

**BOARD OF SELECTMEN  
MINUTES OF MEETING  
OCTOBER 25, 2012**

**I. CALL TO ORDER BY CHAIRMAN**

The October 25, 2012, Meeting of the Board of Selectmen was called to Order by Mr. Giblin, Chairman, at 7:00 p.m., held in the First Floor Selectmen's Conference Room.

A. ROLL CALL: Mr. Timothy Giblin, Chairman; Mr. Robert W. Kimball, Jr., Vice-Chair; Mr. Robert S. Salvo, Sr., Clerk; Mr. Bradford K. Bramwell; and Mrs. Mary T. Steele were present. Mr. Michael Yunits Town Manager, was also present.

B. Pledge of Allegiance

**II. WARRANTS AND MINUTES**

A. Approve bills Warrant #25, dated October 25, 2012, in the amount of \$1,933,958.49  
MOTION was made by Mr. Salvo to Approve bills Warrant #25, dated October 25, 2012, in the amount of \$1,933,958.49. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

B. Approve Minutes – June 28, 2012  
MOTION was made by Mr. Salvo to approve Board of Selectmen Minutes of Meeting, dated June 28, 2012, as written. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.

**III. LICENSES AND PERMITS**

1. 7:30 P.M. HEARING – Application of Sanford's Auto Service, Inc. for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 417 Old Colony Road, Norton, MA 02766

Mr. Salvo read notice of public hearing aloud.

Attorney Daniel Rich was representing Mr. Sanford. Attorney Rich said currently his client is lessee. Mr. Sanford is 41 years old, married, with three children. He does do auto repair currently; no auto body, and he does employ some employees. Hours of operation planned to be 8 a.m. to 5 p.m. Supreme Motors was there previously. He spoke of the recycle use of oil and used anti-freeze he has contract with a company. Attorney presented green cards (certified mail receipts) to Mr. Yunits.

Mr. Giblin clarified Mr. Sanford did not own property.

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Mr. Sanford responded, that was correct, he did not own property.

Attorney Rich referenced some court action between Board of Health and owner of property.

Mr. Yunits said he was not aware of any hearings, etc.

Attorney Rich said this will probably be litigated sooner than later.

Mr. Giblin said this may need to be postponed since there are legal issues.

Mr. Sanford said he believed license was valid for up to 50 vehicles he believed.

Mr. Kimball said a specific number was needed to be provided to Board of Selectmen, as a licensing authority.

Mr. Sanford said if there were to be more than 25 vehicles, he would return back to Board for approval.

Mr. Kimball said it appears to be a failing system at this location, and other issues (contamination) with previous owner.

Mr. Giblin recommended for them to return in two weeks and, in the meantime, the Town Manager would speak to Board of Health regarding this. He understood this is not Mr. Sanford's property and just need to get more info, etc.

Mr. Bramwell suggested to possibly grant license conditionally. He would like to get this area cleaned up.

Mr. Kimball said he was not opposed to it, but did not want to "step on other departments' toes".

Mr. Sanford asked what his obligation was and wanted clarification.

Mr. Kimball said this is between owner of property and Board of Selectmen/Board of Health.

Mr. Giblin asked if anyone was in favor of this?

Mr. Brian Coughlin, of 100 Newland Street, from audience, said he has known Mr. Sanford for more than 20 years and prior to that Mr. Sanford's father repaired his car. The Sanford family has ethical fiber and integrity. Mr. Sanford had opportunity to go to many different towns and ultimately chose Norton, and he hoped license would be granted for this business.

**MOTION was made by Mrs. Steele to continue Application of Sanford's Auto Service, Inc. for a Class II License to Buy, Sell, Exchange or Assemble Second-Hand Motor Vehicles, or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws, at 417 Old Colony**

Road, Norton, MA 02766, to November 8, 2012 at 7:15 p.m. Second by Mr. Salvo. Vote: Unanimous.  
MOTION CARRIES.

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#### **IV. ANNOUNCEMENTS**

State and Presidential Election, to be held Tuesday, November 6, 2012, 6 a.m. to 8 p.m.; all voting to take place at Norton High School. The last day to register to vote for the upcoming State & Presidential Election was Wednesday, October 17, 2012, at Town Clerk's Office.

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Christmas Is For Kids applications available at Veterans Office until November 13, 2012. Mr. Giblin asked Mr. Yunits to also advertise this on cable.

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Veterans Day Parade to be held November 12, 2012 at 10 a.m.

