

### TOWN OF NORTON

#### **BOARD OF SELECTMEN**

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210



### BOARD OF SELECTMEN MINUTES OF MEETING FOR DECEMBER 3, 2009

- I. <u>CALL TO ORDER BY CHAIRMAN</u>: The December 3, 2009 Board of Selectmen meeting was called to order at 7:00 p.m. by Chairman, Mr. Giblin.
- A. <u>Roll Call</u>: Chairman, Mr. 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 bi-weekly payroll for the period ended November 14, 2009, Warrant #29, dated November 19, 2009, in the amount of \$1,036,088.71

MOTION was made by Mr. Salvo to approve bi-weekly payroll for the period ended November 14, 2009, Warrant #29, dated November 19, 2009, in the amount of \$1,036,088.71. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

- B. Approve bills Warrant #30, dated November 19, 2009, in the amount of \$434,698.46 MOTION was made by Mr. Salvo to approve bills Warrant #30, dated November 19, 2009, in the amount of \$434,698.46. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.
- C. Approve bills Warrant #31, dated November 25, 2009, in the amount of \$417,378.94 MOTION was made by Mr. Salvo to approve bills Warrant #31, dated November 25, 2009, in the amount of \$417,378.94. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.
- D. Approve bi-weekly payroll for the period ended November 28, 2009, Warrant #32, dated December 3, 2009, in the amount of \$1,253,700.83

  MOTION was made by Mr. Salvo to approve bi-weekly payroll for the period ended November 28, 2009, Warrant #32, dated December 3, 2009, in the amount of \$1,253,700.83. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.
- E. Approve bills Warrant #33, dated December 3, 2009, in the amount of \$437,857.94 MOTION was made by Mr. Salvo to approve bills Warrant #33, dated December 3, 2009, in the amount of \$437,857.94. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

F. Approve Minutes – August 27, 2009

MOTION was made by Mr. Kimball to approve the Board of Selectmen Minutes of Meeting, dated August 27, 2009, as written. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

### III. LICENSES AND PERMITS

1. 7:05 P.M. - Application of Northeast Gold Properties, Inc., d/b/a Norton Country Club, for change of manager to its Common Victualler All Alcoholic License, from Jeffrey K. Feldman to Jeffrey J. Carroll

Mr. Carroll stated he is a Rhode Island resident and is 30 years old, married, with two children and a previous general manager, and taking over business and in restaurant business since 1995.

Mr. Kimball asked if Mr. Carroll read Town's alcohol policy?

Mr. Carroll said, yes, he read policy and signed it; and is TIP certified as well.

Importance of Town's alcohol policy was stressed to applicant.

Mr. Purcell spoke of golf-cart rule and it being quite an undertaking to do; interval policies and Town can help him through process (had done TPC twice) and he would benefit.

Mr. Carroll spoke of shadowing TPC with abutter process (shy of sending notices off).

Mr. Carroll said there are 285 members; 2,775 is full membership (semi-private club and full banquet service for weddings, etc. and functions for just less than 200 people).

MOTION was made by Mr. Kimball to approve Application of Northeast Gold Properties, Inc., d/b/a Norton Country Club, for change of manager to its Common Victualler All Alcoholic License, from Jeffrey K. Feldman to Jeffrey J. Carroll. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

### 2. 2010 License Renewals/New

CVAA – Common Victualler (Restaurant) All Alcoholic CVWM – Common Victualler (Restaurant) Wine and Malt RPAA – Retail Package (Package Store) All Alcoholic RPWM – Retail Package (Package Store) Wine and Malt

CV - Common Victualler (to serve food at tables)

MOTION was made by Mr. Kimball to approve all licenses for CVAA, CVWM, RPAA, RPWM, and CV (see list attached to these Minutes of Meeting in Municipal Center - "2010 Renewals/New

Licenses" list). Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

### Class I, II, & III Licenses

MOTION was made by Mr. Kimball to approve all licenses for Class I, II, & III, except for The Estate of James Fitzgibbons (Goose Brook Garage, 36 Dean Street -Class III which was not voted on); (see list attached to these Minutes of Meeting in Municipal Center - "2010 Renewals/New Licenses" list). Second by Mr. Kimball. Vote: Unanimous. MOTION CARRIES.

