



TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210

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BOARD OF SELECTMEN MINUTES OF MEETING FOR OCTOBER 7, 2010

I. CALL TO ORDER BY CHAIRMAN: The October 7, 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; and Timothy Giblin were present. Absent: Mr. Robert Salvo. 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 October 2, 2010, Warrant #20, dated October 7, 2010, in the amount of \$993,248.05

MOTION was made by Mr. Bramwell to Approve bi-weekly payroll for the period ended October 2, 2010, Warrant #20, dated October 7, 2010, in the amount of \$993,248.05. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

B. Approve bills Warrant #21, dated October 7, 2010, in the amount of \$283,113.58

MOTION was made by Mr. Bramwell to Approve bills Warrant #21, dated October 7, 2010, in the amount of \$283,113.58. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

C. Approve Minutes – September 23, 2010

MOTION was made by Mrs. Steele to Approve the Board of Selectmen Minutes of Meeting, dated September 23, 2010, as written. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

III. LICENSES AND PERMITS

1. 7:05 P.M. – Application of The Chateau Restaurant of Norton, Inc. d/b/a The Chateau Restaurant, 48 Bay Road, for a Change in Manager, from Gerald D. Fruggiero, to Jason Sweet

Mr. Kimball said it appeared all forms were filled out.

Mr. Sweet said he has been employed at The Chateau Restaurant for 10 years as server, bartender, in kitchen, etc.

Mr. Giblin referenced the strict policy on dispensing of alcohol

MOTION was made by Mrs. Steele to approve – Application of The Chateau Restaurant of Norton, Inc. d/b/a The Chateau Restaurant, 48 Bay Road, for a Change in Manager, from Gerald D. Fruggiero, to Jason Sweet. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

2. 7:30 P.M. HEARING – Application of Pot Belly Jim's LLC, Manager James Nadworny for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 175 Mansfield Avenue, Norton, MA 02766

This is located in Roche Bros. plaza. Mr. Kimball said all paperwork is in order. Mr. Purcell said lease is in file. CORI also in file.

Mr. Nadworny said he owns his own construction company and is TIPS certified but has not managed a restaurant previously. It will be a 54 seat pub with a menu consisting of bbq ribs/steak tips/fish/pasta/meat/poultry, and space is about 1620 square feet. There is general seating and 15 seats at bar, and hopes to open end of January, however, construction has not started yet. Hours of operation to be 11:30-12:30 a.m.

Mr. Kimball stressed Town's policy on dispensing alcohol to minors; Town won't tolerate it.

Mr. Giblin asked if waitstaff would be TIPS certified?

Mr. Nadworny responded, yes, they would be.

Mr. Kimball said it was good to have a new business in Town and Board is here to help if they can.

No one in audience spoke for or against this when asked by Chairman Kimball.

MOTION was made by Mr. Bramwell to close Hearing – Application of Pot Belly Jim’s LLC, Manager James Nadworny for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 175 Mansfield Avenue, Norton, MA 02766. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

MOTION was made by Mr. Bramwell to approve Application of Pot Belly Jim’s LLC, Manager James Nadworny for a Common Victualer License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages To Be Drunk On the Premises at 175 Mansfield Avenue, Norton, MA 02766, subject to all dept. signoffs. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

IV. ANNOUNCEMENTS

Mr. Kimball discussed Tri-Centennial Committee and proposed Tri-Centennial Park. Various areas looked at for Park (i.e., Newland/Newcomb Street area; in front of Yelle School). Tri-Centennial Park next to old Campbell House is what Committee decided. Nine-Lives Shelter vacated that area/building and it is a good idea and a good neighborhood. Discussion if building was ok to use. Mr. Kimball said could possibly use barn.

Mr. Purcell said to heat and light it would be expensive.

Mr. Kimball asked Mr. Purcell about the transfer of responsibility of this to Tri-Centennial Committee/ permission.

Mr. Purcell said it depends; Town government has deed. If it is truly a park, would Board want to maintain jurisdiction over park (could be Board of Selectmen or Parks & Rec). He believed this dealt with MGL Ch. 45 statute.

Mr. Kimball said they could ask Tri-Centennial Committee to come up with a rough draft of what they want/a plan.

Mr. Purcell said some kinds of action/protections may need to be built in.

Mr. Kimball said Garden Club or Land Preservation may want to be involved.

Mrs. Steele asked for a trash receptacle/dumpster possibly in area.

Mr. Purcell spoke of concerns of what is being dumped in dumpster.

Mrs. Steele said possibly just a trash can then.

- TOWN OFFICES WILL BE CLOSED MONDAY, OCTOBER 11, 2010, IN OBSERVANCE OF COLUMBUS DAY;
- FALL ANNUAL TOWN MEETING, WEDNESDAY, OCTOBER 13, 2010, 7:00 P.M., AT THE HENRI A. YELLE ELEMENTARY SCHOOL GYM

IV. BUSINESS

A. NEW BUSINESS

B. OLD BUSINESS

1. Review October 13, 2010 Fall Annual Town Meeting Warrant

Mr. Purcell distributed copies, as it was posted, to Board, and reviewed Articles with Board.