#### **V. BUSINESS**

##### **A. NEW BUSINESS**

##### **1. 7:05 P.M. - Chief of Police, Brian M. Clark, Re: Norton Police Department State Certification from the Massachusetts Police Accreditation Commission**

Lt. Jackson was present with Chief Clark, and explained certification and accreditation. Chief Clark stated this was a daunting task to review policies and procedures (reviewing and revising), and at conclusion of assessment in August, were told they passed and Oct. 18 Board of Director approved Norton Police Dept. for Certification. Chief Clark stated Lt. Jackson owns a lot of credit for getting it done. It is a proud moment for the Norton Police Dept. "Norton Police Department" Certificate of Certification displayed to Board of Selectmen.

Mr. Giblin commended Chief Clark and his department.

Mr. Bramwell said it was a monumental task and congratulated the department in their efforts and results.

##### **2. 7:10 P.M. - Friends of Pheeny's Island Re: Sale of Island**

Mr. Herb Ellison, member of Friends of Pheeny's Island was present. He said he resided in Norton since 1960. In 1986 he voted to spend a large amount of money for this island, and now he says it time to spend more money to buy it. He said it should have been purchased in 1986. Island is important for ecological and conservation purposes, too. It was noted Ms. Kathy Ebert-Zawasky prepared a slide

presentation on cable. He said he would be happy to take any Board member to island. He said in past, the Planning Board had it zoned as R-60. He commented that sound travels better over water. He believed it would also decrease property values and loss of tax revenue to Town.

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Mr. Ellison said Mr. Kimball, Vice-Chair, had stated in past, residents should buy Island if they did not want it developed.

Mr. Kimball said he recalled he said it should be purchased **if** current plan falls through/fails.

Mr. Ellison said the town of Lakeville had a similar island they purchased for \$110,000. Probably about \$149,900 Friends of Pheeny's Island believes it is worth; and believes it is larger than 7+ acres. Assessors Office states it is 9 acres. He spoke of possibly taking \$149,900 from free cash. Since it is under a purchase and sale agreement, island cannot be used. Town must use the law of "eminent domain", which has been used for conservation purposes. It won't be exploiting Ribeiro Brothers if using eminent domain their attorney indicated. There are no agreements from Board of Selectmen; possibly verbal encouragement only.

Mr. Brant Henderson, member of Friends of Pheeny's Island, said Friends of Pheeny's Island must make their case at Town Meeting. For 30-69 years people/Friends of Pheeny's Island resided in that location. There are about 800 households to hookup to sewer and are invested in this area. Also, he claimed there are bald eagles, ospreys and wildlife around this island. He thanked Dave Leonard of Norton Kayak for his assistance in the removal of trash. He said many people enjoy bird watching, canoeing, and camping on this island. He recommended to save largest of island for recreation and conservation purposes. These kinds of businesses are usually located in vacation areas. Zipline businesses usually complement recreational establishments. Damage will be done - wildlife will be scared off; and there is a desire to secure it now in its beautiful state. He wanted to clarify misconceptions: 1) they did not do anything/take any action until zipline was proposed it is true; he said they thought it was not buildable. It is legal to take land for conservation land. 2) Value of land has increased: this is not true. An architect and a lawyer were hired because a variance may be required, so just because developer hired; they did same, and it did not increase. Developer cannot take legal action against Town. Mr. Henderson said he hoped the Board of Selectmen will support them.

Mr. Giblin asked if there were any questions from audience or Board.

Mr. Ellison said it is not taking someone's property; it is for sale/on the market. Possibly a house with a variance could be located at this location. Mr. Ellison stated his wife is a florist and wanted to teach classes in garage and was told she could not do so from Planning Board due to zoning.

Mr. Giblin said both sides have important things to say. It is important to get all information out, etc. He can see passion for neighboring and non-neighboring residents.

Mr. Ellison stated it was reported in newspaper this zipline business is a non-profit corporation and non-profits do not pay taxes, so no tax money would be coming in to Town of Norton.

Mr. Giblin said he was not certain about the accuracy of that information.

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Mr. Bramwell spoke of potential future litigation; he believed there was a purchase and sale agreement currently with seller, and thought it was signed but not certain.

Mr. Ellison said he believed eminent domain would supersede a purchase and sale agreement.

Mr. Bramwell said he believed that Mr. Leavitt could sue Town.

Mr. Giblin said the Board/Town Manager will talk to town counsel.