### **LIMOUSINE**

Bristol County Coach, Inc. -

Limo – 5 Vehicles

145R W. Main St.

MOTION by Mr. Salvo to approve the license (Limousine) for Bristol County Coach, Inc., 145R W. Main Street, for Limo – 5 Vehicles. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

### LODGING HOUSE

Peter G. Berg

Lodging House

8 Pine St.

North Cottage Program, Inc. -

Lodging House

69 East Main St.

CV

MOTION was made by Mr. Bramwell to approve the 2010 license for Peter G. Berg, 8 Pine Street (Lodging House). Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Bramwell to approve the 2010 license for North Cottage Program, Inc., 69 East Main Street (Lodging House and CV). Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES.

Discussion on Estate of James Fitzgibbons; need to get someone in to discuss this issue. Also, regarding issue of lodging houses; and get new assistant building inspector involved; want to know where new lodging houses are first.

Mr. Purcell stated there are two priorities of the new assistant building inspector.

- 1. swimming pool permits being out there; a seasonal push and pretty much done; and
- 2. lodging house is on agenda too.

Mr. Salvo questioned for his own clarification, "dancing/live entertainment" is that an ad? Some places do not have on license but may need it on license

Mr. Giblin said possibly an establishment needs a "dance floor"?

Mr. Purcell said he would get correct answer regarding that question.

Mr. Purcell stated a point of clarification; there was a hold on Goosebrook Garage.

### IV. ANNOUNCEMENTS

Festival of Lights to be held Sunday, 12/6, at 5 p.m.

Norton Schools holiday concerts dates/times were recited.

### V. BUSINESS

### A. NEW BUSINESS

1. 7:15 P.M. - Conservation Director Jennifer Carlino and Members of the Open Space Committee Re: Update on the Forestry Project for Lincoln Woods and the Town Forest

Ms. Carlino and Mr. Jim Henderson spoke of Healthy ECO System excess funds.

Lincoln Woods and Town Forest on Plain Street went to bid in September for forester; contract signed in October. There are several tasks before starting Ch. 132, Forest Cutting Plan, and will meet with various town committees/commissions and residents beforehand.

Lincoln Woods: Limited to salvage of dead oak (white and red pine also found in town forest). Forester to assist with loggers (doing cutting). Water Dept. was thanked for access instead of using other route. Board of Selectmen to contact electric company on King Philip Road; needs to be about 13' high.

Mr. Purcell said he thought Carol of his office could notify National Grid and this should be an easy request. Discussion ensued.

Conservation Commission (ConCom) received two grants for project (\$4500 and \$2108). Site walk indicated and letters to be sent to abutters and ConCom website will have updates.

Ms. Carlino said this is a thinning project; not a clear-cut project.

Mr. Kimball spoke of clarification; there is no intention of using King Philip Road.

Ms. Carlino said there is no use of King Philip Road. Water Dept. assisted with town forest and small portion at back end of King Philip Road to be used.

Mr. Purcell commended Open Space Committee and all others involved for the great work. He thanked the Town of Franklin also who let Norton use documents and saved Town a lot of time. Discussion ensued.

### 2. Request for Special Municipal Employee Designation

Mr. Purcell said special counsel needed regarding Norton, Mansfield, Foxboro intermunicipal group-special municipal employee designation requested. Discussion ensued.

Mr. Kimball said he wanted to clarify there are no benefits offered; strictly to make it legal and opportunity to make someone a municipal employee.