Article 1 – Unpaid bills from prior fiscal year in amount of \$5,301.83

MOTION was made by Mr. Giblin to Support Article 1. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Article 2 – Mr. Purcell did not believe will be ready for Town Meeting and today concluded it cannot hold together in time.

Article 2 - NO ACTION TAKEN BY BOARD OF SELECTMEN.

Article 3 – Operating Budget. Town Manager salary line reduced by \$4,000, and corresponding \$4,000 addition to Town. Retirement in Town Clerk's office and election coming up in November (existing peoples' hours increased). Amount of \$247831....dollar total is same.

An addition in transfer area (\$8601) into dog fund and FinCom did concur with this last night. There is no justification to keep funds sitting idle. Also referenced was a letter regarding separation expenses of Jan Lemaire.

Mr. Purcell spoke of hiring of seasonal help to help Highway Dept. through. He said he was not optimistic about Fiscal '012; need sufficient manpower.

MOTION was made by Mr. Bramwell to support Article 3. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 4-Movement in Funding.

New revolving fund that is being proposed to be created. Project Spoke (educational collaborative) dissolved which included Norton and three other districts. Project Spoke – a special education discipline. Trust fund balances figure in \$280,000 range. 1) Trust fund 100 cents on dollar goes to school dept.; or 2) take in as general fund receipt (70/30 basis).

Mr. Purcell stated he believed it should go to special education purposes. Limitations = a fund balance cannot be 1% of town's tax levy. No more than \$250,000. Discussion followed.

Mr. Purcell spoke of some way of possibly splitting disbursement along with town accountant's involvement to be held and disbursed to Town. Question is if Board is in favor of question of revolving fund.

MOTION was made by Mr. Bramwell to support Article 4. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 5-Approximately \$30,000 of free cash going into capital improvement fund. This is subject to change. He spoke of replacement of vehicles (i.e., in one case is to replace a 1983 payloader). This won't be done in 2012 or 2013 because things may slip. Acquisition recommended by both boards; method of financing needs consideration (price-low \$140's); a five-year lease purchase. Total financing = \$10195. Mr. Silver is convinced Town can get that amount on a trade-in.

Mr. Kimball said it is difficult to find parts for some vehicles also. Highway Dept. does well keeping equipment in good shape and maintaining it.

Mr. Kimball said 13 vehicles are used for plowing, etc. from 1989-2005's.

Mr. Purcell explained that was the change in capital recommendation. Other was replacement of pumper at \$475,000. New phone system = \$48,000 (to be paid for by Deuetschebank gift), and about \$11,500 from free cash to put new phone system in. It will save Town line/rental charges. In tax terms payback period is a year. This will clean out Deutschebank gift account.

Mr. Purcell said utility truck with crane first year Town would pay \$9400. Also noted electrical conduits to do last 1200' of Mansfield Avenue water line - about \$175,000.

Mr. Kimball noted a pickup truck would be transferred to school dept. from water/sewer dept. which is beneficial.

MOTION was made by Mr. Bramwell to support Articles 5 and 6. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 7 – Personnel Bylaws

#1 deletes Town Accountant from salary plan as Mass State laws cover employment contracts.

Part #2 – salary range to be raised four percentage points (six of nine people in upper 90th percentile). Referenced was Water and Sewer Superintendent's position-water and sewer commissioners asked him to get involved with contract and have had a couple of talks with Water and Sewer Superintendent and discussed parameters with Mr. Kimball. What is driving this is "housekeeping stuff". At 4% it gives at least two years or more. Five weeks vacation is too much in Mr. Purcell's opinion. No new hires will have five weeks vacation. Four weeks is limit that has been set in employment agreements. This relates to nine people. Discussion ensued.

Mr. Kimball said there is pressure from outside agencies. Prior Boards of Selectmen "gave away" certain things. Issues of "longevity" was raised; a number of contracts with longevity (basically paying people to stay).

Mr. Purcell spoke of Norton being benefit rich while wages lag, but would like to bring those lines together and should reflect market realities as well.

Mr. Giblin thought it would be wise to separate one from two and three. Discussion ensued.

Mr. Kimball said two and three go "hand-in-hand". This is not increasing anyone's salary; changing range of salary.

MOTION was made by Mrs. Steele to support Article 7. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Article 8 – Report from Planning Board not recommending petitioned articles. Petitioner did not appear but was invited. Finance Committee voted no on this.

Mr. Kimball said he would not support it either.

Mr. Giblin said many residents are against this.

Mr. Purcell said Planning Board's reasons were technical and other reasons other than the resident's issues.

Article 8-Mr. Purcell said he concurred and agreed with Planning Board to not support this Article.

MOTION was made by Mr. Giblin to not support Article 8. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES

Article 9 – This Article is not ready for primetime. No action taken by Finance Committee and no action taken on Article 2 either.