Mr. Ellison said he hoped this meeting would help change the Board's mind.

Mr. Bramwell spoke of 1) liability; 2) possible litigation.

Discussed was Rose Farm on North Worcester Street (conservation area), however, there is no access to it.

Mr. Ellison spoke of the current difficult economic times, and suggested to talk to Ms. Carlino and get more details on that point.

Mr. Giblin said it was beneficial to hear all points of view.

Mr. Kimball spoke of 40b's, and said, it would be his opinion, to purchase property by Red Mill Village instead if there was a choice. Discussion ensued.

Mrs. Steele said she appreciated the fact that everybody was at this meeting this evening. Goal this evening was to listen to everyone and be fair. She was not against the Town buying this property. It's a financial issue the way Friends of Pheeny's Island wants Town to purchase it. It is setting a precedent. If there was a good financial plan, she would probably be on board with this idea.

Mr. Yunits asked where does it stop? He acknowledged the signed petition, however, the Town would be buying an island to maintain a peaceful environment.

Mr. Ellison stated the eagle was spotted again.

Mr. Yunits said Ms. Carlino, Conservation Agent, could also describe a lot of endangered species on Bay Road and Lincoln Street.

Mr. Yunits spoke of reimbursement by State.

### **3. Discussion – Liquor License Policy**

Mr. Giblin suggested to take it section by section for each meeting.

Mr. Yunits said there was not a lot to it and it won't take long to review. A lot of it is the law. \$75.00 fee is something new. It should be posted in a prominent place (alerting public).

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Mr. Giblin spoke of some of the language/verbiage to change.

Mr. Yunits noted an establishment with outdoor seating should have no access except from inside the bar.

Mr. Giblin suggested all Board members review it and provide any recommendations to Mr. Yunits, and asked Mr. Yunits to ensure any recommendations/changes are legal/within the law.

Mr. Salvo said it would be difficult to police some of the items.

Mr. Kimball recommended it be signed by Board of Selectmen and license-holder.

Mr. Giblin asked the Board of Selectmen to review it, and send comments to Mr. Yunits and revisit it on November 8<sup>th</sup>.

### **4. Discussion – License Fees**

Discussion ensued on license fees.

Board's consensus was that a 10% increase was fair for most items. It was noted many local businesses support the Town/the residents.

Mrs. Steele said minimum license fee she believed should be not less than \$20; possibly \$25.

It was noted this would be typed up for the next meeting.

Mr. Bill Lippincott of 55 John Scott Blvd., a member of audience, said for a small business in today's difficult economic environment, from a principle standpoint, he asked fees not be increased.

Mr. Kimball said the Town of Norton has never raised their fees and not trying to go to top. Some fees will be left alone too. Discussion ensued.

Mrs. Steele thanked Mr. Lippincott for his comments, and said some of the Board of Selectmen's comments were taken out of context to some businesses in Town. Fees in Norton are low and the increase would be to recoup money. It is a significant cost to Town, which has not been passed along in past to business. The Board of Selectmen agreed with Mrs. Steele.

Mr. Giblin reviewed new costs/fees with Board of Selectmen.

Discussion ensued on fees and consistency. Most have a 10% increase and changes further discussed.

Mr. Giblin said hopefully these will be finalized at the next Board meeting.

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**5. Review Waste Management Tax Increment Financing (TIF) Agreement**

Mr. Yunits said he provided a copy to Board so Board can start reviewing; anticipating this to be an article at Town Meeting.

**6. Review and/or Vote Re: October 29, 2012 Fall Town Meeting Warrant Articles**

Discussion ensued.

**B. TOWN MANAGER'S REPORT**

. Update – Island Brook 40B Project

. Update – Route 123 Transportation Improvement Project

Mr. Yunits provided an update on Island Brook Ch40B Project and Route 123 Transportation Improvement Project.

A meeting was held this past Tuesday evening and many East Main Street residents attended. The engineer explained plan to public/residents including, but not limited to, bike paths, curbing, sidewalk, and handicap ramp, etc. Mr. Yunits reached out to Mansfield re: “hump” area of 123. There appeared to be no opposition.

Mr. Giblin said why sidewalk not travelling all the way to Easton was the question by residents. Answer is there is no funding.

Mr. Kimball spoke of Pine and Elm Street and said a traffic light would be a good idea. Phase II was discussed also. Money comes from SRPEDD and there is no rep currently for Town of Norton. Metropolitan Planning Organization was referenced and it was noted this is an important organization. Mr. Kimball was a member of this organization in past but not voted in again. Need to look at bridges, etc. He referenced area of hump and 495; and said it was good there was no need to take anyone's land.