MOTION was made by Mrs. Steele to designate the position of special counsel for the IMA study group as a special municipal employee to Mr. Kimball. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

- 3. Vote to grant a 2:00 A.M. Closing for applicants for the New Year's Eve Celebration:
  - (a) Request of Gary Cameron, Fillmore-Nason V.F.W. Post 8049, 38 Summer Street

MOTION was made by Mr. Kimball to grant request of Gary Cameron, Fillmore-Nason V.F.W. Post 8049, 38 Summer Street for a 2:00 A.M. For a New Year's Eve Celebration. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Mr. Kimball said there will be two more Board of Selectmen meetings in December on the 10<sup>th</sup> and 17<sup>th</sup>. So if any other business wants an extension for hours for New Years, they must make request as Board has only two more meetings noted above to make a decision regarding request.

### B. OLD BUSINESS

### C. <u>APPOINTMENTS/RESIGNATIONS</u>

### VI. <u>SELECTMEN'S REPORT AND MAIL</u>

Mrs. Steele thanked Tanya Benoit and other administrators and teaching staff being involved with "Rachel's Challenge". It was held on Tuesday evening and Mrs. Steele attended and it was fantastic and touching. Speaker was brother of Rachel Scott who was a victim of the Columbine tragedy/school violence. It taught others to be compassionate and kind to your neighbors (anti-bullying) and will possibly show to elementary students too if they can clean up the violence.

Mr. Kimball said he believed veterans' checks issue was all set.

Mr. Purcell said Selectmen will sign warrant for tomorrow.

Mr. Kimball said/clarified he is not post-dating check as to what some think he is doing; it cannot be cashed if certain date put on check until that date arrives. Regarding a direct deposit, at 12:01 a.m. a direct deposit would be put into accounts the 4<sup>th</sup> of December and this is also less expensive for Town. One program only needed; mail or direct deposit.

Mr. Purcell said three signatures on warrant are necessary. Direct Deposit he is looking into seriously.

Mr. Purcell said checks that were allegedly "late" went out 25 days early. This is a generous approach and communities pay twice per month. Discussion ensued.

Mr. Purcell said he heard that direct deposit is only with employees/State Dept. of Revenue and IRS. It is not for recipients of municipal benefits is what he is hearing which he will look into further. Explanation he is getting from Veterans Affairs Office, they want to see signatures on checks to ensure no fraud is being done (i.e., if veterans are deceased, etc.).

Mr. Purcell stated it was not conclusive but looks as if direct deposit is not feasible yet; but will look further into this. Discussion ensued.

Mr. Kimball referenced warrant and said the Board is as much responsible for signing warrant.

Mr. Giblin said Board signs warrant on 17<sup>th</sup> and then have checks ready to go (sign two weeks prior).

Mrs. Steele said warrant should be signed at least a week in advance; not at last minute. Board of Selectmen needs to work with whoever is preparing warrant for now and enhance it later (get three signatures on warrant in advance).

Mr. Salvo said if Town is paying 25 days early, can new applicants go on new process and not get paid 25 days early? Other towns he has worked for pay in advance (one week). He had no problem with way system currently is but issue with signing warrant in advance.

Mr. Purcell spoke of a 99 year lease; Holly Street lot (under 25,000); not required to go through formal RFP process. Need to sit down with abutter sooner than later and may have some conservation issues. Some discharge of water onto property by Town. Ch40, Section 6 - Special Permit was referenced; not sure if required. Game plan is to get all permitting done.

Mr. Kimball asked if abutter should come in and speak with Mr. Purcell/some Board members?

Mr. Purcell responded, yes, that is what he would suggest.

Mr. Kimball said he would like to work with Mr. Purcell and another Board of Selectmen member to see cost(s), etc.

Mr. Purcell also referenced Hawthorne Street; no permitting challenges like Holly Street.

### VII. TOWN MANAGER'S REPORT

Mr. Purcell spoke of Town health insurance program; a status quo basis. Tufts and Blue Cross bid and preliminary bid of 8% on status quo program by Blue Cross and other two in double digits. Mr. Purcell said Norton asked for additional quotes and wants mirror image - "MIA". A commitment to member cities and towns. State group insurance is not in good shape and refusals to join state. MIA has a proprietary arrangement with Blue Cross.

