote against it as well.

Mr. Giblin said Ms. Carlino and ConCom put a lot of work into this but some doubts still are out there with local homeowners. He felt this needs to be taken a little slower and a need to understand each piece of it, then he would be more in support of it.

Mr. Kimball said this is in no way a reflection on ConCom's hard work and dedication. They are on the right path. ConCom is on one side and people who do not live in Town are on other side.

Mr. Salvo said he echoes what Board has stated regarding this Article. It is a lot to absorb in one night at Town Meeting. Ms. Carlino/ConCom did a great job informing people but hard for him to swallow Article without having rules/regs.

Mr. Giblin added that Ms. Carlino said a lot of towns have accepted bylaw without rules and regs in place.

MOTION was made by Mr. Giblin to not support Article 11. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Article 14:

This Article deals with the local excise meal tax. FinCom voted to recommend this. Town Meeting should make decision. Discussion followed.

Mr. Kimball said it is at state level and short-changes in revenue; not a lot of money but cannot support additional taxes. State has tendency to increase taxes not decrease. He will not support Article 14.

Mr. Salvo said he heard on news today that only 13 towns approved or are in favor of this tax as of this morning.

Mr. Purcell stated the MMA has a robust website of who is considering this, etc.

Mr. Salvo said it is a town/resident choice.

Mrs. Steele said she is torn on this Article. She said she will vote in favor/support this Article. Personally not for this Article at all. State has more to gain for this than Town does. However, if Norton not supporting this Article = not more money for Town; state can look at Norton not helping ourselves.

Mr. Giblin said it is one of same reasons he is in support of this Article as as well as to what Mrs. Steele communicated above. State could look at Norton as Town is not helping ourselves

Mr. Bramwell said 75 cents on a \$100 bill – personally not “for” taxes but it puts Town in an unfavorable light with state (75 cents on \$100 bill is not unreasonable).

MOTION was made by Mrs. Steele to support Article 14. Second by Mr. Bramwell. Vote: In Favor: Mrs. Steele; Mr. Giblin; Not In Favor: Mr. Bramwell, Mr. Salvo, Mr. Kimball (3:2)

Article 15:

To amend local excise tax of rentals of rooms.

MOTION was made by Mrs. Steele to support Article 15. Second by Mr. Kimball for Discussion.

Discussion: Difference between two; one hotel in Town, which is more of a business rooming house or a place to stay long-term. Hopefully will have more hotels in future.

Mr. Purcell said if increase to 4% to 6% approx. \$22,000 in additional income per year. Mr. Purcell said FinCom recommended increase.

Mr. Kimball said if concerned what state thinks this may be one to favor.

Mr. Salvo referenced lodging houses and said some in Town are legal and some not legal. Homeowner rents rooms.

Mr. Kimball said Town only licenses one lodging house in Town-8 Pine Street.

Mr. Purcell said, to the best of his knowledge, that lodging house is not subject to taxation.

Mrs. Steele spoke of lodging house vs. 8 Pine Street; are people that rent rooms and pay rent?

Mr. Purcell responded, yes, and some lodging houses are like a bed & breakfast. 8 Pine Street is more like a rooming house.

Mr. Kimball said the Board must be careful about the terminology (i.e., possibly change to rooming house on license?)

Mrs. Steele said maybe Board wants to look at what the Town puts on their licenses.

Mr. Giblin said this leads him to think Board should not support it.

Mr. Purcell said the form of this Article the DOR sent in its exact form and Town used their form.

Mr. Giblin said “lodging houses” are part of law.

Mr. Purcell said if authorized cities/towns to increase up to 2% taxes levied on facilities like this. Lodging house licenses defined by Town probably too.

Mr. Purcell referenced lodging houses and made reference to m.g.l. ch. 64G, Section 1, is definition section and defines lodging house. Lodging houses are let to four or more persons not related, licensed or required to be licensed under Section 23 of 140. It appears a lodging house is where there are cooking facilities and beds. Lodging house-another word for "inn".

Mrs. Steele said she believed there was no cooking at 83 Pine Street.

Common Victualer license was discussed.

Mr. Giblin said it was determined they can have term "lodging house(s)" in Article then.

(see start of Motion above): **Vote: All In favor except Mr. Kimball who voted Not In Favor.**
MOTION CARRIES.

C. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Salvo spoke of a resolution to a problem regarding street lights. Town pays for them on a yearly basis. If a street light is out in front of your house call National Grid and give them pole number (they will not be replaced unless residents contact them).

Mr. Kimball recognized two gentlemen in Town who have made milestones: Mr. Haskins turned 80 and Mr. Dale Clark turned 70 last week. These men are very supportive and dedicated to Norton.

Norton Park & Recreation will hold the Annual Halloween Parade on 10/25 at 12 noon.

VII. TOWN MANAGER'S REPORT

Mr. Purcell discussed action item: petition of Mr. John Peno and land court issue. Board of Selectmen as taking authority for Town of Norton and assent needed.

In November 1963 Town took property of Peno family and/or their predecessors and at time or after taking land, property needed to be recorded but also needed to be registered on land side. Town failed to register on land side. Mr. Peno is trying to perfect title to his own property.

This is Board's assent, if Board decides (in favor) of Mr. Peno.

MOTION was made by Mr. Kimball to assent to Mr. Peno's petition, as presented. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

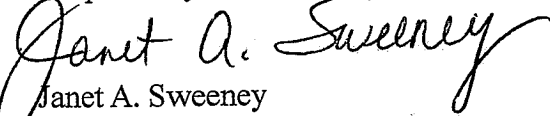
VIII. NEXT MEETING'S AGENDA

IX. EXECUTIVE SESSION

X. ADJOURNMENT

MOTION was made by Mr. Kimball to Adjourn at 8:45 p.m. Second by Mrs. Steele. Vote:
Unanimous. MOTION CARRIES.

Respectfully Submitted by:


Janet A. Sweeney
Board of Selectmen – Recording Secretary