



**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**  
**SEPTEMBER 23, 2010**

**I. CALL TO ORDER BY CHAIRMAN:** The September 23, 2010, Board of Selectmen meeting was called to order at 7:00 p.m. by Chairman, Mr. Kimball.

- A. **Roll Call:** Chairman, Mr. Robert Kimball; Vice-Chair, Mrs. Mary Steele; Messrs. Bradford Bramwell, Clerk; Timothy Giblin; 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 #16, dated September 16, 2010, in the amount of \$311,718.94

**MOTION was made by Mr. Bramwell to Approve bills Warrant #16, dated September 16, 2010, in the amount of \$311,718.94. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

- B. Approve bi-weekly payroll for the period ended September 18, 2010, Warrant #17, dated September 23, 2010, in the amount of \$1,122,773.88

**MOTION was made by Mr. Bramwell to Approve bi-weekly payroll for the period ended September 18, 2010, Warrant #17, dated September 23, 2010, in the amount of \$1,122,773.88. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

- C. Approve bills Warrant #18, dated September 23, 2010, in the amount of \$87,395.62

**MOTION was made by Mr. Bramwell to Approve bills Warrant #18, dated September 23, 2010, in the amount of \$87,395.62. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

- C. Approve Minutes – May 6, 2010  
May 13, 2010

**MOTION was made by Mr. Bramwell to approve the Board of Selectmen Minutes of Meeting, dated May 6, 2010, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Bramwell to approve the Board of Selectmen Minutes of Meeting, dated May 13, 2010, as amended. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

### **III. LICENSES AND PERMITS**

1. Request of BKBM, Inc. d/b/a Downtown Café, 292 W. Main Street, for change of Sunday hours on its Common Victualer All Alcoholic License from 12 Noon – 1 AM, to 10 AM – 1 AM

Ms. DeVincent, Secretary for Corporation, said a full breakfast is served starting at 7 a.m. Business is difficult in this economy.

**MOTION was made by Mrs. Steele to approve Request of BKBM, Inc. d/b/a Downtown Café, 292 W. Main Street, for change of Sunday hours on its Common Victualer All Alcoholic License from 12 Noon – 1 AM, to 10 AM – 1 AM. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

2. Request of Farney Bros, Inc. d/b/a Trinity Bar and Grill, 184 West Main Street, for change of Sunday hours on its Common Victualer All Alcoholic License from 11 AM to 1 AM, to 10 AM to 1 AM

Mr. Terry O'Reilly said Sunday breakfast/brunch served from 10-2 p.m. and business has been good.

**MOTION was made by Mrs. Steele to approve Request of Farney Bros, Inc. d/b/a Trinity Bar and Grill, 184 West Main Street, for change of Sunday hours on its Common Victualer All Alcoholic License from 11 AM to 1 AM, to 10 AM to 1 AM. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.**

### **IV. ANNOUNCEMENTS**

Mr. Kimball recognized the passing of Dolly Rich; who was wife of Clarence Rich and mother to Zeb and Clarence "Butch" Rich, former selectman, and very involved in Town of Norton. Former Selectman Jim Brown is her grandson as well as Jonathon O'Reilly, former member of school committee. Condolences to the Rich family.

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Fire Dept. Open House to be held on October 3<sup>rd</sup> from 1-4 p.m. at Fire Headquarters and planned in conjunction with National Fire Prevention Week.

**9/23/10 Bd. Of Selectmen Minutes**  
**Page 3**

Request from Cable Board-there are two vacancies and this Board meets one time per month and looking/discussing to move cable office. Interested candidates can contact cable office.

**V. BUSINESS**

1. Recognition – Roger Marsan

Mr. Marsan is semi-retired from Troop 61 in Norton and was past Chairman of Rec Commission and involved in sports and retiring after ten years.

Mr. Marsan stated he has three sons and all earned their eagle scout badge.

Congratulatory Proclamation was awarded from Board of Selectmen. Button of citizenship award was also awarded.