Mr. Purcell said 8% will be starting number for budget. Impact of 8% increase will only be approximately \$100,000 or 80.

Competition – group insurance commission and MIA. Labor reps on their boards would be desired. Plan design changes discussed.

Next Tuesday Mr. Purcell said Town will force a vote on whether or not to go to a self-insured basis (self-insured is a lot more flexible). This is a huge part of budget and employees' lives, too.

Mr. Purcell said Mr. Giblin, Mr. Kimball and he looked at energy issues. Utility company making disbursements; a few thousand dollars set aside, and about \$7,000 to Attleboro company to survey Town buildings for purpose of solar applications. Using energy audit reports it was shown it would not be cost effective. Mr. Purcell stated he spoke to School Superintendent, Dr. Ansay, and working with U.S. Solar Works for Middle School (smaller panels). Consultant thinks it will be a competitive grant application. Discussion followed.

Mr. Purcell stated a mounting system for panels is critical.

Mr. Purcell said this cannot be done on general government buildings. Schools turned around quickly on this and it is to their credit. Energy consultant said school has many of the controls in places, etc.

Mr. Purcell spoke of upcoming holidays and Town Hall hours. Christmas Eve and New Year's Eve occur on Thursday evenings. A request to close Town Hall at 4:30 p.m. on New Years' Eve and Christmas Eve to do the same; most collective bargaining agreements have this listed as a half day.

12/24 8:30-noon 12/31 8:30-4:30

Mr. Giblin asked Mr. Purcell to put this on the website to inform the public. Board of Selectmen agreed this was a good idea

Mr. Purcell said Mrs. Steele wanted Board to rev up efforts on Mansfield Ave./Roche Bros plaza.

Jim Hatfield, SRPEDD rep, he spoke to and southbound ramp needed to start first but SRPEDD said e-mails were sent between a Mass Highway Rep (Pam) and Jim Hatfield. Mr. Purcell spoke to Pam and

Jim Hatfield as well. Mass Highway tired of projects coming up and find not widespread community support as has happened before. Mr. Purcell assured them unanimity of support and Mr. Hatfield also said so. A public meeting to conduct and show a high level of interest and engage Mass Highway and Mass Highway shared same recommendation with Mr. Purcell.

Mr. Purcell said on 12/18 at Great Brook he will meet with them and be reaching out to Autopart International. This is third ownership group in four years at Roche Bros plaza and it would be helpful for Roche Bros. To help financially.

Mrs. Steele asked if 12/18 would be considered a public meeting? If so, possibly, put this on as an agenda item.

Mr. Purcell said Mr. Hatfield told him of a Board of Selectmen meeting in Freetown and asked for file material Norton could use as models to show how Freetown staged this, etc.

Possibly January 2010 a public meeting.

Mr. Purcell noted owner of property of Roche Bros Plaza (Gator Investments) resides in Florida.

Mrs. Steele said Board is looking for action on this and not in mood to chase some person in Florida.

Mr. Giblin said first step; Mr. Purcell or himself will reach owner to see if rep he has or have him come up for a meeting in January for safety reasons and people in town feel it is a problem.

Mrs. Steele said send one call into owner of Gator Properties and if he does not return call send a certified letter(s).

Mr. Kimball said they are moving ahead with this and they may not like results of what could happen.

Mr. Giblin said Gator Investments need to be told area needs to be cleaned out; sometime in January discuss an entrance/exit strategy of plaza.

Mrs. Steele said assume he will work with us on what we'd like done and I believe Board of Selectmen have control to not allow any more businesses to go into plaza (many businesses have left plaza).

Mr. Giblin said they need to request their presence.

Mr. Purcell said noise issue was turned around in past which is a positive.

Mr. Kimball referenced master plan.

Mr. Giblin said it would be beneficial to send owner of Plaza master plan and pictures, etc.