Article 2

MOTION was made by Mr. Giblin to take No Action on Article 2. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

Mr. Purcell stated there would hopefully be a Special Town Meeting in January for TIF items. If anyone interested in Article 2 or Article 9, they have right to take up at this meeting.

MOTION was made by Mr. Giblin to Table Article 9. Second by Mrs. Steele. Vote: Unanimous. MOTION CARRIES.

C. TOWN MANAGER'S REPORT

Mr. Purcell referenced Norton/Mansfield intermunicipal agreement and said there was written notice today of agreement and acquisition of Kok property and done through three appraisals so declaration clears path to follow through with negotiation.
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Mr. Purcell stated he had a healthgroup meeting this morning.

Mr. Purcell said with Mansfield Comcast license was discussed and appointed subcommittee of two Board of Selectmen and town manager of Mansfield and maybe someone else. A seat for someone on that subcommittee.

Mr. Kimball said the joint meeting with Mansfield, Norton reps brought up traffic issues, etc. Comcast and Mansfield listened to Norton's complaints, etc. and had their own concerns and therefore subcommittee was formed.

Mr. Kimball said it is possible that Mansfield and Norton could have a common interest in cable t.v. and possibly local access at some point.

D. APPOINTMENTS/RESIGNATIONS

VI. SELECTMEN'S REPORT AND MAIL

Mr. Kimball stated a letter was received from highway dept. for approval to install a stop sign (Pine Street and Plain Street) and a one-way at Library Square.

Mr. Kimball agreed with Pine Street/Plain Street area.

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Mr. Purcell said Fire Dept. he heard from. Police Dept. will also weigh in. If Board does act affirmatively then need to set up with Mass Highway. It was noted next meeting is 10/21/10.

Mr. Bramwell spoke of clarification on one-way (route 123-140); it should be opposite of what Mr. Silver's letter is stating.

Christopher McCarthy graduated from Police Academy on October 6, 2010, per letter of Police Chief Clark.

Jan Lemaire retiring as of November 5, 2010 from Town of Norton.

Mr. Kimball asked Mr. Purcell to invite Mr. Lemaire in at some point. Mr. Lemaire served on water commission/town manager screening committee and it would be nice to have him in.

Mr. Bramwell spoke of sealed bids on various vehicles: 1971 Chevy; 1998 Explorer; 2000 Taurus and another vehicle (four vehicles altogether). Bids at town manager's office. Most of the vehicles are in parking lot next to Municipal Center and bids will be received until October 19, 2010, noontime and need to pay by money order or cash.

Mr. Bramwell spoke of attending the recent Fire Dept. Open House and there was an excellent show of equipment and local and regional equipment. The did an excellent job.

Mr. Bramwell said he and Dr. Ansay met with Mass School Building Authority and met with Board to discuss this and meeting went very well and also met with Jennifer Pynk and staff project manager. Sense of meeting was it went well and approval of project of Pynk and Company and will look for architects, etc. and moving along.

Mrs. Steele discussed water main break that occurred the other evening. Water and Sewer Commissioners have a new board and if an emergency procedures should be in place to alert residents, etc.

Mr. Kimball wanted to advise on the color of the water during the water break, the color brown in water is the iron and sediment and it will not hurt people. But agreed that people/residents need to be alerted if there is a break.

Mrs. Steele recommended that a procedure be put in place if not in place already.

Mr. Kimball said also a contact person who residents can contact is also important.

Documentation Reviewed/Distributed to Board of Selectmen – 10/7/10 Meeting:

- . Draft Minutes of Meeting of Board of Selectmen of 9/23/10

- . October 13, 2010 Fall Annual Town Meeting Warrant

- .Correspondence re: separation expenses of Jan Lemaire (Town employee retirement)

- . Letter from Keith Silver, Highway Superintendent, regarding to install a stop sign (Pine Street and Plain Street) and a one-way at Library Square

Mr. Giblin wanted to followup with Town of Mansfield. Norton and Mansfield are working well together, as well as with Foxboro. Regionalization is way to go for the next five years. This Board of Selectmen works hard and to work with other surrounding towns is important.

Mr. Purcell said the Board's relationship with other Boards of Selectmen, etc., is very important.
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Regarding Comcast, a verbal request made of applicant to be present.

VII. NEXT MEETING'S AGENDA

1. Application of Joseph G. McCabe, Jr. for Mass. Golf Assoc., 300 Arnold Palmer Blvd., Norton, MA 02766, for a one-day beer and wine license, for a private party;
2. 7:30 P.M. Hearing - Aboveground Diesel Fuel Storage – Norton Commerce Center, 0 Hill Street;
3. Executive Session – To consider the purchase, exchange, lease or value of real estate.

VIII. EXECUTIVE SESSION

VIII. ADJOURNMENT

MOTION was made by Mrs. Steele to Adjourn at 8:32 p.m. Second by Mr. Giblin. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:


Janet A. Sweeney

Board of Selectmen – Recording Secretary