Mr. Kimball said seven eagle scouts received this citizenship award and now also Mr. Marsan.

Mr. Marsan thanked Board and said boy scouts are very active in Norton and it is a great program to develop good moral character and good leadership skills.

Mr. Giblin said scouts do lots of work around Town and thanked him and scouts for this effort.

2. Proclamation – United Nations Day 2010

Mr. Bramwell read aloud Proclamation.

**MOTION was made by Mr. Bramwell to proclaim United Nations Day of 2010, today, September 23, 2010, Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.**

3. Vote to authorize Town Manager James P. Purcell, as Chief Executive Officer for the Town of Norton, to certify to the MSBA that a qualifications-based selection process was used successfully by the Norton High School Owner's Project Manager (OPM) Selection Committee; and the Norton Public Schools recommends Pinck and Company as the Owner's Project Manager. The Norton Public Schools is seeking the MSBA's approval of the Owner's Project Manager

Mr. Bramwell said this was governed by MASS school Building Authority. Fourteen proposals were received and evaluation criteria in areas such as past performance, working relationships, etc., and various points earned. Mr. Bramwell explained process. Fourteen proposals scored in all areas. Top five list of proposals received and on Sept. 14 saw three and 9/21 were final two. After interviews two finalists selected then a 6-2 vote recommended Pinck and Company of 98 Magazine Street, Boston, Massachusetts, and

**9/23/10 Bd. Of Selectmen Minutes**  
**Page 4**

school committee accepted. Mr. Bramwell said no negative responses were received; must be stamped by Mass School Building Authority and next meeting is October 4 (to be official).

Timeline discussed and to look at needs and improvements needed to schools. He was impressed by thought and energy Pinck and Company brought.

Mr. Kimball asked Mr. Bramwell to send Board's thanks back to Committee.

Mr. Bramwell said option to keep them as our construction managers or look for another firm. Discussion ensued.

Mr. Giblin asked whose ultimate responsibility to watch Pinck and Company and question of sign-offs, etc.

Mr. Purcell spoke of understanding what scope of project is. Who will be architect; then the programming; schematic design; architect signs off on construction items. Board has option once handoff made Pinck and Co. to have architect have option to keep Pinck and Co on. There is some redundancy but more "eyes" on process/accountability, etc.

Mr. Kimball referenced the middle school roof fiasco that occurred in past. More comfortable with this because someone involved from day one.

Mr. Bramwell explained the Norton Middle School was built under old education financing system and this project is under Treasurer's office so watching out for every dollar. It is good to know someone will be there watching and keeping an eye out on project.

Mr. Bramwell spoke of building at risk = brings construction company on at beginning. Costs more but gain an extra percent of reimbursement by state.

Mr. Purcell said if the hire of a general contractor occurs, then coordination of tradespeople can be done (one contractor best/ideal), and if this is the case, it will run smoother.

Mr. Bramwell agreed and said there is no need to go out to bid, etc.

MOTION was made by Mr. Bramwell to authorize Town Manager James P. Purcell, as Chief Executive Officer for the Town of Norton, to certify to the MSBA that a qualifications-based selection process was used successfully by the Norton High School Owner's Project Manager (OPM) Selection Committee; and the Norton Public Schools recommends Pinck and Company as the Owner's Project Manager. The Norton Public Schools is seeking the MSBA's approval of the Owner's Project Manager. Second by Mr. Giblin. Vote: Roll Call-All In Favor: Mr. Salvo, Mr. Bramwell, Mr. Giblin, Mrs. Steele, and Mr. Kimball. MOTION CARRIES.

It was noted negotiated price not to exceed contract price of \$141,460.

## **B. OLD BUSINESS**

1. 7:30 P.M. – Joint Meeting with the Mansfield Board of Selectmen, the IMA Study Group , the Norton Board of Water/Sewer Commissioners, and Supt. Duane Knapp  
Re: Draft Joint Memorandum and Protocol Town of Mansfield and Town of Norton  
Sewer Treatment Extension Plan and District Formation

This agenda item to be discussed at end of these Minutes of Meeting.