Mr. Salvo said there are many empty stores in that plaza and it affects 1.costs 2. accessibility- people in area who know it is difficult to exit, etc., and eventually once fixed will draw more people into businesses at that plaza.

Mr. Giblin said by next week he would like time of when Gator Investments is coming in.

### VIII. <u>NEXT MEETING'S AGENDA</u>

1. Joint meeting with Board of Assessors to fill the vacancy created by recent resignation of Risa Dorfman

### IX. <u>EXECUTIVE SESSION</u>

1. Re: To consider the purchase, exchange, taking, lease, or value of real property

### X. ADJOURNMENT

MOTION was made by Mr. Kimball to enter into Executive Session at 8:43 p.m. For purpose to consider the purchase, exchange, taking, lease, or value of real property and to return to open session for purpose of adjournment. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney

Board of Selectmen - Recording Secretary

### 2010 RENEWALS/NEW LICENSES

CVAA - Common Victualler (Restaurant) All Alcoholic CVWM - Common Victualler (Restaurant) Wine and Malt RPAA - Retail Package (Package Store) All Alcoholic RPWM - Retail Package (Package Store) Wine and Malt

CV - Common Victualler (to serve food at tables)

### FY2010 LICENSE RENEWALS/NEW

Timothy G. McCarthy d/b/a Alberto's

241 Mansfield Ave.

Lt. Harold A. Healy Post #222

d/b/a American Legion

85 East Main St.

**CVAA** 

CV

Jukebox

CLUB AA

CV Jukebox

Live Entertainment

Dancing

Coin-Op. Pool Table

MA S.E. for Pool Table; Jukebox;

Live Entertainment; Dancing

A & E of Norton, Inc. d/b/a

Barrowsville Station 194 S. Worcester St. **RPAA** 

John H. Drane d/b/a Chartley Beer & Wine

325 W. Main St.

**RPAA** 

City Oasis, Incorporated

50 Pleasant St.

CVAA

CV

Live Entertainment

Dancing

3 Pool Tables

2 Video Games

Cozy Corporation, Inc.

411 Old Colony Rd.

RPWM w/Cordials

BKBM, Incorporated d/b/a Downtown Café 292 West Main St.

CVAA CV

Live Entertainment

Dancing Jukebox

2 Video Games

MA S.E. for Jukebox; Live Entertainment; Dancing; Video

Games

Emma's Enterprises, Inc. d/b/a Emma's Pub & Pizza 130 Mansfield Ave.

CVAA CVJukebox

Live Entertainment \*Subject to **Building Inspector and Fire** Department requirements

Bar Top Video Game

MA S.Ē. for Jukebox; \*Live Entertainment; Video Games

Fillmore-Nason Post #8049 V.F.W. of USA 38 Summer St.

CLUB AA

CV

Live Entertainment

Jukebox

Coin-Operated Pool Table MA S.E. for Jukebox; Live

Entertainment; Coin-Op. Pool Table

Bruce Finch d/b/a Finch's Package Store 50 W. Main St.

**RPWM** 

Fisherman's Three, Inc. 411B Old Colony Rd.