Mr. Giblin referenced the final agreement. He spoke to Mr. Yunits regarding restriction of trucks during certain hours and asked Mr. Yunits to find out proposed plan regarding trucks travel route (between Norton and Taunton). There need to be certain hours/restrictions, needs to be posted, and notification of businesses and a limit on truck traffic.

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Mr. Yunits stated he spoke to Assessors Office and November 15, 2012 will be the tax classification hearing.

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Mr. Yunits referenced the upcoming projected storm. He was unsure if it would actually hit this area, as it may go south. However, tomorrow an emergency management meeting is planned.

Mr. Yunits said the Town does not own wires ; they are private, so Town cannot trim branches, etc. The last storm cost a lot of money and embarrassment.

Mr. Salvo said if storm does happen, people should be advised there are sandbags available. It was also suggested for residents to fill a tub full of water. He added that people must take responsibility.

Mr. Yunits said Town Meeting is scheduled for Monday evening. If it is a bad storm and power failure occurs; town moderator and town clerk need to travel to location of Town Meeting to cancel meeting. It would need to be rescheduled. Various dates of rescheduling of Town Meeting were discussed.

Mr. Kimball recommended to reschedule to following week (Mon., Tues., and Thurs).

Mr. Kimball said on Monday, if it is rescheduled due to weather, it would be ideal to have a public safety employee go to Board of Selectmen Conference Room and to put this notice on cable (channel 9 and/or 15). Mr. Kimball asked Mr. Yunits to let people know tomorrow they may need to have cameras ready.

Mr. Yunits asked residents to call Communications Dept. regarding Town Meeting status; they should call Board of Selectmen office. If cancelled, Mr. Yunits will try to have a reverse-call be sent out to residents.. Mr. Yunits is checking with Dispatch/Communications regarding this.



Therefore, meeting to be posted for Monday and Tuesday (and add Thursday in case of cancellation).

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Mr. Kimball spoke of \$500,000 to go into free cash account. He was afraid people would try to "utilize" it. He was asking Mr. Yunits to ask FinCom (Finance Committee) to put more money into capital (\$200K) to: 1) protect some of it;

and 2) next spring improvements to be made on some town buildings/infrastructure necessary.

Mr. Kimball spoke of the possibility of hurricane/tropical storm and potential of 8-10" of rain. \$1.4M repair "mandated" on dam.

Mr. Kimball asked Mr. Yunits to ask FinCom about putting more money into other accounts. Stabilization was discussed.

**C. APPOINTMENTS/RESIGNATIONS**

1. Reappointment of Patricia MacLeod to the Open Space Committee, term to expire June 30, 2014

**MOTION was made by Mr. Bramwell to reappoint Patricia MacLeod to the Open Space Committee, term to expire June 30, 2014. Second by Mr. Salvo. Vote: Unanimous. MOTION CARRIES**

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

Mr. Giblin spoke of the new restaurant in Town, Sabatino's Trattoria. November 1<sup>st</sup> is planned opening date.

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Mr. Kimball said Norton's Halloween Parade to be held on Sunday, October 28<sup>th</sup> at noon.

**VII. NEXT MEETING'S AGENDA**

**VIII. EXECUTIVE SESSION**

**IX. ADJOURNMENT**

**MOTION was made by Mr. Kimball to Adjourn at 9:00 p.m. Second by Mr. Bramwell. Vote: Unanimous. MOTION CARRIES.**

Respectfully Submitted by:

Janet A. Sweeney  
Board of Selectmen – Recording Secretary

**BOARD OF SELECTMEN**

**MINUTES OF MEETING OF**

**OCTOBER 25, 2012**

**TIMOTHY R. GIBLIN, CHAIRMAN**

**ROBERT W. KIMBALL, Jr., VICE-CHAIR**

**ROBERT S. SALVO, SR., CLERK**

**MARY T. STEELE**

**BRADFORD K. BRAMWELL**

**Dated:** \_\_\_\_\_

**Documents Distributed/Reviewed at October 25, 2012, Board of Selectmen Meeting**

- . Board of Selectmen draft minutes of meeting-dated June 28, 2012
- . Norton Police Department State Certification from the Massachusetts Police Accreditation Commission
- . Liquor License Policy – Town of Norton
- . License Fees document – Town of Norton