## **C. TOWN MANAGER'S REPORT**

Mr. Purcell stated he was working on Town Meeting Warrant Articles, etc.  
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He spoke of DOR rep information of today and a certified number to be received by tomorrow or Monday. A new real estate growth number needed. It is in a stall right now. FinCom meets Monday and Wednesday of next week.

## **D. APPOINTMENTS/RESIGNATIONS**

Mr. Kimball stated there were two vacancies on cable board and those interested can call Board of Selectmen or cable board at 285-9383.  
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Resignation of Justin O'Connor, citizen at large, to be appointed by Town Moderator.

## **VI. SELECTMEN'S REPORT AND MAIL**

Mr. Bramwell commended Highway Department and possibly Historical Commission was involved, regarding clearing land around Campbell House; it looks good.  
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Mr. Bramwell had pleasure of announcing Tri-Centennial golf tournament at MGA Links. Thanks/appreciation to sponsor and raffle gifts.

**9/23/10 Bd. Of Selectmen Minutes**  
**Page 6**

Mr. Giblin spoke of followup with Tri-Centennial Committee; lots of festivities planned. December 31 is First Night. He prepared a letter to send off to surrounding towns to kickoff Norton's year-long 300<sup>th</sup> Celebration. He would like Board's approval of sending this letter and Mr. Kimball to sign, and Board should advise Carol in Town Manager's office regarding any corrections/deletions, etc.

Mr. Kimball said he agreed to sending Boards of each town an invitation and he spoke to Carol and will use Mr. Giblin's form; proper heading to be used, etc. Will be sent to highest rank in surrounding towns and their decision to extend invitation.

Mr. Giblin said it would be ideal to have Tri-Centennial website's list of events included.  
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Mr. Kimball said he'd like to see recognition of one time per week or twice per month of various boards/committees/groups (i.e., Planning Board/water-sewer commission, etc.).  
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Mr. Giblin spoke of letter dated September 14, 2010, to Easton Board of Selectmen written by a war veteran stating his approval with the new veteran's agent, Steve Nolan. Norton teamed up with Easton to share veteran's agent. Mr. Nolan awarded this man his benefits and thanked Mr. Nolan and this person for writing this letter. Process does seem to be working and regionalization discussed.

Mr. Purcell said Mr. Nolan is a very competent individual in many areas including client services, etc., and they have not "missed a beat" and it is going well.

Mr. Giblin said a meeting is scheduled for September 30 with Mr. Nolan and town of Easton.  
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Mr. Salvo noted there was no live cable television this evening and this is an important meeting so it is unfortunate. Town went through whole process to have live cable t.v.

Mrs. Steele said this complaint is noted pretty regularly. Letter(s) should be sent when this occurs to appropriate person(s).

Mr. Kimball asked camera operator (Shane) to please put this on cable t.v. this evening right after this meeting.

Mr. Giblin said it seems the most important meetings do not seem to be televised live. He understands it will be beneficial it will be put on cable after meeting but not the same as being live.

Mr. Purcell said this was not acceptable.

**VII. NEXT MEETING'S AGENDA**

1. 7:05 P.M. – Fire Chief Richard J. Gomes Re: Fire Protection Week and Fire Department Open House
2. 7:30 P.M. – Application of Sabatino's Trattoria, Inc. d/b/a Sabatino Trattoria for a Common Victualer All Alcoholic License, to be utilized at 111 W. Main Street
3. Daniel M. Rich, Chairman, Tri-Centennial Committee Re: Update

#### **VIII. EXECUTIVE SESSION**

##### **7:30 P.M. – Joint Meeting with the Mansfield Board of Selectmen, the IMA Study Group , the Norton Board of Water/Sewer Commissioners, and Supt. Duane Knapp Re: Draft Joint Memorandum and Protocol Town of Mansfield and Town of Norton Sewer Treatment Extension Plan and District Formation**

Mr. Kimball said it was his pleasure to introduce Mr. Kevin Moran, Chairman of the Board of Selectmen of Mansfield, as well as the Mansfield Board of Selectmen, and State Representative Jay Barrows was also present.