175 Mansfield Ave.

**CVWM** CV

Zheng's International, Inc. d/b/a Greatwoods Mandarin

CVAA CV

Michael Babanikas d/b/a Mike's Famous Pizza

CVAA CV

105 Taunton Ave.

CVAA CV

Northeast Golf Properties, Inc. d/b/a Norton Country Club

Live Entertainment

Dancing

MA S.E. for Live Ent.; Dancing

188 Oak St.

**RPAA** Norton Liquors, Inc. d/b/a Norton Liquors 92 Mansfield Ave. JJIP Enterprises Corp. d/b/a Old Colony Café **CVAA** CV336 Old Colony Rd. Jukebox Patty's Place, Inc. d/b/a Patty's Place **CVWM** CV 363 Old Colony Rd. **RPAA** Produce Barn, Inc. 72 Mansfield Ave. **RPWM** NEHA Corp. d/b/a Quick Stop 250 E. Main St. RBSBW, Inc. d/b/a Roche Bros. Supermarkets **RPWM** CV175 Mansfield Ave. Lawrence P. Ferrara d/b/a Sportsman's Café CVAA 13 S. Worcester St. CVLive Entertainment Jukebox Coin-Operated Pool Table Video Golf MA. S.E. for Live Entertainment; Jukebox; Coin-Op. Pool Table 33 Investing Corporation d/b/a Sportsway Café **CVAA** CV57 West Main St. Jukebox Live Entertainment Dancing 2 Coin-Operated Pool Tables 2 Video Games MA S.E. for Jukebox; Live Entertainment; Dancing; Pooltables; Video Games

Suragi, Inc. d/b/a Sun Market

181 W. Main St.

**RPWM** 

The Chateau Restaurant of Norton, Inc. d/b/a The Chateau Restaurant 48 Bay Road

CVAA CV

Live Entertainment

Dancing

MA S.E. for Live Entertainment:

Dancing

Tournament Players Club of Boston at Great Woods LLC 400 Arnold Palmer Blvd.

CVAA CV

Farney Brothers, Incorporated d/b/a Trinity Bar & Grill 184 West Main St. CVAA CV

Live Entertainment

Tsang's, Inc. d/b/a Tsang's Restaurant 113 Mansfield Ave.

CVAA CV

Wendell's Pub, Inc. 30 W. Main St.

CVAA CV Jukebox

2 Video Games

MA. S.E. for Jukebox; Video Games

Wheaton College 26 E. Main St.

CVWM CV

Live Entertainment in the Loft

### CV - COMMON VICTUALLER (to serve food at tables)

Great Woods Donuts, Inc. d/b/a Dunkin Donuts 175 Mansfield Ave.	CV
MFH Acquisition Norton d/b/a Dunkin Donuts 246 E. Main St.	CV
Rt. 123 Donuts, Inc. d/b/a Dunkin Donuts 420A Old Colony Rd.	CV
Hess Express 21214 119-125 West Main St.	CV
Jade City Chinese Restaurant 63 E. Main St.	CV
Mekaeal, Inc. d/b/a Jeffrey's Pizza 63 E. Main St.	CV
Sand-Wall, Inc. d/b/a Kricket's Korner Restaurant 250 E. Main St.	CV
P&D Management LLC d/b/a McDonald's 175 Mansfield Ave.	CV
Norton House of Pizza 57 W. Main St.	CV
Subway 130 Mansfield Ave.	CV
Sysco, Boston LLC 380 S. Worcester St.	CV
Sallat Family LLC d/b/a Village Pizza 360 Old Colony Rd.	CV

# CLASS I - Agent's or Seller's License - For the Sale of New Motor Vehicles CLASS II - Used Car Dealer's License - To Buy and Sell Second-Hand Motor Vehicles

Class I

Class III

#### CLASS III - Motor Vehicle Junk License

Colonial Motors, Inc. Class II 380 Old Colony Rd. Edd's Auto Body & Repair Class II 32 King Phillip Rd. Fogerty Enterprises Class III 97 Oak St. Freeman's Garage Class II 17 Freeman St. and 29 Ford Rd. Class III Freeman's Garage 29 Ford Rd. Kevin's Cycle, Inc. Class I 187 West Main St. Midway Collision Center, Inc. Class II 85 Mansfield Ave. Midway Service Center, Inc. Class II 92 E. Main St. Park Auto Sales Class II 350 Old Colony Rd. Bristol County Coach, Inc. d/b/a Class II Platinum Auto Sales 145R W. Main St.

The Estate of James Fitzgibbons (Goose Brook Garage)

Quality Van Sales, Inc.

349 Old Colony Rd.

36 Dean St.

### LIMOUSINE

Bristol County Coach, Inc. 145R W. Main St.

Limo - 5 Vehicles

### LODGING HOUSE

Peter G. Berg 8 Pine St. Lodging House

North Cottage Program, Inc. 69 East Main St.

Lodging House CV

12/03/09