**MOTION was made by Mr. Dentino to open the Mansfield Board of Selectmen meeting. Second by Mr. Kozlowski. Vote: Unanimous. MOTION CARRIES.**

Mansfield Board of Selectmen present were: Chairman Kevin Moran, Vice-Chairman George Dentino, Selectman Jess Aptowitz, Selectman Olivier Kozlowski ; and William Ross, Mansfield Town Manager. Mansfield Clerk of Board of Selectmen, Douglas Annino was absent.

Sewer and Water Dept. and other town reps/officials were in audience from three different towns (Foxboro, Mansfield, and Norton).

Mr. Kimball referenced the Tri-Town Agreement and cordial cooperation between Mansfield and Norton.

Introductions from various reps in audience, including, but not limited to:

Diane McElligott Norton Water & Sewer and IMS

Alec Rich, Norton Water & Sewer

Lee Azinheria, Mansfield Public Works Director

Duane Knapp, Norton Water and Sewer Superintendent of IMS

Stephen Wiseman, Norton Water & Sewer

Leo Potter, Foxboro Water & Sewer  
Philip Henderson, Foxboro  
Consultant to W&S  
Mr. Early, Foxboro  
Reps from Mansfield Water & Sewer  
CDM consultant /Rep, David Young  
Attorney Joe Cove, Special Counsel to Norton Water & Sewer Commission

Representative Jay Barrows provided history. Representative Barrows spoke of trying to get waiver; recharge of water; then created legislation and legislative piece in place. Good relations with MEPA and EPA also. It is unprecedented to bring three communities together and working together is ideal. This evening plan to formalize it. Representative Barrows congratulated everybody and a lot more work to do and to take to Town Meeting to be ratified.

Attorney Cove stated it was a pleasure to address a concerted body. Attorney Cove summarized protocol. Attorney Cove explained the Joint Memorandum being basically a protocol (for Mansfield and Norton) meaning Norton and Mansfield have been mutually accommodating for a number of years. Protocol affirms that each town acknowledges a timely expansion and Mansfield acquired funding and to help Mansfield with acquisition Norton has assigned to Mansfield. Norton endorses acquisition of Kok property and Norton has assigned its SNF availability. From this point, cooperation follows and Norton's contribution will be appropriately recognized in agreement of association as well as Mansfield's contribution will be appropriately recognized in agreement of association.

Mr. Kimball said there is no financial impact to Norton itself. Additional land acquired and Norton more involved as a town and Foxboro involved as well; wonderful to be able to have some input on process. Thanks to Mansfield for purchase of Kok property. Kok property is in Norton and Mansfield being transparent which is appreciated as it does not need approval of Norton.

Mr. Giblin asked if someone could discuss the capacity?

Mr. David Young from CDM, consultant, and Mr. Lee Azinheira, Public Works Director of Mansfield addressed the capacity issue.

Mr. Azinheira said 3.14 million gallons capacity; 1/2million gallons for Norton purchased and 650,000 gallons – Foxboro. Effluent was discussed and Mr. Azinheira explained discharge, etc. 450,000 gallons-Mansfield; 500,000 gallons-Norton and 300,000 gallons-Foxboro -----and looking for additional.



DEP is very supportive of communities working together. August 18, 2010, a letter was sent to DEP and DEP responded/approving sites. This process really accelerated.

Water in jar from this location was passed around for officials to observe.

David Young, CDM rep, said this sample water is what leaves plant and next process would be higher quality water than what is now being observed by officials. Mr. Young further explained process.

Mr. Purcell sampled water by tasting it.

Foxboro rep from audience said it has been 39 months and said “regionalization” makes sense for the rate-payers and working together to benefit all the towns.

Mr. Kimball recognized Representative Barrows who assisted with towns working together. Mr. Kimball stated there were four copies of document to be signed/executed.

**MOTION was made by Mr. Giblin to approve the execution of the Joint Memorandum and Protocol Wastewater Treatment Extension Plan and District Formation between Town of Mansfield and Town of Norton. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Aptowitz to approve the execution of the Joint Memorandum and Protocol Wastewater Treatment Extension Plan and District Formation between Town of Mansfield and Town of Norton. Second by Mr. Dentino.**

**Discussion: Mansfield Chairman, Mr. Moran, said Mr. Douglas Annino, member of the Mansfield Board of Selectmen, who was not present this evening is in full support of this as well. Vote: Unanimous. MOTION CARRIES.**

**Norton Water & Sewer Dept.:**

**MOTION was made by Mr. Rich to approve the execution of the Joint Memorandum and Protocol Wastewater Treatment Extension Plan and District Formation between Town of Mansfield and Town of Norton. Second by Mr. Wiseman. Roll Call: All In Favor: Ms. Diane McElligott, Mr. Alec Rich, and Mr. Stephen Wiseman. MOTION CARRIES.**

Mr. Lee Azinheira referenced parcel they were speaking of was Kok property and outflow pipe which straddles this property. Address is 125 Crane Street, Norton, Massachusetts. There were two appraisals conducted by Town and property owner had his own appraisal conducted. Mansfield town counsel is working out details with Mr. Kok’s attorney.

Mr. Kimball asked Mr. Kok, who was present in audience, if he was in favor of this purchase?  
Mr. Kok responded yes, he was in favor of this purchase.

Mr. Azinheira said there may be interest in another property(ies) nearby.

Mr. Ross, Mansfield Town Manager, said state procurement law declares property to be unique etc. and before Board of Selectmen and filing with state; then move forward with acquisition from procurement standpoint (one more step in process).

It was noted next IMS meeting to be held September 30, 2010 at 6:30 p.m. in Mansfield.

Mr. Kimball said Mansfield can keep two signed copies and Norton will keep two as well.

Mr. Kimball stated he looked forward to working with Mansfield and Foxboro.

Mansfield Chairman Moran said they were lucky to be here this evening and for communities to succeed in this economy, communities must work together, and be poised and ready for growth.

Representative Barrows said this was fortunate this was happening and first step to many others to come down the road. He spoke also for Rep Poirier and Senator Timilty who were both very helpful with this as well.

Mr. Giblin asked if this Agreement could be put up on Town's website?

Mr. Kimball asked the cable-camera operator if he could take care of putting this on website?

Camera-operator said he would speak to Jason Benjamin (cable management) regarding this.

#### **IX. ADJOURNMENT**

**MOTION was made by Mr. Dentino to Adjourn the Mansfield Board of Selectmen meeting at 8:35 p.m. Second by Mr. Kozlowski. Vote: Unanimous. MOTION CARRIES.**

**MOTION was made by Mr. Giblin to Adjourn the Norton Board of Selectmen meeting at 8:35 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet Sweeney, Board of Selectmen – Recording Secretary

**Attachments/Documents Distributed or Reviewed at Sept. 23, 2010 Board of  
Selectmen Meeting**

. Letter dated September 14, 2010 to Town of Easton Board of Selectmen from Edward M. Moberg re: commendation of Norton and Easton's Veteran's Agent

. Letter dated September 13, 2010 from Kevin J. De Vincent, President of Downtown Café, to Norton Board of Selectmen date re: change in license (Sunday hours change of serving alcohol)

. Letter dated September 16, 2010, to Norton Board of Selectmen from Terry O'Reilly, President; Shane Smyth, Treasurer; Kevin Treanor, Secretary and Director of Trinity Bar and Restaurant re: change in license (Sunday hours change of serving alcohol)

. Draft Letter from Robert Kimball to various surrounding towns re: Norton's Tri-Centennial celebration invitation

United Nations Day Proclamation 2010: Engaging Americans in Achieving the Millenium Development Goals

. Joint Memorandum and Protocol Town of Mansfield and Town of Norton Wastewater Treatment Extension Plan and District Formation Document